HALE BOGGS attained his greatest recognition and just tribute—a homage well due him.

Here is the news story from the Times-Picayune appearing the day after the House passed the reciprocal trade bill. It tells the full story of the appreciation for the work of HALE BOGGS and I am privileged to bring it to your attention because I think you should know what they think about HALE BOGGS back home, "Way down yonder in New Orleans":

BOGGS PRAISED IN PACT VICTORY—ORLEANS LEADERS SEND CONGRATULATIONS

House approval of a bill extending the reciprocal trade program for 5 years was described in New Orleans Wednesday as a tremendous victory for the liberalization of trade throughout the world.

International House President Richard W. Freeman said this in a statement which also credited the leadership and energy of our own Congressman HALE BOGGS in the fight to continue the trade agreements. BOGGS is chairman of the Ways and Means Subcommittee on Foreign Trade Policy.

BOGGS cited the Times-Picayune for the newspaper's support of the extension of reciprocal trade agreements. In a telegram to the newspaper, BOGGS said:

"The consistent and intelligent editorial support of the Times-Picayune contributed tremendously to the magnificent victory achieved for the trade agreements program today. As chairman of the subcommittee in charge of the bill, may I express my profound gratitude and appreciation. This is a great day for New Orleans, Louisiana, the United States and the Free World."

Mayor deLesseps S. Morrison also commended BOGGS for carrying the ball, adding: "This bill is of vital importance to us, as foreign trade is the life of our port, which is in turn the life of New Orleans."

OTHERS HAIL VICTORY

Also hailing the House action was E. M. Rowley, president of the chamber of commerce of the New Orleans area, who sent congratulatory telegrams to BOGGS, Congressman F. EDWARD HÉBERT, and United States Senators ALLEN J. ELLENDER and RUSSELL B. LONG, of Louisiana.

And congratulatory wires were sent to BOGGS by other New Orleans leaders including Joseph M. Rault, Maurice F. Barr, Robert E. Elliott, A. E. Hegewisch, and Neville Levy.

Freeman said: "Extension of this legislation has been a major project of International House for nearly a year, and during the course of this work International House contacted every Member of Congress a number of times, every chamber of commerce in the United States and many in foreign countries, and practically every port, trade, and civic association interested in foreign trade.

CALLED ANSWER TO REDS

"This victory today in Congress will be hailed throughout the Free World as the United States answer to Premier Khrushchev's declaration of trade war upon the United States, which he made last year. It will be recognized as placing the United States more firmly upon the road of liberal trade, and will be a tremendous stimulus for more world trade and world peace."

In addition to wiring BOGGS the congratulations from the entire membership of International House, Freeman also sent a congratulatory telegram to Congressman WILBUR D. MILLS, chairman of the House Ways and Means Committee, in which he stated that the House action reestablishes the United States prestige in foreign trade policy worldwide.

Several weeks ago it was my unusual distinction to be presented the International Award of Merit, by Mayor deLesseps S. Morrison, of New Orelans. It is the highest award the city of New Orleans can make. The award had been presented only seven times before and I was the first Member of Congress to receive it. I hope that HALE BOGGS will be called home very soon to receive the International Award of Merit from a grateful city and an appreciative community. He deserves it so much more than did I.

SENATE

TUESDAY, JUNE 17, 1958

(Legislative day of Monday, June 16, 1958)

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

Rt. Rev. Frank A. Juhan, D. D., bishop of the Protestant Episcopal Church of Florida, offered the following prayer:

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senators and Representatives in Congress assembled; that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy church, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations. These and all other necessaries, for them, for us, and Thy whole church, we humbly beg in the name and mediation of Jesus Christ, our most blessed Lord and Saviour. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 16, 1958, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour for the transaction of routine business, subject to a 3-minute limitation on statements.

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

ANNOUNCEMENT OF MEETING OF THE TWO HOUSES ON JUNE 18, TO HEAR ADDRESS BY PRESIDENT OF THE PHILIPPINES—ORDER FOR RECESS

Mr. JOHNSON of Texas. Mr. President, I should like to announce, for the information of the Senate, that tomorrow at 12:30 the Honorable Carlos P. Garcia, President of the Philippines, will address a joint meeting of the two Houses.

Therefore, I ask unanimous consent that tomorrow at 12:20 p. m. the Senate take a recess, subject to the call of the Chair, in order that Senators may proceed to the House of Representatives to hear President Garcia's address.

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

USE OF THE CORN TASSEL AS THE NATIONAL FLORAL EMBLEM—RESOLUTIONS

Mr. HUMPHREY. Mr. President, I have received several resolutions relating to a proposal pending in the Senate, advanced in the Senate by the senior Senator from Illinois [Mr. DOUGLAS], and in the other body by the Representative from the Fifth Minnesota Congressional District, Mr. JUDD.

The proposal would provide that the national floral emblem of the United States shall be the corn tassel.

Interestingly enough, a number of civic organizations and patriotic groups have taken a very definite stand on this matter and have expressed themselves either in letter, bulletin, or resolution. I have received a number of such resolutions from the State of Minnesota and from other parts of the country, particularly from Illinois.

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

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas a great deal of interest has awakened in the United States for the selection of a national floral emblem by Congress; and

Whereas the Stars and Stripes are a symbol of our country grown from the little band of 13 colonies, represented by the stripes, to a united Nation of 48 States, represented by the stars; and

Whereas the Star-Spangled Banner written by an American patriot while being detained a prisoner aboard an enemy vessel during the bombardment of Fort McHenry, was adopted our national anthem; and

Whereas the eagle known for its power of sight, courage, dignity, majestic appearance, and strength was designated our national bird; and

Whereas in choosing our national floral emblem it is therefore extremely important that it too, be symbolic of our Nation; and

Whereas the corn tassel, faithful flower of the United States, true symbol of this vast bountiful land, foundation of our economy, with its roots in every State of the Union is truly symbolic of our Nation; Therefore, be it

Resolved, That the Minnesota Federation of Business and Professional Women's Clubs, in convention assembled, this 17th day of May 1958, recommend to the Congress of the United States that the corn tassel be officially designated our country's national floral emblem.

DULUTH, MINN., *May 17, 1958.*

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Whereas most nations have a floral emblem to be recognized as their national symbol while our country has made no such choice; and

Whereas corn is native to our United States, is characteristic of our land, is grown in every State, was cultivated originally by the Indians here, continued by the farmers to become the most widely cultivated food crop of the world; and

Whereas corn kept alive our pilgrims through perilous winters and was sent by them to England to pay for their Mayflower crossing; and

Whereas the corn tassel has a glory all its own, blooming through many weeks, then to live again in seed which became the first export from our present United States;

Therefore, we here resolve that in gratitude we should honor corn, the genesis of our history, our agriculture, our economy, by adopting for national flower, the corn tassel.

Submitted by Womens Study Club, Akeley, Minn., February 1958, to Minnesota Federation of Womens Clubs.

CANTRALL, SANGAMON COUNTY, ILL.,
March 7, 1958.

The corn tassel would be the ideal national floral emblem. Corn is a native of America. It supplied the needed incentive to the early settlers to push westward to the plains, now the greatest Corn Belt in the world.

Corn is the most important crop in America. The corn tassel, head erect swaying in the breeze, has a strong foundation, stately appearance, stalwart ambition and ever stretching upward. The corn tassel deserves the recognition as our national flower.

C. E. CANTERBURY SEED CO.

Whereas the Peoria County Farm Bureau concurs with House Joint Resolution 360, introduced by Representative JUDD, of Minnesota, designating that the corn tassel be made the national floral emblem of the United States: Be it

Resolved, That the Senate and House of Representatives of the United States of America assembled in Congress approve said joint resolution and the President is requested to declare such fact by proclamation.

ED R. KUNTZ,
President, Peoria County Farm Bureau.

Whereas it is so right that at long last an interest has been awakened in the United States in the need of selecting a national floral emblem; and

Whereas nearly every other nation has made such a choice, a choice based upon reason—a historic event, a spiritual or religious inspiration or from a deep sense of gratitude; and

Whereas the selection of a national floral emblem for our Nation should be based on these:

1. It must be of American origin, born of the Western World and found nowhere else.
2. It must have its roots in every State of the Union.
3. It must serve the Nation, and to have served it well from the first landing of settlers in New England and Virginia to the present moment.
4. It must not alone be a flower of beauty, but possess the rare quality of practicality and productivity.
5. Its choice as a national floral emblem should be based on gratitude for what it has been, is and always will be, to the people of the United States—a veritable symbol of this Nation.

Whereas the question is asked, What flower can fill these ardent demands of reason?

Whereas the question is easily answered when consideration is given to making the tassel of our corn plant the national floral emblem, for the following reasons:

1. Corn is a native plant of America.
2. Corn is raised in every State in the Union.
3. According to Donald C. Spaulding, writing in the Nation's Business, corn is our largest and oldest crop—besides being the most valuable. Next to the air we breathe, probably no other substance is so intimately connected with our daily living * * * from the cradle to the grave. This vital relationship began with our Founding Fathers, continuing through the centuries.
4. Corn is the basis of America's economy, the foundation of this Nation's material greatness. Through its countless byproducts, it is lifting our standard of living to a height never before known to man, filling our national coffers with gold.
5. The waving acres of maize on a summer day constitutes one of the truly dramatic spectacles of our American way of life—a veritable symbol of our Nation.

Whereas it is fully recognized here that Miss Margo Cairns, a resident of Minnesota, started this movement to make the tassel of corn to be our national flower about a year ago; and

Whereas it is also recognized here that many Government and civic leaders have indicated their interest and support in this movement to make the tassel of our corn plant our national floral emblem; and

Whereas the Junior Chamber of Commerce of Minnesota can give this movement the kind of momentum it needs to win approval by our national organization and by the Congress of the United States: Therefore be it

Resolved, That the Minnesota Junior Chamber go on record and endorse the tassel of the corn plant as the floral emblem for the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUMPHREY, from the Committee on Government Operations; reported adversely:

S. Res. 297. Resolution disapproving Reorganization Plan No. 1 of 1958 (Rept. No. 1717).

By Mr. ERVIN, from the Committee on Government Operations, without amendment:

S. 3431. A bill to provide for the addition of certain excess Federal property in the village of Hatteras, N. C., to the Cape Hatteras National Seashore Recreational Area, and for other purposes (Rept. No. 1718).

By Mr. HILL, from the Committee on Appropriations, with amendments:

H. R. 11645. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1959, and for other purposes (Rept. No. 1719).

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

H. R. 8054. An act to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in the Territory of Alaska (Rept. No. 1720).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Edward T. Wailes, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Iran.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. SALTONSTALL. Mr. President, from the Committee on Armed Services, I report favorably a total of 3,830 nominations in the Army, Navy, Marine Corps, and Air Force. Of this group 27 involve officers of flag and general officer rank. Included are the nominations of Vice Adm. James S. Russell to be Vice Chief of Naval Operations with the rank of admiral; of Adm. Felix B. Stump to be placed on the retired list with the rank of admiral; of Vice Adm. Edward T. Wooldridge to be placed on the retired list in the grade of vice admiral; of Gen. Willard G. Wyman to be placed on the Army retired list in the grade of general; of Lt. Gen. Bruce C. Clark to be promoted to the grade of general in connection with his contemplated assignment as Commanding General of the United States Army Command; of Brig. Gen. Paul Arthur Mayo for appointment as Chief of Finance in the Army and as major general in the Army; of Maj. Gen. Robert Vernon Lee for appointment as Army Adjutant General and as a major general in the Regular Army; of Brig. Gen. Frank A. Tobey as Chief of Chaplains and as a major general in the Regular Army; of Brig. Gen. Terence P. Finnegan for temporary appointment as a major general in the Air Force as a Chaplain; of Col. Robert B. Taylor to be a temporary brigadier general in the Air Force as a Chaplain, and 17 temporary major generals in the Army to become permanent major generals.

I ask that these nominations be placed on the Executive Calendar.

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

The nominations, placed on the Executive Calendar, are as follows:

Gen. Willard Gordon Wyman, Army of the United States (major general, U. S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Bruce Cooper Clarke, Army of the United States (major general, U. S. Army), to be assigned to a position of importance and responsibility designated by the President, in the rank of general;

Brig. Gen. Paul Arthur Mayo, Army of the United States (colonel, U. S. Army), for appointment as Chief of Finance, United States Army, as major general in the Regular Army of the United States, and as major general in the Army of the United States;

Maj. Gen. Raymond Wiley Curtis, Army of the United States (brigadier general, United States Army), and sundry other officers, for appointment in the Regular Army of the United States in the grade of major general;

Brig. Gen. Terence P. Finnegan (colonel, Regular Air Force), United States Air Force, chaplain, for temporary appointment in the United States Air Force in the grade of major general;

Col. Robert P. Taylor, Regular Air Force, chaplain, for temporary appointment in the United States Air Force in the grade of brigadier general;

Vice Adm. Edmund T. Wooldridge, United States Navy, when retired, to be placed on the retired list in the grade of vice admiral;

Adm. Felix B. Stump, United States Navy, to be placed on the retired list with the rank of admiral;

Vice Adm. James S. Russell, United States Navy, to be Vice Chief of Naval Operations in the Department of the Navy;

Vice Adm. James S. Russell, United States Navy, for commands and other duties determined by the President, in the rank of admiral;

Maj. Gen. Robert Vernon Lee, Army of the United States (brigadier general, United States Army), for appointment as The Adjutant General, United States Army, and as major general in the Regular Army of the United States; and

Chaplain (Brig. Gen.) Frank Alden Tobey, United States Army, for appointment as Chief of Chaplains, United States Army, as major general in the Regular Army of the United States, and as major general in the Army of the United States.

Mr. SALTONSTALL. Mr. President, the remaining 3,803 nominations involved temporary and permanent appointments and promotions in the Army, Navy, Marine Corps, and Air Force in the grade of colonel and below. All of these names have already appeared in the CONGRESSIONAL RECORD; so, to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Vice President's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, the nominations will lie on the desk, as requested by the Senator from Massachusetts.

The nominations referred to are as follows:

Col. Peter R. Moody, and Col. William T. Woodyard, for appointment as permanent professors of the United States Air Force Academy;

Robert R. Renfro, and sundry other persons for appointment in the Regular Air Force;

Myrl D. Stiles, and sundry other officers for promotion in the Regular Air Force;

Franz Euler III, Robert C. Higbee, and James W. Lakey (Naval Reserve Officers' Training Corps) to be ensigns in the Navy;

Charles R. Harper, and Robert L. Hargrave (civilian college graduates) for appointment in the Medical Corps of the Navy;

Sheldon H. Barnes and sundry other Reserve officers for appointment in the Medical Corps of the Navy;

John W. Plummer (civilian college graduate) to be lieutenant in the Dental Corps of the Navy;

Robert J. Adams, Donald C. Hauck, and William R. Hiatt, Reserve officers, to be lieutenants in the Dental Corps of the Navy;

William F. Argue, and sundry other Reserve officers, for appointment in the Dental Corps of the Navy;

George A. Hume and sundry other officers for temporary and permanent appointment in the line of the Navy;

Mary Super, Reserve officer, to be lieutenant commander in the Nurse Corps of the Navy;

Edward W. McMillan, United States Naval Reserve, to be lieutenant (junior grade) in the line of the Navy;

Dawson Alexander, Jr., and sundry other persons to be ensigns in the line in the Navy;

Raymond B. Allen, and sundry other persons, to be ensigns in the Supply Corps in the Navy;

Johnny Perez, Howard K. Rowan, and Don G. Windle, to be ensigns in the Civil Engineer Corps of the Navy;

Robert W. Hetzel, and sundry other persons, selected as alternates to be ensigns in the line in the Navy;

George Moss, United States Navy, selected as an alternate to be an ensign in the Civil Engineer Corps of the Navy;

Gerald G. Atkinson, and sundry other Naval Reserve aviators, to be ensigns in the Navy;

Richard A. Barnes, and sundry other Naval Reserve aviators, to be lieutenants (junior grade) in the Navy;

Hampton Hubbard, for temporary promotion to the grade of commander in the Medical Corps of the Navy;

Reginald D. Burgert and Bert W. Johnson, line officers of the Navy, for temporary promotion to the grade of lieutenant;

Darrell K. Pastrell (Naval Reserve Officers Training Corps), for permanent appointment to the grade of second lieutenant in the Marine Corps;

Kenneth E. Martin, and sundry other officers, for permanent appointment and promotion in the Marine Corps;

Richard H. Esau, Jr., William R. Gentry, and William R. Irwin, for temporary appointment to the grade of first lieutenant in the Marine Corps;

Karl R. Anderson, Jr., and sundry other officers, for promotion in the Regular Army of the United States;

John Frank Kuznicki, and sundry other persons, for appointment in the Regular Army of the United States;

George Andrew Harmon, Jr., and sundry other persons, for appointment in the Medical Service Corps, Regular Army of the United States;

Alma V. Birath, and sundry other persons, for appointment in the Regular Army of the United States;

Regginial R. Barden, and sundry other distinguished military students, for appointment in the Medical Service Corps, Regular Army of the United States; and

Jerry P. Allen, and sundry other distinguished military students, for appointment in the Regular Army of the United States.

BILLS INTRODUCED

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

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

S. 4019. A bill to authorize the Secretary of Agriculture to furnish feed for livestock to farmers, ranchers, and stockmen in areas determined by him to be emergency areas; to the Committee on Agriculture and Forestry.

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

By Mr. MORSE:

S. 4020. A bill for the relief of Inouye Kunio (Sparkman); to the Committee on the Judiciary.

By Mr. RUSSELL (for himself, Mr. TALMADGE, Mr. JOHNSTON of South Carolina, Mr. THURMOND, Mr. HILL, Mr. SPARKMAN, Mr. HOLLAND, and Mr. SMATHERS):

S. 4021. A bill to establish the United States Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Alabama-Coosa River Basins, and intervening areas; to the Committee on Public Works.

By Mr. ERVIN:

S. 4022. A bill to authorize the Secretary of the Army to convey to the city of Durham, N. C., a waterline and related facilities that serviced the former Camp Butner Military Reservation; to the Committee on Armed Services.

By Mr. DOUGLAS:

S. 4023. A bill for the relief of Hilda M. Humpole Goldschmidt; to the Committee on the Judiciary.

By Mr. LANGER:

S. 4024. A bill for the relief of Tony Gasper Gasparovich (A-3073430); to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 4025. A bill to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating dry docks under the definition of the term "vessel" in such title; to the Committee on Interstate and Foreign Commerce.

DISTRIBUTION OF CERTAIN SURPLUS FEED GRAINS TO DISASTER STRICKEN FARMERS

Mr. WILEY. Mr. President, on behalf of the Senator from Minnesota [Mr. THYE] and myself, I introduce, for appropriate reference, a bill to liberalize the program for distributing surplus feed grains—including corn, barley, oats, grain sorghum, rye and others—to farmers in disaster stricken areas.

The proposed legislation would authorize the Secretary of Agriculture to make surplus feed grains available to aid folks in economic distress as a result of tornadoes, hurricanes, floods, hail, or other natural disasters.

Under the present law, the Secretary is authorized to make feed grains available to farmers only if an area is declared a national disaster area by the President. Unless such a declaration is made, however, there is now no authority for distributing such feed grains.

As we know, there are often areas devastated by tornadoes, cyclones, hurricanes, or other natural disasters, which do not meet the criterion of a national disaster; yet the folks in these communities suffer tremendous loss. In Wisconsin, for example, it has not yet been possible to determine the extent of the recent destruction. However, it is extremely high. Nationally, the damage from tornadoes, hurricanes, floods, and other catastrophes is estimated at over $75 million annually.

Currently, the Commodity Credit Corporation inventory contains vast volumes of feed grains including the following, in bushels: Corn—over 1 billion; barley—46 million; oats—14.5 million; grain sorghum—163 million; rye—4.7 million. These stockpiles can, and should, I believe, be used to assist folks in serious economic distress.

As my colleagues know, our laws now provide for distribution of surplus foods to disaster-stricken folks. This is, indeed, a splendid program. I believe, however, that we can well justify distribution, on a similar basis, of surplus grain to farmers who suffer severe loss and damage to their grain supply.

TRAGIC TORNADO IN WISCONSIN

The recent tornado in Wisconsin laid waste entire farm homes and outbuildings, city dwellings, businesses, and, yes—most tragic of all—took human lives.

Currently, a program of coordinated local, State, Federal action is being carried out to help mend—as much as possible—the disrupted pattern of living in these communities. We must do all that is humanly possible to help these folks in this distressing time. To accomplish this purpose, a number of programs under Small Business Administration, Federal Civil Defense Administration, and Farmers Home Administration of the Department of Agriculture, are in action.

As a supplement to this effort, our laws should be liberalized so that surplus grains could be allocated to farmers in

such devastated areas. As we well realize, the cost of repairing, building, replacing damaged equipment and facilities, and otherwise "picking up the pieces," will be extremely high. Giving hard-hit farmers access to surplus grains will help to ease the burden of economic recovery.

In Wisconsin, the loss of feed grain has not been the major loss resulting from the tornado. However, the availability of grains would be of real help to our farmers in these dire circumstances.

Our intention in introducing this bill, of course, is not to set up a general, or long-term grain-distribution program. We realize that such a program would interfere with normal economic channels. However, we can justifiably liberalize the program for distributing these surpluses to farmers in economic distress following a natural disaster.

This would accomplish the dual purpose of assisting folks in distress as well as disposing of surplus stockpiles.

INCLUDE LEGISLATION IN OMNIBUS FARM BILL

As we know, our colleagues on the Agriculture and Forestry Committee are now attempting to wrap up an omnibus farm bill. At this point, I respectfully call the attention of the members of that committee to the merits of this proposed legislation. I urgently recommend that the bill be considered and included in the overall farm legislation.

I request unanimous consent to have the brief bill printed at this point in the RECORD.

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

The bill (S. 4019) to authorize the Secretary of Agriculture to furnish feed for livestock to farmers, ranchers, and stockmen in areas determined by him to be emergency areas, introduced by Mr. WILEY (for himself and Mr. THYE), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted etc., That the Secretary of Agriculture (hereinafter referred to as the Secretary) is authorized in connection with any area designated as an emergency area pursuant to the provisions of subsection (b) of this section to furnish established farmers, ranchers, or stockmen feed for livestock for such period or periods of time and under such terms and conditions as the Secretary may determine to be required by the nature and effect of the emergency.

(b) The Secretary may designate any area as an emergency area if he determines that, as the result of flood, drought, fire, hurricane, tornado, storm, or other catastrophe, the farmers, ranchers, or stockmen in such area are in need of feed to maintain their livestock and are unable to obtain such feed without undue financial hardship.

SEC. 2. The Secretary shall utilize the personnel, facilities, property, and funds of the Commodity Credit Corporation for carrying out the purposes of this act and shall reimburse such corporation for the value of any commodities furnished and, except as provided in section 407 of the Agricultural Adjustment Act of 1949, as amended (7 U. S. C. 1427), for costs and administrative expenses necessary in performing such functions.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

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

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

By Mr. WILEY:

Statement prepared by him on the contribution of dairy products to the Nation's health.

NOTICE OF HEARINGS ON CERTAIN CONVENTIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. GREEN. Mr. President, I desire to give public notice that on Tuesday, July 1, the Committee on Foreign Relations will hold a public hearing on the following tax conventions and protocols:

Executive A, 85th Congress, 2d session, supplementary protocol between the United States of America and the Kingdom of Great Britain and Northern Ireland, signed at Washington, August 19, 1957.

Executive B, 85th Congress, 2d session, convention with Belgium supplementing the convention of October 28, 1948, relating to double taxation, signed at Washington on August 22, 1957.

Executive C, 85th Congress, 2d session, notification by the Government of Great Britain and Northern Ireland with a view to extending to certain British overseas territories the application of the convention on taxes on income, as modified, signed on April 16, 1945.

The hearing will be held in the Foreign Relations Committee room in the Capitol. All persons desirous of submitting views in regard to these matters should notify the clerk of the committee.

At the same meeting, the committee will give further consideration to the taxation convention with Pakistan—Executive N, 85th Congress, 1st session—on which hearings were held in July and August of last year. It is my hope that the committee can take definitive action on the Pakistan convention without additional hearings.

COMMUNIST ATROCITIES IN HUNGARY

Mr. KNOWLAND. Mr. President, I ask unanimous consent that at this time I may address the Senate for a total of 5 minutes.

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

Mr. KNOWLAND. Mr. President, I think all Americans and all other people of the entire Free World heard with shock and indignation of the execution of Premier Nagy, of Hungary, and of General Maleter, who had been Minister of Defense in the last Hungarian Government.

Mr. President, I think it is well that we recall the events which led to the tragic crushing of freedom in Hungary.

The constitutional government of that country had appealed to the United Nations. The United Nations took the matter under consideration. It passed some 10 resolutions, at a time when freedom was being strangled to death in that country.

The Soviet representative at the United Nations had requested a delay in the taking of action on the first of the resolutions, because, as the Soviet representative said, at that very time the Soviet Government had asked the Government of Hungary to send delegates to negotiate with the local Soviet commander for the withdrawal of Soviet forces from Hungary.

Mr. President, the story of General Maleter, who was then the Minister of Defense of Hungary, should be reviewed and recalled by everyone who believes in decency and human freedom. Acting at the invitation of the Soviet Commanding General in Hungary, General Maleter, as Minister of Defense, went to negotiate, presumably for the withdrawal of the Soviet forces. According to the unanimous report of the United Nations Commission which studied the Hungarian affair, when they were negotiating, the door opened and a representative of the secret police of the Soviet Union entered and arrested General Maleter, the Minister of Defense, and his negotiators.

Subsequent to that time, and at about the same time, the Soviet forces reentered Hungary and destroyed freedom.

During the final days of the Hungarian Government, the premier, Mr. Nagy, took refuge in the Yugoslav embassy, and was there for some time. The government of Premier Kadar, the Communist puppet of Hungary, gave assurances to the Yugoslav Government that if it would release and turn over Premier Nagy to the Communist government of Hungary, he would be given safe conduct.

Mr. President, what has turned out is the usual result of trusting the Communists: Premier Nagy was given safe conduct—to the execution chamber.

I hope that the moral indignation of the world will be aroused at that act and at the execution of General Maleter. These executions demonstrate, if any further demonstration were needed, that the word of the Communist government of Hungary or the word of any other Communist government is not worth the paper on which it is written.

In view of the fact that the Kadar regime in Hungary violated all the resolutions passed by the United Nations, I hope the free countries of the world will at least find it possible to make clear that that government is no longer acceptable as a member of the United Nations, because in the face of the record before us—the Kadar regime's violation of the resolutions of the United Nations, its betrayal of its pledged word to Yugoslavia that Premier Nagy would be given safe conduct, and its betrayal of its pledged word when it had General Maleter negotiate with the Soviet commander—I do not see how any decent nation or any decent people anywhere in the world can any longer associate with the Communist government of Kadar in Hungary.

Mr. SMITH of New Jersey. Mr. President, I wish to thank the distinguished minority leader for his remarks on the shocking matter which has come to our attention today, namely, the brutal mur-

der of two distinguished, patriotic Hungarians who were seeking freedom for their people.

I wish to identify myself with what the distinguished minority leader has said, both in his expression or horror regarding what happened, and in his statement, about what should be done in this drastic situation.

Mr. HENNINGS. Mr. President, I wish to join the distinguished senior Senator from New Jersey [Mr. SMITH] in stating that I believe our distinguished minority leader, the senior Senator from California [Mr. KNOWLAND], has done not only the Senate, but the entire Nation, a service by giving us the facts in connection with this outrageous atrocity, this breach of faith, this action which is consonant with, and unhappily seems to be part of, the pattern of the Communist-dominated countries and of the great Communist conspiracy to overthrow freedom everywhere, and to make the lives of freemen insecure, in order that the Communists may, if they can, by such means as they choose—regardless of morals, fair play, law, or justice—reshape the world to their own ends and desires.

Mr. NEUBERGER. Mr. President, I wish to associate myself with the remarks so ably and eloquently spoken by the distinguished minority leader, the Senator from California [Mr. KNOWLAND], with regard to the shocking executions carried out in defiance of human morality and international law by the Soviet Union.

Mr. THYE. Mr. President, I wish to join with the distinguished minority leader, the Senator from California [Mr. KNOWLAND], in referring to the executions of those I believe to have been freemen endeavoring only to bring about freedom for the people of Hungary. Such executions in the era of civilization in which we live will go down in history as atrocities. History will record these, in my opinion, as executions of freemen endeavoring only to achieve freedom for mankind. I wish to be associated with the remarks of the minority leader and my distinguished colleagues who have referred to the incident.

Mr. FREAR. Mr. President, some months after the ill-fated Geneva Conference I had the opportunity of being in Moscow while en route to the International Monetary Conference which was taking place at Istanbul.

During my visit to the Russian capital, an appointment was arranged for several Members of the Senate including myself to confer with the then Premier of the Soviet Union, Mr. Bulganin, and the Red leader, Mr. Khrushchev.

As my colleagues who were there at the time will recall, we conferred for nearly 2 hours with these two Communist bosses.

During our conversation Mr. Khrushchev made the boast that although I and my children might not succumb to communism my grandchildren would do so because their system was in effect better and more attractive than ours.

He also said a number of other things in support of the philosophy of international communism.

Mr. President, I could not help but recall this conversation upon learning that the Hungarian Reds have added to their list of crimes against humanity by the execution of the former Hungarian Premier and several of his associates.

I am sure that when the Russian leader announced his intention of communizing the world he intended to do so by any and all means possible, including that of ruthless force.

This newest outrage is a further reflection of the Kremlin's intention to stamp out any vestige of freedom or hope for liberty that may exist among the captive peoples behind the Iron Curtain.

But I am confident that the death of the former Hungarian leader will have the opposite effect, and, instead of discouraging satellite nations, it will stimulate and inspire them to keep alive their yearning for freedom.

Mr. President, the heart of the Free World goes out again in sympathy to the brave Hungarians, both living and dead, who gave so much in the cause of liberty.

I join with millions of Americans and those of other nations in the fervent hope and prayer that their plea for delivery will be answered.

Mr. JAVITS subsequently said: Mr. President, I understand the distinguished minority leader and other Members of the Senate this morning have already spoken of the execution of Nagy, and I should like to add a few words.

The execution of Imre Nagy by the Communists is gory language for the world to read. It should serve as a bitter lesson to those especially in the newly established nations who may be attracted by the lure of communism's drumbeaters as an international brotherhood of the proletariat, exposing it for the cruel hoax it is. For Mr. Nagy, who was twice called to the premiership of his native Hungary during the heyday of Communist rule in 1953 and during the days when Soviet repression took place in October and November 1956 at the time of the revolt for Hungarian freedom, was executed not because he turned his back on the doctrines of communism to which he had been devoted most of his life but because he did not turn his back on Hungary and his people. Indeed, the execution was compounded by betrayal of a safe-conduct assurance as well.

Periodically, just as the world is distracted by sputniks or Communist propaganda on nuclear testing the inner dynamics of the Communist dictatorship produce an event evidencing again the cold, calculated Soviet imperialism that has kept enslaved the peoples of the Balkan and Baltic satellites and other nations behind the Iron Curtain as well as the people of Hungary. Imre Nagy and Pal Maleter were executed in secret in a Communist land after a secret Communist trial by a secret Communist court for the supreme offense—not of anti-communism but for challenging Soviet imperialism.

For ourselves, too, and all the people in the Free World there is a grim lesson in these events. Considering the power and the ambit of authority of the Soviet Union it is absolutely essential that we continue to negotiate with them in respect of interchange of persons, arts and ideas, disarmament, peace, U. N., and the causes of world tensions, but it reminds us again that the fundamental principle to be followed is the step-by-step concept of the original Baruch-Hancock report on the control of atomic weapons developed in 1946. In short, each party takes a step forward and then another step toward an agreed upon objective—sweeping and quick changes in this kind of a situation are unlikely—we need not only wisdom but fortitude. Considering the stark and grim realities only confirmed by the Hungarian executions, it is this course which continues to show the only real promise in a troubled world.

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

Mr. JAVITS. I yield.

Mr. KNOWLAND. I commend the Senator for joining in the condemnation of the ruthless executions of Premier Nagy and General Maleter, the late Minister of Defense of Hungary.

Nothing that is said in this Chamber, of course, or anywhere else in the free parliaments of the world, can bring those men back to life, or bring back the countless others, unnamed in many cases, who have died in the execution chambers of the NKVD in the Soviet Union and other Communist countries.

Nevertheless, I believe that by raising the issue here—I hope in the United Nations, and I hope in every free Parliament of the world—we can remind the world that this godless, ruthless system of communism does not carry out its word. It betrays its trust. It violates every normal standard which free and civilized men have followed over the years. At least they will not have died in vain if our people and the other people of the Free World can be alerted to the fact that communism cannot be trusted.

Mr. JAVITS. I thank the distinguished minority leader. Let me say, if I may have another 30 seconds, that New York is a great theatrical center. A great many New Yorkers are now in Washington, attracted by the Moiseyev Dance Co., who are greeted by the smiling faces of the people.

I point out that there is a play in New York called "Darkness at Noon." It portrays what the Nagy and Maleter executions reveal—the cold brutality of the cold cell. Under this system men are strangers to their own leaders. I think that is the point which must be burned into the minds of all the peoples of the world in respect to this episode.

Mr. SPARKMAN. Mr. President, the news reports last evening carried to the Free World and to liberty-loving people everywhere one of the most shocking items I have ever read. It was the word which came from behind the iron curtain concerning the execution, at sometime in the past, of former Prime Minister Nagy, of Hungary, together with some of his colleagues who had participated in the Hungarian uprising a little more than a year ago.

What makes the news particularly shocking is that Mr. Nagy had taken sanctuary in the Yugoslav Embassy and had come out of that embassy at the

urging of the Kadar Government of Hungary and of the Russian Government, upon positive assurance, in writing, from both governments that he would be allowed to go, under safe guidance, into Rumania, or that he would be permitted to take up his home in his country residence in Hungary. It was only after receiving that positive assurance that Mr. Nagy came out of the sanctuary.

He was immediately arrested and carried to prison. A few hours thereafter, he was forcibly deported to Rumania, where he remained imprisoned, and later was subjected to a secret trial and, according to the announcement yesterday, was executed.

We often hear statements such as the one credited recently to the Ambassador from the U. S. S. R. to the United States, Mr. Menshikov, who said, in effect, that Russia and the United States must have confidence in each other. How can we treat with a nation on the basis of confidence when that nation has gone back on its written word in such a dastardly manner as was displayed in the execution of former Prime Minister Nagy?

Mr. HUMPHREY. Mr. President, within the past hour Mr. George Meany, president of the AFL-CIO, has issued a statement relating to the Soviet Union's assassination of the former Hungarian Prime Minister, Mr. Nagy, General Maleter, and two other leaders of the Hungarian democratic revolution.

Mr. President, on this issue what Mr. Meany says reflects, I am sure, the sentiments of the entire American people. Everything in us that represents decency, respect for pledged word, and reverence for life rebels at this revolting Soviet act of barbarism. Such criminality, coming at a time when many of us have been working patiently, against odds, for a gradual lessening of tensions only makes a dangerous world more dangerous. The ruthless contempt for world opinion which is implicit in the Soviet action is deeply discouraging. We have had another frightening demonstration that Soviet words cannot be trusted, and that, agreements negotiated with them, including any possible disarmament agreements, must be fully and completely safeguarded by effective inspection against violation.

It is highly fitting, Mr. President, that the elected leader of the largest labor movement in America has been among the first to speak out in protest against Mr. Nagy's execution. Mr. Meany has been a courageous, lifelong opponent of communism and every other form of totalitarianism. He knows what a mockery it is for dictators with blood on their hands to presume to speak for the workers of the world.

I note that Mr. Meany appropriately suggests that the United States Congress should adopt a resolution condemning this latest callous and flagrant violation of international standards of law and morality.

Mr. President, it is my intention to introduce such a resolution. I hope the appropriate committee will promptly act on it, and that Congress will take decisive action to state for the American people and the world, our protest over this incredible deed of terror by the Soviet Union.

I ask unanimous consent that the statement by Mr. George Meany be printed at this point in the RECORD.

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

STATEMENT BY GEORGE MEANY

Under orders from Khrushchev, the Soviet Government and its Hungarian puppet have murdered Imre Nagy, General Maleter, and two other heroic leaders of the Hungarian democratic revolution.

This execution exposes the utter fraud of the Khrushchev regime's pretensions to liberalization and peaceful coexistence. It emphasizes how worthless are the pledges of Moscow and its satellites to respect international law and elementary human decency. The civilized world will never forget that after the armed Soviet hordes crushed the Hungarian people seeking national independence and freedom, Imre Nagy and some of his colleagues sought asylum in the Yugoslav Embassy in Budapest. The Russian military authorities tricked them into leaving this shelter by promising them safety in Rumania.

With the arrogant cynicism typical of Stalin and Hitler, Khrushchev and Kadar have chosen to announce their crime on the eve of June 17—the fifth anniversary of the revolt of East Germany against Russian occupation and oppression.

This execution opens a new wave of terror in Khrushchev's latest drive to strengthen his absolute control over the Soviet people, to tighten Moscow's grip on all its captive people, and to force Tito into the Soviet camp. Through this show of brute force, Khrushchev aims to rush the Western democracies into a Munich-type summit conference legalizing all Soviet imperialist conquests since the Stalin-Hitler pact.

The United States Congress should adopt a joint resolution condemning this latest callous and flagrant Soviet violation of international law. And the U. N. Special Committee on Hungary should immediately look into this crime and recommend appropriate action by the General Assembly against the Soviet, Hungarian and Rumanian Governments for their shameful violation of the United Nations Charter and declaration of human rights.

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

Mr. HUMPHREY. I yield.

Mr. KENNEDY. I want to congratulate the Senator from Minnesota. I wish to point out that it was a particularly brutal action because General Maleter and Premier Nagy were both given a safe conduct by the Soviet Union before such action was taken. It indicates the falsity of the so-called friendship which the Soviet Union has been expressing around the world and only means that the barbarian has taken the knife out of his teeth to smile, but it is still in his hand.

Mr. HUMPHREY. The announcement by the Soviet Union of this outright murder and violation of international law took place on the anniversary of the uprising in East Germany on June 17, 5 years ago. It was another way for the Soviets to tell the oppressed and enslaved people that they intend to dominate them at any cost and with every means at their disposal. It was another way of telling them that Stalin, who died 5 years ago, is still very much alive.

Mr. KENNEDY. And, of course, American policy does not accept that kind of action.

Mr. HUMPHREY. That is correct.

UNITED STATES SUPREME COURT PASSPORT DECISIONS

Mr. HENNINGS. Mr. President, the Supreme Court of the United States yesterday handed down important passport decisions. The Court reversed the State Department's denial of passports to Rockwell Kent, the world-famous artist; Dr. Walter Briehl, a psychiatrist in Los Angeles; and Bruce Dayton, a cosmic-ray physicist.

I believe that these Supreme Court opinions express sound American policy and good law. Because these are the first passport cases to be decided by the Supreme Court in this century, I know that they will receive careful examination by Members of the Congress, and, therefore, in the interest of having the opinions readily available to one and all, I ask unanimous consent that the opinions, together with the dissents, be printed at the close of my remarks.

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

(See exhibit 1.)

Mr. HENNINGS. Mr. President, last winter several colleagues and I introduced S. 3344, to improve the then chaotic passport practices being followed by the State Department.

After we have had an opportunity to examine yesterday's Supreme Court decisions carefully, I intend to circulate among my colleagues for cosponsorship a new passport procedure and freedom of unrestrictive movement bill.

In the meantime, I am compiling various materials gathered by my office and the Senate Constitutional Rights Subcommittee, of which I am chairman, for publication and assistance to everyone in reaching an understanding of this very important subject. These materials include: Senate Constitutional Rights Subcommittee hearings on State Department restrictions imposed previously on travel abroad by accredited American news representatives; legal and policy opinions by law school deans and faculty members; a complete set of all judicial decisions dealing with passport applications to date; administrative regulations, memoranda, rulings, and determinations; and a statistical summary of passport applications granted and denied.

I believe the Supreme Court is to be commended for taking jurisdiction in the cases of Rockwell Kent, Dr. Briehl, and Bruce Dayton in the first place; and I think the Court is to be further commended for dealing squarely with the problems presented by this particular litigation. It should be noted that the Government of the United States, in oral argument on these cases before the Court, recognized publicly for the first time what I have long contended, and what many of us have tried to contend, including the distinguished ranking minority member of the Committee on Foreign Relations [Mr. WILEY], that Americans have a constitutional right

to travel. The Court affirmed this right. It is true that the Court, in these cases, did not pass on other constitutional questions, but the Court seemed to feel that determination of such other questions was not necessary in reaching a decision to reverse the Government on these three passport applications.

Left undecided by these decisions is the legal question of whether the Secretary of State may restrict travel by Americans in certain foreign countries and areas, may restrict activities of Americans while abroad, or may refuse to issue passports to persons under indictment for serious crime. I intend to deal with these categories in my new legislation.

EXHIBIT 1

SUPREME COURT OF THE UNITED STATES—No. 481—OCTOBER TERM, 1957—ROCKWELL KENT AND WALTER BRIEHL, PETITIONERS, *v.* JOHN FOSTER DULLES, SECRETARY OF STATE—ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT—JUNE 16, 1958

Mr. Justice Douglas delivered the opinion of the Court.

This case concerns two applications for passports, denied by the Secretary of State. One was by Rockwell Kent who desired to visit England and attend a meeting of an organization known as the "World Council of Peace" in Helsinki, Finland. The Director of the Passport Office informed Kent that issuance of a passport was precluded by section 51.135 of the regulations promulgated by the Secretary of State on two grounds: [1] (1) that he was a Communist and (2) that he had had "a consistent and prolonged adherence to the Communist Party line." The letter of denial specified in some detail the facts on which those conclusions were based. Kent was also advised of his right to an informal hearing under section 51.137 of the regulations. But he was also told that whether or not a hearing was requested it would be necessary, before a passport would be issued, to submit an affidavit as to whether he was then or ever had been a Communist.[2] Kent did not ask for a hearing but filed a new passport application listing several European countries he desired to visit. When advised that a hearing was still available to him, his attorney replied that Kent took the position that the affidavit concerning Communist Party membership "is unlawful and that for that reason and as a matter of conscience," he would not supply one. He did, however, have a hearing at which the principal evidence against him was from his book It's Me O Lord, which Kent agreed was accurate. He again refused to submit the affidavit, maintaining that any matters unrelated to the question of his citizenship were irrelevant to the Department's consideration of his application. The Department advised him that no further consideration of his application would be given until he satisfied the requirements of the regulations.

Thereupon Kent sued in the district court for declaratory relief. The district court granted summary judgment for respondent. On appeal the case of Kent was heard with that of Dr. Walter Briehl, a psychiatrist. When Briehl applied for a passport, the Director of the Passport Office asked him to supply the affidavit covering membership in the Communist Party. Briehl, like Kent, refused. The Director then tentatively disapproved the application on the following grounds:

"In your case it has been alleged that you were a Communist. Specifically it is alleged that you were a member of the Los Angeles County Communist Party; that you were a member of the Bookshop Association, St. Louis, Mo.; that you held Communist Party meetings; that in 1936 and 1941 you contributed articles to the Communist publication, Social Work Today; that in 1939, 1940, and 1941 you were a sponsor to raise funds for veterans of the Abraham Lincoln Brigade in calling on the President of the United States by a petition to defend the rights of the Communist Party and its members; that you contributed to the Civil Rights Congress bail fund to be used in raising bail on behalf of convicted Communist leaders in New York City; that you were a member of the Hollywood Arts, Sciences, and Professions Council and a contact of the Los Angeles Committee for Protection of Foreign Born and a contact of the Freedom Stage, Inc."

The Director advised Briehl of his right to a hearing but stated that whether or not a hearing was held, an affidavit concerning membership in the Communist Party would be necessary. Briehl asked for a hearing and one was held. At that hearing he raised three objections: (1) that his political affiliations were irrelevant to his right to a passport; (2) that every American citizen has the right to travel regardless of politics; and (3) that the burden was on the Department to prove illegal activities by Briehl. Briehl persisted in his refusal to supply the affidavit. Because of that refusal Briehl was advised that the Board of Passport Appeals could not under the regulations entertain an appeal.

Briehl filed his complaint in the district court which held that his case was indistinguishable from Kent's and dismissed the complaint.

The court of appeals heard the two cases en banc and affirmed the district court by a divided vote (248 F. 2d 600, 248 F. 2d 561). The cases are here on writ of certiorari (355. U. S. 881).

The court first noted the function that the passport performed in American law in the case of *Urtetiqui* v. *D'Arbel* (9 Pet. 692, 699), decided in 1835:

"There is no law of the United States, in any manner regulating the issuing of passports, or directing upon what evidence it may be done, or declaring their legal effect. It is understood, as matter of practice, that some evidence of citizenship is required by the Secretary of State, before issuing a passport. This, however, is entirely discretionary with him. No inquiry is instituted by him to ascertain the fact of citizenship, or any proceedings had, that will in any manner bear the character of a judicial inquiry. It is a document, which, from its nature and object, is addressed to foreign powers; purporting only to be a request, that the bearer of it may pass safely and freely; and is to be considered rather in the character of a political document, by which the bearer is recognized, in foreign countries, as an American citizen; and which, by usage and the law of nations, is received as evidence of the fact."

A passport not only is of great value—indeed necessary—abroad; it is also an aid in establishing citizenship for purposes of reentry into the United States. (See *Browder* v. *United States* (312 U. S. 335, 339); 3 Moore, International Law Digest (1906), sec. 512). But throughout most of our history—until indeed quite recently—a passport, though a great convenience in foreign travel, was not a legal requirement for leaving or entering the United States. (See Jaffee, The Right to Travel, 35 Foreign Affairs 17.) Apart from minor exceptions to be noted, it was first [3] made a requirement by section 215 of the act of June 27, 1952 (66 Stat. 190, 8 U. S. C. sec. 1185), which states that, after a prescribed proclamation by the President, it is "unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport." [4] And the procla-

[1] 22 Code of Federal Regulations sec. 51.135 provides:

"In order to promote the national interest by assuring that persons who support the world Communist movement of which the Commmunist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

"(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

"(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement;

"(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully of advancing that movement."

[2] Sec. 51.142 of the regulations provide:

"At any stage of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings."

[3] Secs. 2 and 6 of the act of September 23, 1950, known as the Internal Security Act of 1950 (64 Stat. 987, 993, 50 U. S. C. secs. 781, 785), provide that it shall be unlawful, when a Communist organization is registered under the act or when "there is in effect a final order of the Board requiring an organization to register," for any member having knowledge of such registry and order to apply for a passport or for any official to issue him one. But the conditions precedent have not yet materialized.

[4] That section provides in relevant part:

"(a) When the United States is at war or during the existence of any national emergency proclaimed by the President, * * * and the President shall find that the interests of the United States require that restrictions and prohibitions in addition to those provided otherwise than by this section be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or the Congress, be unlawful—

"(1) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe;

"(2) * * *

"(3) for any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

* * * * *

mation necessary to make the restrictions of this act applicable and in force has been made.[5]

Prior to 1952 there were numerous laws enacted by Congress regulating passports and many decisions, rulings, and regulations by the executive department concerning them. Thus in 1803 Congress made it unlawful for an official knowingly to issue a passport to an alien certifying that he is a citizen (2 Stat. 205). In 1815, just prior to the termination of the War of 1812, it made it illegal for a citizen to "cross the frontier" into enemy territory, to board vessels of the enemy on waters of the United States or to visit any of his camps within the limits of the United States, "without a passport first obtained" from the Secretary of State or other designated official (3 Stat. 199–200). The Secretary of State took similar steps during the Civil War. (See Department of State, the American Passport (1898), 50.) In 1850 Congress ratified a treaty with Switzerland requiring passports from citizens of the two nations (11 Stat. 587, 589–590). Finally in 1856 Congress enacted what remains today as our basic passport statute. Prior to that time various Federal officials, State and local officials, and notaries public had undertaken to issue either certificates of citizenship or other documents in the nature of letters of introduction to foreign officials requesting treatment according to the usages of international law. By the act of August 18, 1856 (11 Stat. 52, 60–61, 22 U. S. C. sec. 211a), Congress put an end to those practices.[6] This provision, as codified by the act of July 3, 1926 (44 Stat., pt. 2, 887), reads:

"The Secretary of State may grant and issue passports * * * under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports."

Thus for most of our history a passport was not a condition to entry or exit.

It is true that, at intervals, a passport has been required for travel. Mention has already been made of the restrictions imposed during the War of 1812 and during the Civil War. A like restriction, which was the forerunner of that contained in the 1952 act, was imposed by Congress in 1918.

The act of May 22, 1918 (40 Stat. 559), made it unlawful, while a presidential proclamation was in force, for a citizen to leave or enter the United States "unless he bears a valid passport." (See H. Rept. No. 485, 65th Cong., 2d sess.) That statute was invoked by presidential proclamation on August 8, 1918 (40 Stat. 1829), which continued in effect until March 3, 1921 (41 Stat. 1359).

The 1918 act was effective only in wartime. It was amended in 1941 so that it could be invoked in the then-existing emergency (55 Stat. 252). (See S. Rept. No. 444, 77th Cong., 1st sess.) It was invoked by presidential proclamation (Proclamation No. 2523, November 14, 1941, 55 Stat. 1696). That emergency continued until April 28, 1952 (Proclamation No. 2974, 66 Stat. C31). Congress extended the statutory provisions until April 1, 1953 (66 Stat. 54, 57, 96, 137, 339, 333). It was during this extension period that the Secretary of State issued the regulations here complained of.[7]

Under the 1926 act and its predecessor a large body of precedents grew up which repeat over and again that the issuance of passports is a discretionary act on the part of the Secretary of State. The scholars,[8] the courts,[9] the Chief Executive,[10] and the Attorneys General,[11] all so said. This long-continued executive construction should be enough, it is said, to warrant the inference that Congress had adopted it. (See *Allen* v. *Grand Central Aircraft Co.* (347 U. S. 535, 544–545); *United States* v. *Allen-Bradley Co.* (352 U. S. 306, 310).) But the key to that problem, as we shall see, is in the manner in which the Secretary's discretion was exercised, not in the bare fact that he had discretion.

The right to travel is a part of the liberty of which the citizen cannot be deprived without the due process of law of the fifth amendment. So much is conceded by the Solicitor General. In Anglo-Saxon law that right was emerging at least as early as the Magna Carta.[12] Chafee, Three Human Rights in the Constitution (1956), 171–181, 187 et seq., shows how deeply engrained in our history this freedom of movement is. Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country, may be necessary for a livelihood. It may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values. See *Crandall* v. *Nevada* (6 Wall. 35, 44); *Williams* v. *Fears* (179 U. S. 270, 274); *Edwards* v. *California* (314 U. S. 160). "Our Nation," wrote Chafee, "has thrived on the principle that, outside areas of plainly harmful conduct, every American is left to shape his own life as he thinks best, do what he pleases, go where he pleases." Id., at 197.

Freedom of movement also has large social values. As Chafee put it:

"Foreign correspondents and lecturers on public affairs need first-hand information. Scientists and scholars gain greatly from consultations with colleagues in other countries. Students equip themselves for more fruitful careers in the United States by instruction in foreign universities.[13] Then there are reasons close to the core of personal life—marriage, reuniting families, spending hours with old friends. Finally, travel abroad enables American citizens to understand that people like themselves live in Europe and helps them to be well-informed on public issues. An American who has crossed the ocean is not obliged to form his opinions about our foreign policy merely from what he is told by officials of our Government or by a few correspondents of American newspapers. Moreover, his views on domestic questions are enriched by seeing how foreigners are trying to solve similar problems. In many different ways direct contact with other countries contributes to sounder decisions at home." Id., at 195–196. And see Vestal, Freedom of Movement (41 Iowa L. Rev. 6, 13–14).

Freedom to travel is, indeed, an important aspect of the citizen's liberty. We need not decided the extent to which it can be curtailed. We are first concerned with the extent, if any, to which Congress has authorized its curtailment.

The difficulty is that while the power of the Secretary of State over the issuance of passports is expressed in broad terms, it was apparently long exercised quite narrowly. So far as material here, the cases of refusal of passports generally fell into two categories. First, questions pertinent to the citizenship of the applicant and his allegiance to the United States had to be resolved by the Secretary, for the command of Congress was that "No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States" (32 Stat. 386, 22 U. S. C., sec. 212). Second, was the question whether the applicant was participating in illegal conduct, trying to escape the toils of the law, promoting passport frauds, or otherwise engaging in conduct which would violate the laws of the United States? (See 3 Moore, International Law Digest (1906), sec. 512; 3 Hackworth, Digest of International Law (1942), sec. 268; 2 Hyde, International Law (2d rev. ed.), sec. 401.)

The grounds for refusal asserted here do not relate to citizenship or allegiance on the one hand or to criminal or unlawful conduct on the other. Yet, so far as relevant here, those two are the only ones which it could fairly be argued were adopted by Congress

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"(b) After such proclamation as is provided for in subsection (a) has been made and published and while such proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport."

[5] Proc. No. 3004 (67 Stat. C31).

[6] See 9 Opp. Atty. Gen. 350, 352.

[7] Dept. Reg. No. 108.162, effective August 28, 1952 (17 Fed. Reg. 8013).

[8] See 2 Hyde, International Law (2d rev. ed. 1945), sec. 399; 3 Hackworth, Digest of International Law (1942), sec. 268.

[9] See *Perkins* v. *Elg* (307 U. S. 325, 350).

[10] Exec. Order No. 654, June 13, 1907; id., No. 2119–A, Jan. 15, 1915; id., No. 2286–A, Dec. 17, 1915; id., No. 2362–A, Apr. 17, 1916; id., No. 2519–A, Jan. 24, 1917; id., No. 4382–A, Feb. 12, 1926; id., No. 4800, Jan. 31, 1928; id., No. 5860, June 22, 1932; id., No. 7856, Mar. 31, 1938, 3 Federal Register 681, 22 Code of Federal Regulations, sec. 51.75. The present provision is that last listed and reads in part as follows:

"The Secretary of State is authorized in his discretion to refuse to issue a passport, to restrict a passport for use only in certain countries, to restrict it against use in certain countries, to withdraw or cancel a passport already issued, and to withdraw a passport for the purpose of restricting its validity or use in certain countries."

The Department, however, did not feel that the Secretary of State could exercise his discretion willfully without cause. Acting Secretary Wilson wrote on April 27, 1907, "The issuance of passports is a discretionary act on the part of the Secretary of State, and he may, for reasons deemed by him to be sufficient, direct the refusal of a passport to an American citizen; but a passport is not to be refused to an American citizen, even if his character is doubtful, unless there is reason to believe that he will put the passports to an improper or unlawful use." Foreign Relations of the United States, pt. II (1910), 1083. (See 3 Moore, International Law Digest (1906), sec. 512.) Freund, Administrative Powers Over Persons and Property (1928), 97, states "* * * in practice it is clear that the Department of State acts upon the theory that it must grant the passport unless there is some circumstance making it a duty to refuse it. Any other attitude would indeed be intolerable; it would mean an executive power of a political character over individuals quite out of harmony with traditional American legislative practice."

[11] 13 Op. Atty. Gen. 89, 92; 23 Op. Atty. Gen. 509, 511.

[12] Article 42 reads as follows:

"It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom; excepting prisoners and outlaws, according to the laws of the land, and of the people of the nation at war against us, and merchants who shall be treated as it is said above." And see Jaffe, (op. cit. supra, 19–20); Sibley, the Passport System (7 J. Soc. Comp. Leg. (N. S.), 26, 32–33); 1 Blackstone Commentaries 134–135.

[13] The use of foreign travel to promote educational interests is reviewed by Francis J. Colligan in 30 Department State Bulletin 663.

in light of prior administrative practice. One can find in the records of the State Department rulings of subordinates covering a wider range of activities than the two indicated. But as respects Communists these are scattered rulings and not consistently of one pattern. We can say with assurance that whatever may have been the practice after 1926, at the time the act of July 3, 1926, was adopted, the administrative practice, so far as relevant here, had jelled only around the two categories mentioned. We, therefore, hesitate to impute to Congress, when in 1952 it made a passport necessary for foreign travel and left its issuance to the discretion of the Secretary of State, a purpose to give him unbridled discretion to grant or withhold a passport from a citizen for any substantive reason he may choose.

More restrictive regulations were applied in 1918 and in 1941 as war measures. We are not compelled to equate this present problem of statutory construction with problems that may arise under the war power. (Cf. *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579).)

In a case of comparable magnitude, *Korematsu* v. *United States* (323 U. S. 214, 218), we allowed the Government in time of war to exclude citizens from their homes and restrict their freedom of movement only on a showing of "the gravest imminent danger to the public safety." There the Congress and the Chief Executive moved in coordinated action; and, as we said, the Nation was then at war. No such condition presently exists. No such showing of extremity, no such showing of joint action by the Chief Executive and the Congress to curtail a constitutional right of the citizen has been made here.

Since we start with an exercise by an American citizen of an activity included in constitutional protection, we will not readily infer that Congress gave the Secretary of State unbridled discretion to grant or withhold it. If we were dealing with political questions entrusted to the Chief Executive by the Constitution we would have a different case. But there is more involved here. In part, of course, the issuance of the passport carries some implication of intention to extend the bearer diplomatic protection, though it does no more than "request all whom it may concern to permit safely and freely to pass, and in case of need to give all lawful aid and protection" to this citizen of the United States. But that function of the passport is subordinate. Its crucial function today is control over exit. And, as we have seen, the right of exit is a personal right included within the word "liberty" as used in the fifth amendment. If that "liberty" is to be regulated, it must be pursuant to the lawmaking functions of the Congress (*Youngstown Sheet & Tube Co.* v. *Sawyer, supra*). And if that power is delegated, the standards must be adequate to pass scrutiny by the accepted tests. (See *Panama Refining Co.* v. *Regan* (293 U. S. 388, 420–430). Cf. *Cantwell* v. *Connecticut* (310 U. S. 296, 307); *Niemotko* v. *Maryland* (340 U. S. 268, 271).) Where activities or enjoyment, natural and often necessary to the well-being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them. (See *Ex parte Endo* (323 U. S. 283, 301–302).) Cf. *Hannegan* v. *Esquire*, (327 U. S. 146, 156); *United States* v. *Rumely* (345 U. S. 41, 46).) We hesitate to find in this broad generalized power an authority to trench so heavily on the rights of the citizen.

Thus we do not reach the question of constitutionality. We only conclude that section 1185 and section 211a do not delegate to the Secretary the kind of authority exercised here. We deal with beliefs, with associations, with ideological matters. We must remember that we are dealing here with citizens who have neither been accused of crimes nor found guilty. They are being denied their freedom of movement solely because of their refusal to be subjected to inquiry into their beliefs and associations. They do not seek to escape the law nor to violate it. They may or may not be Communists. But assuming they are, the only law which Congress has passed expressly curtailing the movement of Communists across our borders has not yet become effective.[14] It would therefore be strange to infer that pending the effectiveness of that law, the Secretary has been silently granted by Congress the larger, the more pervasive power to curtail in his discretion the free movement of citizens in order to satisfy himself about their beliefs or associations.

To repeat, we deal here with a constitutional right of the citizen, a right which we must assume Congress will be faithful to respect. We would be faced with important constitutional questions were we to hold that Congress by section 1185 and section 211a had given the Secretary authority to withhold passports to citizens because of their beliefs or associations. Congress has made no such provision in explicit terms; and absent one, the Secretary may not employ that standard to restrict the citizens' right of free movement.

Reversed.

SUPREME COURT OF THE UNITED STATES—NO. 481—OCTOBER TERM, 1957—ROCKWELL KENT AND WALTER BRIEHL, PETITIONERS *v.* JOHN FOSTER DULLES, SECRETARY OF STATE—ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT—JUNE 16, 1958

Mr. Justice Clark, with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker concur, dissenting.

On August 28, 1952, acting under authority vested by Executive Order No. 7856 (22 Code of Federal Regulations, sec. 51.77), the Secretary of State issued the regulations in question, section 51.142 of which provides that a passport applicant may be required to make a statement under oath "with respect to present or past membership in the Communist Party," 22 Code of Federal Regulations, section 51.142. Since 1917, the Congress has required that every passport application "contain a true recital of each and every matter of fact which may be required * * * by any rules" of the Secretary of State, and that requirement must be satisfied "before a passport is issued to any person" (40 Stat. 227, 22 U. S. C. sec. 213). In the context of that background, the Secretary asked for, and petitioners refused to file, affidavits stating whether they then were or ever had been members of the Communist Party. Thereupon the Secretary refused to further consider petitioners' applications until such time as they filed the required affidavits.

The Secretary's action clearly must be held authorized by Congress if the requested information is relevant to any ground upon which the Secretary might properly refuse to issue a passport. The Court purports today to preclude the existence of such a ground by holding that the Secretary has not been authorized to deny a passport to a Communist whose travel abroad would be inimical to our national security.

In thus construing the authority of the Secretary, the Court recognizes that all during our history he has had discretion to grant or withhold passports. That power, first exercised without benefit of statute, was made the subject of specific legislative authority in 1856 when the Congress consolidated all power over passports in the hands of the Secretary (11 Stat. 60–61). In 1874 the statutory language, "shall be authorized to grant and issue," was changed to "may grant and issue" (1874 R. S. sec. 4075). In slightly modified form, the Secretary's power has come through several reenactments, e. g., (44 Stat., pt. 1, p. 657 in 1926), to its present-day embodiment in Forty-fourth Statutes, part 2, page 887, title 22, United States Code, section 211a.

This discretionary authority, which was previously acknowledged in *Perkins* v. *Elg* (307 U. S. 325, 349–350 (1939)), was exercised both in times of peace and in periods of war. During war and other periods of national emergency, however, the importance of the Secretary's passport power was tremendously magnified by a succession of "travel-control statutes" making possession of a passport a legal necessity to leaving or entering this country. The first of these was enacted in 1815 just prior to the end of the War of 1812, when it was made illegal for any citizen to "cross the frontier" into enemy territory without a passport (3 Stat. 199). After the same result was accomplished during the Civil War without Congressional sanction (3 Moore, International Law Digest, 1015–1021), World War I prompted passage in 1918 of the second travel-control statute (40 Stat. 559). The 1918 statute, directly antecedent to presently controlling legislation, provided that in time of war and upon public proclamation by the President that the public safety required additional travel restrictions, no citizen could depart from or enter into the country without a passport. Shortly thereafter, President Wilson made the required proclamation of public necessity, and provided that no citizen should be granted a passport unless it affirmatively appeared that his "departure or entry is not prejudicial to the interests of the United States." (Proc. No. 1473, 40 Stat. 1829.)

The legislative history of the 1918 act sharply indicates that Congress meant the Secretary to deny passports to those whose travel abroad would be contrary to our national security. The act came to the floor of the House of Representatives accompanied by the following explanation in the Report of the House Committee on Foreign Affairs, House Report No. 485, 65th Congress, 2d session, 2–3.

"That some supervision of travel by American citizens is essential appeared from statements made before the committee at the hearing upon the bill. One case was mentioned of a United States citizen who recently returned from Europe after having, to the knowledge of our Government, done work in a neutral country for the German Government. There was strong suspicion that he came to the United States for no proper purpose. Nevertheless not only was it impossible to exclude him but it would now be impossible to prevent him from leaving the country if he saw fit to do so. The known facts in his case are not sufficient to warrant the institution of a criminal prosecution, and in any event the difficulty of securing legal evidence from the place of his activities in Europe may easily be imagined.

* * * * *

"It is essential to meet the situation that the Executive should have wide discretion and wide authority of action. No one can foresee the different means which may be adopted by hostile nations to secure military information or spread propaganda and discontent. It is obviously impracticable to appeal to Congress for further legislation in each new emergency. Swift Executive action is the only effective counterstroke.

"The committee was informed by representatives of the executive departments that the need for prompt legislation of the character suggested is most pressing. There have recently been numerous suspicious departures for Cuba which it was impossible to prevent. Other individual cases of entry and departure at various points have excited the greatest anxiety. This is particularly

[14] See note 3, supra.

true in respect of the Mexican border, passage across which cannot legally be restricted for many types of persons reasonably suspected of aiding Germany's purposes."

During debate of the bill on the floor of the House, its House spokesman stated: "* * * the Government is now very much hampered by lack of authority to control the travel to and from this country, even of people suspected of not being loyal, and even of those whom they suspect of being in the employ of enemy governments" (56 CONGRESSIONAL RECORD 6029).

* * * * *

"Our ports are open, so far as the law is concerned, to alien friends, citizens, and neutrals, to come and go at will and pleasure, and that notwithstanding the Government may suspect the conduct and the intention of the individuals who come and go." Id. at 6065.

His counterpart in the Senate stated in debate:

"The chief object of the bill is to correct a very serious trouble which the Department of State, the Department of Justice, and the Department of Labor are having with aliens and alien enemies and renegade American citizens, I am sorry to say, entering the United States from nests they have in Cuba and over the Mexican border. They can now enter and depart without any power of the departments or of the Government to intercept or delay them. There is no law that covers this case. It is believed that all the information which goes to Germany of the war preparations of the United States and of the transportation of troops to France passes through Mexico. The Government is having a great deal of trouble along that border. It is an everyday occurrence, and the emergency of this measure is very great. The bill is supplementary to the espionage laws and necessary for their efficient execution in detecting and punishing German spies" (56 CONGRESSIONAL RECORD 6192).

The implication is unmistakable that the Secretary was intended to exercise his traditional passport function in such a manner as would effectively add to the protection of this country's internal security.

That the Secretary so understood and so exercised his passport power in this period is evident from two State Department documents in 1920. A memorandum of the Under Secretary of State, dated November 30, 1920, declared, "Any assistance in the way of passport facilities, which this Government may render to a person who is working either directly or indirectly in behalf of the Soviet Government is a help to the Soviet Government. * * *" (Memorandum re applicants for passports who are Bolshevists or who are connected with Bolshevist Government, code No. 5000.) Accordingly, it was recommended that passports be refused any person "who counsels or advocates publicly or privately the overthrow [of] organized governments by force" (id.). Among the examples stated were "[m]embers of the Communist Party (id.). Two weeks later, the State Department published office instructions, dated December 16, 1920, to our embassies throughout the world, implementing code No. 5000 by prohibiting issuance of passports to "anarchists" and "revolutionary radicals." Expressly included among the proscribed classes of citizens were those who "believe in or advocate the overthrow by force or violence of the Government of the United States," as well as all those who "are members of or are affiliated with any organization" that believes in or advocates such overthrow.

By its terms a war statute, the 1918 act expired in March 1921 (see 41 Stat. 1359) after which no more travel controls existed until 1941. In that year, Congress amended the 1918 act so as to provide the same controls during the national emergency proclaimed by the President on May 27, 1941, should the President find and publicly proclaim that the interest of the United States required that such restrictions be reimposed (55 Stat. 252). Shortly thereafter, President Roosevelt invoked this authority (55 Stat. 1696), and implementing regulations were issued by the State Department (22 Code of Federal Regulations, sec. 53). The legislative history of the 1941 amendment is as clear as that of the 1918 act: The purpose of the legislation was to so use the passport power of the Secretary as to block travel to and from the country by those persons whose passage would not be in the best interests and security of the United States. The report of the Senate Committee on the Judiciary, Senate Report No. 444, 77th Congress, 1st session, pages 1–2, declared:

"Since the outbreak of the present war it has come to the attention of the Department of State and of other executive departments that there are many persons in and outside of the United States who are directly engaged in espionage and subversive activities in the interests of foreign governments, and others who are engaged in activities inimical to the best interests of the United States, who desire to travel from time to time between the United States and foreign countries in connection with their activities."

During debate on the House floor, the "sole purpose" of the bill was stated to be establishment of "a sort of clearinghouse," where those persons wishing to enter or leave the country "would have to give their reasons why they were going or coming, and where it would be determined whether * * * their coming in or going out would be inimical to the interests of the United States" (87 CONGRESSIONAL RECORD, 5052. See also 87 CONGRESSIONAL RECORD 5048–5053, 5386–5388). The carrying out of this legislative purpose resulted in a "complete change in emphasis of the work of the Division from that of an agency to afford protection to the individual to that of one whose principal purpose was to safeguard and maintain the security of the state" (12 Dept. State Bull. 1070). That transformation involved "the clearance [upon a basis of security for the state] of the entry and departure of hundreds of thousands of persons into and from the United States" (id.). (Matter in brackets added.)

While the national emergency to which the 1941 amendment related was officially declared at an end on April 28, 1952 (Proc. No. 2974, 66 Stat. C31), Congress continued the provisions of the act in effect until April 1, 1953 (66 Stat. 54). In that interim period, Congress passed the Immigration and Nationality Act of 1952, which both repealed the 1918 act as amended in 1941 (66 Stat. 279), and reenacted it as section 215 of the 1952 act, amending it only to the extent that its provisions would be subject to invocation during the existence of any national emergency proclaimed by the President (66 Stat. 190). There is practically no legislative history on this incorporation of the 1918 statute in the 1952 act apart from a comment in the House report that the provisions of section 215 are incorporated in the bill * * * in practically the same form as they now appear in the act of May 22, 1918 (H. Rept. No. 1365, 83d Cong., 2d sess., 53). For that reason, the legislative history of the 1918 act and the 1941 amendment, which I have set out at some detail, is doubly important in ascertaining the intent of the Congress as to the authority of the Secretary to deny passports under section 215 of the 1952 act. (Cf. *United States* v. *Plesha* (352 U. S. 202, 205 (1957)).)

At the time of the 1952 act, a national emergency proclaimed by President Truman on December 16, 1950, in response to the Korean conflict, was—and still is today—in existence (Proc. No. 2914, 64 Stat. A454). In reliance on that, the President invoked the travel restrictions of section 215 on January 17, 1953 (Proc. No. 3004, 67 Stat. C31). The proclamation by which this was done carefully pointed out that none of its provisions should be interpreted as revoking any regulation heretofore issued relating to the departure of persons from, or their entry into, the United States (id.). Among the regulations theretofore issued were those now attacked relating to the issuance of passports to Communists, for they had been promulgated to be effective on August 28, 1952, shortly after passage of the 1952 act (17 Fed. Reg. 8013).

Congress, by virtue of section 215 of the 1952 act, has approved whatever use of his discretion the Secretary had made prior to the June 1952 date of that legislation.[1] That conclusion necessarily follows from the fact that section 215 continued to make legal exit or entry turn on possession of a passport, without in any way limiting the discretionary passport power theretofore exercised by the Secretary. (See *United States* v. *Allen-Bradley Co.* (352 U. S. 306, 310–311 (1957)); *Allen* v. *Grand Central Aircraft So.* (347 U. S. 535, 544–545 (1954)); *United States* v. *Hermanos y Compania* (209 U. S. 337, 339 (1908)).) But the Court then determines (1) that the Secretary's denial of passports in peacetime extended to only two categories of cases, those involving allegiance and those involving criminal activity, and (2) that the Secretary's wartime exercise of his discretion, while admittedly more restrictive, has no relevance to the practice which Congress can be said to have approved in 1952. Since the present denials do not involve grounds either of allegiance or criminal activity, the Court concludes that they were beyond the pale of Congressional authorization. Both of the propositions set out above are vital to the Court's final conclusion. Neither of them has any validity: the first is contrary to fact, and the second to commonsense.

The peacetime practice of the State Department indisputably involved denial of passports for reasons of national security. The report of the Commission on Government Security (1957), 470–473, summarizes the Department's policy on granting passports to Communists by excerpts of State Department documents. Shortly after the 1917 Russian Revolution, the Department "became aware of the scope and danger of the worldwide revolutionary movement and the attendant purpose to overthrow all existing governments, including our own." Thereafter "passports were refused to American Communists who desired to go abroad for indoctrination, instruction, etc. [This policy was continued until 1931] * * *." (Matter in brackets added.) From 1931 "until World War II no persons were refused passports because they were Communists." After World War II, "[a]t first passports were refused," but upon reconsideration of the matter in 1948, "the decision was made that passports would be issued to Communists and supporters of communism who satisfied the Department that they did not intend, while abroad, to engage in the promotion of Communist activities." At the same time, however, it was decided that "passports should be refused to persons whose purpose in traveling abroad was believed to be to subvert the interest of the United States."

[1] This is not seriously disputed by the majority. However, reference is made to a reluctance to interpret broadly the practice of the Secretary approved by Congress in the 1952 act because the denial of passports on security grounds had not jelled at the time of the 1926 act. But that overlooks (1) the plentiful evidence set out in this opinion of security denials before as well as after 1926, and (2) that it is Congressional intent in the 1952 statute, not the 1926 statute, to which we look.

Later in 1948 the policy was changed to give Communist journalists passports even though they were "actively promoting the Communist cause." Nearly 2 years later, in September 1950, the latter leniency was reversed, after it was pointed out "that the Internal Security Act of 1950 clearly showed the desire of Congress that no Communists should be issued passports to this Government."[2] The matter was referred to the Department's legal adviser, "who agreed that it was the duty of the State Department to refuse passports to all Communists, including journalists."

Other evidence of peacetime denials for security reasons is more scattered, but nevertheless existent. Much of it centers around opposition to the Internal Security Act of 1950, for one of the stated aims of that legislation was denial of passports to Communists. The minority report of the Senate Committee on the Judiciary objected, "But this can be done under the existing discretionary powers of the Secretary of State * * * as evidenced by the recent denial or cancellation of a passport to Paul Robeson" (S. Rept. No. 2369, pt. 2, 81st Cong., 2d sess. 10). President Truman, in vetoing that act, stated: "It is claimed that this bill would deny passports to Communists. The fact is that the Government can and does deny passports to Communists under existing law" (CONGRESSIONAL RECORD, vol. 96, pt. 11, p. 15631).[3]

In 1869 Attorney General Hoar advised the Secretary of State that good reason existed for the passport power being discretionary in nature, for it might sometimes be "most inexpedient for the public interest for this country to grant a passport to a citizen of the United States" (23 Op. Atty. Gen. 509, 511). As an example he referred to the case of an avowed anarchist, for if such person were to seek a passport, the public interest might require that his application be denied (Ibid. See also, 13 Op. Atty. Gen. 89, 92).

Orders promulgated by the Passport Office periodically have required denial of passports to political adventurers and revolutionary radicals, the latter phrase being defined to include those who wish to go abroad to take part in the political or military affairs of foreign countries in ways which would be contrary to the policy or inimical to the welfare of the United States. See shortly after the end of World War I, Passport Office Instructions of May 4, 1921; in 1937 Passport Office Instructions of July 30, 1937; in 1948, Foreign Service Regulations of July 9, 1948.

An even more serious error of the Court is its determination that the Secretary's wartime use of his discretion is wholly irrelevant in determining what discretionary practices were approved by Congress in enactment of section 215. In a wholly realistic sense, there is no peace today, and there was no peace in 1952. At both times the state of national emergency declared by the President in 1950, wherein he stated that "world conquest by Communist imperialism is the goal of the forces of aggression that have been loosed upon the world" and that "the increasing menace of the forces of Communist aggression requires that the national defense of the United States be strengthened as speedily as possible," was in full effect (Proc. No. 2914, 64 Stat. A454). It is not a case, then, of judging what may be done in peace by what has been done in war. Professor Jaffe has aptly exposed the fallacy upon which the majority proceeds:

"The criterion here is the defense of the country from external enemies. It is asserted that the precedents of 'war' have no relevance to 'peace.' But the critical consideration is defense against an external enemy; and communication abroad between our citizens and the enemy cannot by its nature be controlled by the usual criminal process. The facts in a particular case as to the citizen's intention are inevitably speculative: all is to be done after the bird has flown. Now our Congress and the administration have concluded that the Communist international is a foreign and domestic enemy. We deal with its domestic aspect by criminal process; we would seem justified in dealing with its external aspect by exit control. If an avowed Communist is going abroad, it may be assumed that he will take counsel there with his fellows, will arrange for the steady and dependable flow of cash and information, and do his bit to promote the purposes of the 'conspiracy'" (Jaffe, The Right To Travel: The Passport Problem, 35 Foreign Affairs 17, 26).

Were this a time of peace, there might very well be no problem for us to decide, since petitioners then would not need a passport to leave the country. The very structure of section 215 is such that either war or national emergency is prerequisite to imposition of its restrictions.

Indeed, rather than being irrelevant, the wartime practice may be the only relevant one, for the discretion with which we are concerned is a discretionary control over international travel. Yet only in times of war and national emergency has a passport been required to leave or enter this country, and hence only in such times has passport power necessarily meant power to control travel.[4]

Finally, while distinguishing away the Secretary's passport denials in wartime, the majority makes no attempt to distinguish the Secretary's practice during periods when there has been no official state of war but when nevertheless a Presidential proclamation of national emergency has been in effect, the very situation which has prevailed since the end of World War II. Throughout that time, as I have pointed out, the Secretary refused passports to those "whose purpose in traveling abroad was believed to be to subvert the interest of the United States" (Report of the Commission on Government Security, supra). Numerous specific instances of passport denials on security grounds during the years 1947–51 were reported in a February 1952 law review article, nearly half a year prior to passage of section 215. (NOTE.—Passport Refusals for Political Reasons, 61 Yale Law Journal 171.)

On this multiple basis, then, I am constrained to disagree with the majority as to the authority of the Secretary to deny petitioners' applications for passports. The majority's resolution of the authority question prevents it from reaching the constitutional issues raised by petitioners, relating to claimed unlawful delegation of legislative power, violation of free speech and association under the first amendment, and violation of international travel under the fifth amendment. In view of that, it would be inappropriate for me, as a dissenter, to consider those questions at this time. (Cf. *Peters* v. *Hobby*, 349 U. S. 331, 353–357 (1955).) Accordingly, I would affirm on the issue of the Secretary's authority to require the affidavits involved in this case, without reaching any constitutional questions.

SUPREME COURT OF THE UNITED STATES—No. 621—OCTOBER TERM, 1957—WELDON BRUCE DAYTON, APPELLANT, *v.* JOHN FOSTER DULLES—ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT—JUNE 16, 1958

Mr. Justice Douglas delivered the opinion of the Court.

Petitioner, a native-born citizen, is a physicist who has been connected with various Federal projects and who has been associated as a teacher with several of our universties. In March 1954 he applied for a passport to enable him to travel to India in order to accept a position as research physicist at the Tata Institute of Fundamental Research, affiliated with the University of Bombay. In April 1954 the Director of the Passport Office advised him that his application was denied because the Department of State "feels that it would be contrary to the best interest of the United States to provide you passport facilities at this time."

Petitioner conferred with an officer of the Passport Office and as a result of that conversation executed an affidavit[1] which covered the wide range of matters inquired into and which stated in part:

"I am not now and I have never been a member of the Communist Party.

"With the possible exception of a casual and brief association with the work of the Joint Anti-Fascist Refugee Committee for a few months in 1941 and 1942 (all as related below); I am not now and have never been a member of any of the organizations designated on the Attorney General's list (which I have carefully examined).

"I am not now engaged and I have never engaged in any activities which, so far as I know or at any time knew, support or supported the Communist movement.

"I wish to go abroad for the sole purpose of engaging in experimental research in physics at the Tata Institute of Fundamental Research in Bombay. I am not going abroad to engage in any activities which, so far as I know or can imagine, will in any way advance the Communist movement."

The Director of the Passport Office wrote petitioner's lawyer in reply that the Department had given careful consideration to the affidavit and added, "in view of certain factors of Mr. Dayton's case which I am not at liberty to discuss with him, the Department must adhere to its previous decision that it would be contrary to the best interests of the United States to provide Mr. Dayton with passport facilities at this time." Later the Director wrote again, saying:

"In arriving at its decision to refuse passport facilities to Mr. Dayton, the Department took into consideration his connection with the Science for Victory Committee and his association at that time with various Communists. However, the determining factor in the case was Mr. Dayton's association with persons suspected of being part of the Rosenberg espionage ring and his alleged presence at an apartment in New York which was allegedly used for microfilming material obtained for the use of a foreign government."

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[2] For a comprehensive coverage of the necessity for passport control, see Hoover, Masters of Deceit (1958).

[3] To the same effect see the statement of Senator KILGORE during Senate debate of the act, CONGRESSIONAL RECORD, vol. 96, pt. 11, p. 14536, and an amendment offered to the act in both the House, CONGRESSIONAL RECORD, vol. 96, pt. 10, p. 13756, and Senate, CONGRESSIONAL RECORD, vol. 96, pt. 11, p. 14599.

[4] Peacetime exercise of the passport power may still be relevant from another point of view; namely, if other countries hinge entry on possession of a passport, the right of international travel of a United States citizen who cannot secure a passport will thereby be curtailed. For though he can get out of this country, he cannot get into another.

[1] The Passport Regulations of the Secretary of State, as amended, 22 Code of Federal Regulations, sec. 51.142 provide:

"At any state of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings."

Thereupon, petitioner, pursuant to the Passport Regulations of the Secretary of State, as amended (22 Code of Federal Regulations, sec. 51.1 et seq.), filed a petition of appeal, with the Board of Passport Appeals.[3] He also requested, pursuant to the regulations,[4] information from the Board of particulars concerning three items: (1) petitioner's alleged "association with various Communists"; (2) his "association with persons suspected of being part of the Rosenberg espionage ring"; and (3) his "alleged presence at an apartment in New York which was allegedly used for microfilming material obtained for the use of a foreign government." The Board's reply contained some, but very little, of the information requested; and it stated:

"The file contains information indicating that the applicant was present at 65 Morton Street, New York City, in the summer of 1949 (July or August) and at apartment 61, 65 Morton Street, New York City, during the month of January 1950. The applicant's relationship, if any (past or present) with the following-named persons is considered pertinent to the Board's review and consideration of the case: Marcel Scherer, Rose Segure, Sandra Collins, Frank Collins, Bernard Peters, Kurt Fritz, Karl Sitte, Louis S. Weiss, Alfred Sarant, and William Perl."

A hearing was held [4] at which witnesses for petitioner and for the State Department testified. Pursuant to the regulations [5] the Board announced, over petitioner's protest, that it would consider "a confidential file composed of investigative reports from Government agencies" which petitioner would not be allowed to examine.[6] Later petitioner was advised by the Acting Secretary of State that the Board had submitted its recommendation and that the Secretary, after "a review of the entire record and on the basis of all the evidence, including that contained in confidential reports of investigation," had denied the application. The denial was rested specifically upon section 51.135 of the regulations.[7]

Petitioner then brought suit in the district court for declaratory relief. The district court entered summary judgment for the Secretary (146 F. Supp. 876). The court of appeals reversed (237 F. 2d 43), and remanded the case to the Secretary for reconsideration in the light of its earlier decision in *Boudin* v. *Dulles* (235 F. 2d 532).

On remand the Secretary without further hearing denied the application under section 51.135 (c),[8] saying that "the issuance of a passport would be contrary to the national interest." The Secretary at this time filed a document called Decision and Findings which is reproduced as an appendix to this opinion.

The district court again granted summary judgment for the Secretary (146 F. Supp. 876); and the court of appeals affirmed by a divided vote, ———. The case is here on a petition for a writ of certiorari (355 U. S. 911).

The question most discussed in the briefs and on oral argument is whether the hearing accorded petitioner satisfied the requirements of due process. A majority of the court thinks we need not reach that constitutional question, since on their face these findings show only a denial of a passport for reasons which we have today held to be impermissible (*Kent* v. *Dulles, ante*, p. 10299). Whether there are undisclosed grounds adequate to sustain the Secretary's action is not here for decision.

Reversed.

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[2] SEC. 51.138: "In the event of a decision adverse to the applicant, he shall be entitled to appeal his case to the Board of Passport Appeals provided for in section 51.139.

SEC. 51.139: "There is hereby established within the Department of State a Board of Passport Appeals, hereinafter referred to as the Board, composed of not less than three officers of the Department to be designated by the Secretary of State. The Board shall act on all appeals under section 51.138. The Board shall adopt and make public its own rules of procedure, to be approved by the Secretary, which shall provide that its duties in any case may be performed by a panel of not less than three members acting by majority determination. The rules shall accord applicant the right to a hearing and to be represented by counsel, and shall accord applicant and each witness the right to inspect the transcript of his own testimony."

[3] SEC. 51.162: "The purpose of the hearing is to permit applicant to present all information relevant and material to the decision in his case. Applicant may, at the time of filing his petition, address a request in writing to the Board for such additional information or explanation as may be necessary to the preparation of his case. In conformity with the relevant laws and regulations, the Board shall pass promptly and finally upon all such requests and shall advise applicant of its decision. The Board shall take whatever action it deems necessary to insure the applicant of a full and fair consideration of his case."

[4] Sec. 51.163 of the regulations provide:

"The passport file and any other pertinent Government files shall be considered as part of the evidence in each case without testimony or other formality as to admissibility. Such files may not be examined by the applicant, except the applicant may examine his application or any paper which he has submitted in connection with his application or appeal. The applicant may appear and testify in his own behalf, be represented by counsel subject to the provisions of sec. 51.161, present witnesses and offer other evidence in his own behalf. The applicant and all witnesses may be cross-examined by any member of the Board or its counsel. If any witness whom the applicant wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by him or order evidence to be taken by deposition. Such depositions may be taken before any person designated by the Board and such designee is hereby authorized to administer oaths or affirmations for the purpose of the depositions. The Board shall conduct the hearing proceedings in such manner as to protect from disclosure information affecting the national security or tending to disclose or compromise investigative sources or methods."

[5] Supra, note 4.

[6] The regulations in providing for that contingency state:

SEC. 51.170: "In determining whether there is a preponderance of evidence supporting the denial of a passport the Board shall consider the entire record, including the transcript of the hearing and such confidential information as it may have in its possession. The Board shall take into consideration the inability of the applicant to meet information of which he has not been advised, specifically or in detail, or to attack the credibility of confidential informants."

[7] That section provides:

"In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

"(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

"(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement;

"(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully of advancing that movement."

[8] Supra, note 7.

APPENDIX

DECISION AND FINDINGS OF THE SECRETARY OF STATE IN THE CASE OF WELDON BRUCE DAYTON

I have examined the files of the Department of State concerning the passport application of Weldon Bruce Dayton, including the proceedings in the Passport Office and before the Board of Passport Appeals, including confidential security information, and have found and concluded as follows:

I

a. I find that applicant was active in the Science for Victory Committee while at the University of California during 1943–44, serving as chairman of the organization during much of that period. As chairman he associated with Frank and Sandra Collins, and Rose Segure, who had been instrumental in organizing the said organization. This finding is based on information contained in the open record, including applicant's own statements.

b. Confidential information contained in the files of the Department of State, constituting a part of the record considered by the Passport Office, the Board of Passport Appeals, and myself, indicates that the above-named organization was conceived and organized by Communist Party officials as a front for propaganda and espionage activities; and that Frank and Sandra Collins and Rose Segure were members of the Communist Party at the time of their association with applicant and the Science for Victory Committee.

II

(a) I find that during the period 1946–50, at Ithaca, N. Y., applicant maintained a close association and relationship with one Alfred Sarant. At applicant's invitation, Sarant and his wife lived in applicant's home for a period of 8 months in 1947–48, pending the completion of the Sarant home next door to applicant's home. Thereafter Dayton and Sarant were neighbors until July, 1950. On approximately July 18, 1950, Sarant became the subject of intensive interrogation by the Federal Bureau of Investigation. Approximately a week after the interrogation had begun Sarant departed from Ithaca and subsequently entered Mexico with applicant's wife. This finding is based on information contained in the open record, including applicant's own statements.

(b) Confidential information contained in the files of the Department of State, constituting a part of the record considered by the Passport Office, the Board of Passport Appeals, and myself, establishes with respect to Alfred Sarant that he was an active member of the Communist Party; that he admitted said membership during the years 1943 and 1944; and that he was involved in the espionage apparatus of Julius Rosenberg.

III

(a) I find that the applicant was present during 1949 and 1950, on more than one occasion, in the apartment building at 65 Morton Street, New York City, in which Alfred Sarant was lessee of apartment 6-I. This finding is based on information contained in the open record.

(b) Confidential information contained in the files of the Department of State, constituting a part of the record considered by the Passport Office, the Board of Passport Appeals, and myself, indicates that Sarant's apartment at 65 Morton Street, New York City, was used by Julius Rosenberg and other members of his spy ring for the microfilming of classified United States Government documents which were ultimately transferred to a foreign power.

IV

(a) I find that since 1938 the applicant, an experienced physicist, has maintained a close association and relationship with one Bernard Peters; that Peters was responsible for the applicant's offer of employment at the Tata Institute of Fundamental Research, Bombay, India; and that one of the primary stated purposes of the applicant's proposed travel abroad is to work in close collaboration with Peters at the Tata Institute. This finding is based on information contained in the open record, including applicant's own statements.

(b) Confidential information contained in the files of the Department of State, constituting a part of the record considered by the Passport Office, the Board of Passport Appeals, and myself, indicates that Bernard Peters, who recently renounced his American citizenship, has held membership in the Communist Party outside of the United States; has engaged in numerous Communist activities both in this country and abroad; and is suspected of being a Communist espionage agent.

V

I have reason to believe, on the balance of all the evidence, that the applicant is going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully of advancing that movement. I have reached this conclusion on the basis of the foregoing findings together with the confidential information relating thereto, as well as other confidential information contained in the files of the Department of State, the disclosure of which might prejudice the conduct of United States foreign relations. I have also taken into consideration the serious doubts as to applicant's general credibility raised by the applicant's denial in the face of convincing contrary evidence, including the oral testimony of three apparently disinterested witnesses of ever having been present at 65 Morton Street. The passport application of Weldon Bruce Dayton is therefore denied under section 51.135 (c) of the Passport Regulations (22 Code of Federal Regulations, sec. 51.135 (c)), and because the issuance of a passport would be contrary to the national interest.

VI

The confidential information referred to in paragraphs I (b), II (b), III (b), and IV (b) above relates to the internal security of the United States. The substance of this confidential information was disclosed to the applicant during the consideration of his passport application. To disclose publicly the sources and details of this information would, in my judgment, be detrimental to our national interest by compromising investigative sources and methods and seriously interfering with the ability of this Department and the executive branch to obtain reliable information affecting our internal security. Moreover, it would have an adverse effect upon our ability to obtain and utilize information from sources abroad and interfere with our established relationships in the security and intelligence area; and might, with respect to information referred to in paragraph V, prejudice the interest of United States foreign relations.

Date: October 4, 1956.

SUPREME COURT OF THE UNITED STATES—NO. 621—OCTOBER TERM, 1957—WELDON BRUCE DAYTON, APPELLANT, *v.* JOHN FOSTER DULLES—ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT—JUNE 16, 1958

Mr. Justice Clark, with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker concur, dissenting.

On the grounds stated in my dissent to *Kent and Briehl* v. *Dulles*, also decided this day, I think the Secretary of State is authorized to deny a passport to an applicant who is going abroad with the purpose of engaging in activities that would advance the Communist cause. Because the majority does not consider any of the constitutional issues raised by petitioner, it would be inappropriate for me, as a dissenter, to consider them at this time. (Cf. *Peters* v. *Hobby* (349 U. S. 331, 353-357 (1955)).) Accordingly, I would affirm on the question of authority without reaching any constitutional issue.

VISIT TO THE SENATE BY HON. THE TOLON NA, ALHAJI YAKUBU TALI, MEMBER OF PARLIAMENT, GHANA; HON. GOPINATH SINGH, MEMBER OF PARLIAMENT, INDIA; HON. MAURIZIO VIGIANI, MEMBER OF PARLIAMENT, ITALY

Mr. WILEY. Mr. President, it is customary in the Senate that when members of the parliaments of other nations visit America they are invited to come into this sacred Hall of the Senate of the United States.

Today we are privileged to have with us 3 members of different parliaments of the world, 1 from Ghana, 1 from India, and 1 from Italy. It is significant that they represent, as it were, three continents of the world. They are here to attend one of the great moral movements of our times. They are attending the Summit Conference for the Moral Rearmament of the World at the National Theater in Washington.

It is my pleasure to present the Honorable The Tolon Na, Member of Parliament, Ghana; the Honorable Gopinath Singh, Member of Parliament, India; and the Honorable Maurizio Vigiani, Member of Parliament, Italy. [Applause, Senators and visitors in the galleries rising.]

SHOULD APPELLATE POWER OF SUPREME COURT BE LIMITED?

Mr. TALMADGE. Mr. President, a feature of the regional meeting of the American Bar Association held in St. Louis last week was a discussion on June 12 on the topic, Whether the Appellate Power of the Supreme Court Should Be Limited, or More Expressly Declared.

The affirmative position was stated by Hon. Charles J. Bloch, eminent attorney and widely acclaimed authority on constitutional law, from Macon, Ga. The negative position was stated by Dean Jefferson Fordham, of the University of Pennsylvania Law School.

The comprehensive documentation, unassailable logic, and irrefutable conclusions of Mr. Bloch's statement commend it for the careful study of all who are concerned about the grave problem of judicial usurpation of legislative power. I ask unanimous consent, Mr. President, that it be printed herewith in the body of the RECORD.

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

WHETHER THE APPELLATE POWER OF THE SUPREME COURT SHOULD BE LIMITED, OR MORE EXPRESSLY DECLARED

(By Charles J. Bloch)

At the outset, I must violate a modern rule. I must turn the clock back to 1789, the year of the ratification of the Constitution of the United States. As a foundation stone in this discussion, we must determine the scope of the grants of power made in the Constitution by the States to the partnership created by that compact—the United States of America.

In so determining, I shall follow the rule of law announced more than half a century ago by the Supreme Court of the United States:

"To determine the extent of the grants of power we must, therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants." [1]

Despite the modern trend, I still feel justified in applying a yardstick fashioned more than a hundred years ago.

In construing the Constitution, the Court should look to the nature and objects of the particular powers, duties, and rights with all the lights and aids of contemporary history.[2]

The light and aid of contemporary history teach us that those who prepared and signed the Declaration of Independence were tired of a government which had been guilty of repeated injuries and usurpations all having in direct object the establishment of an absolute tyranny over the States.[3]

They teach us the details of these repeated injuries and usurpations.

Seeking to prevent any repetition of these repeated injuries and usurpations, the Founders had the States enter into a contract specifically allocating the delegated powers among three distinct coordinate branches of the Government created by that contract known as the Constitution of the United States.

It is trite to say that they created a government of checks and balances, but that very simply expresses what they did.

The States expressly provided that: "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." [4]

They expressly provided that:

"The Executive power shall be vested in a President of the United States of America." [5]

They expressly provided that:

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." [6]

They were not content merely to establish the three separate coordinate branches. They restrained the legislative power by

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[1] *South Carolina* v. *U. S.* (199 U. S. 450, 26 S. Ct. 410, 50 L. ed. 261).

[2] *Prigg* v. *Commonwealth of Pa.* (41 U. S. 539, 16 Peters 539, 10 L. ed. 1060 (1842)).

[3] Declaration of Independence, paragraph 2.

[4] Constitution, art. I, sec. 1.

[5] Constitution, art. II, sec. 1.

[6] Constitution, art. III, sec. 1.

granting the veto power to the Executive. They restrained the Executive veto power by permitting the legislative branch to override a veto. They restrained the Executive powers of appointment and treaty making by making such powers subject to Senate action. They further restrained both the Executive and the Judges by subjecting them to impeachment at the hands of the legislative branch. They restrained the exercise of the judicial power by vesting it in a Supreme Court, and such inferior courts as Congress might from time to time ordain and establish. They further restrained the judicial power by causing the appellate jurisdiction of the Supreme Court to be subject to such exceptions and regulations as the Congress might make.

So, they sought by these interlockings, and brakes upon power, to prevent the emergence of any form of tyranny, of any injuries and usurpations.

Very soon in our national life, the Supreme Court supplied another brake, another check and balance.

The exercise of the grant of legislative powers was made subject to judicial review.

In *Marbury* v. *Madison* (1 Cranch (5 U. S.) 137 (1803)), the Court after using the expression, "The Government of the United States has been emphatically termed a government of laws and not of men" (p. 163), held that it had the right to declare void an act of Congress which was repugnant to the Constitution.

In so holding, the Court said: "That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority, from which they proceed is supreme, and can seldom act, they are designed to be permanent. The original and supreme will organizes the Government, and assigns, to different departments their respective powers. It may either stop there; or establish certain limits not to be transcended by those departments. The Government of the United States is of the latter description. The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are power limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?" (op. cit., p. 176).

The query might well be our text here. Though it was written in a case where the legislative department had exceeded its powers, it is equally applicable to a case in which the judicial department has exceeded its powers.

To what purpose are the powers of the judiciary limited, to what purpose were all legislative powers granted to the Congress, if these limits may "at any time, be passed by those intended to be restrained?"

The first volume of the Cranch reports, though sometimes denominated 5 U. S., is in reality the first of the official Reports of the Supreme Court. William Cranch was an assistant judge of the Circuit Court of the District of Columbia. In the original of 1 Cranch, published in 1804, is a preface in which Judge Cranch states his purpose in reporting the cases decided by the Supreme Court of the United States (1 Cranch III–V). This preface well states the contemporaneous concept of the judicial power.

Said Judge Cranch: "Much of that uncertainty of the law, which is so frequently, and perhaps so justly, the subject of complaint in this country, may be attributed to the want of American reports. Many of the causes, which are the subject of litigation in our courts, arise under circumstances peculiar to our own situation and laws, and little information can be derived from English authorities to lead to a correct decision. Uniformity, in such cases, cannot be expected where the judicial authority is shared among such a vast number of independent tribunals, unless the decisions of the various courts are made known to each other. Even in the same court, analogy of judgment cannot be maintained if its adjudications are suffered to be forgotten. It is therefore much to be regretted that so few of the gentlemen of the bar have been willing to undertake the task of reporting. In a government which is emphatically stiled [sic] a government of laws, the least possible range ought to be left for the discretion of the judge. Whatever tends to render the laws certain, equally tends to limit that discretion, and perhaps nothing conduces more to that object than the publication of reports. Every case decided is a check upon the judge. He cannot decide a similar case differently, without strong reasons, which, for his own justification, he will wish to make public. The avenues to corruption are thus obstructed and the sources of litigation closed."

With these fundamental concepts in mind, we approach the queries:

1. If the Supreme Court has transgressed upon the limitations imposed upon it by the Constitution of the United States, has the Congress the constitutional right to limit its jurisdiction?

2. If that question is answered affirmatively, the second question arises: Should Congress now act to curb the Court by reason of a line of decisions which have set up the Court "as a sort of third legislative chamber,"[7] and as such is imposing its ideas upon the other branches of the Government?

There can be no doubt of the right and power of Congress to limit the appellate jurisdiction of the Supreme Court if it pleases to do so.

Article III, section 2, paragraph 2, of the Constitution provides:

"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned (in the preceding paragraph) 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."

"All the other cases before mentioned," are therefore these:

"All cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; * * * all cases of admiralty and maritime jurisdiction; * * * controversies to which the United States shall be a party; controversies * * * between citizens of different States, between citizens of the same State claiming lands under grants of different States."

As to all cases of the character just named, the Congress has the constitutional power to limit the appellate jurisdiction of the Supreme Court by enacting such exceptions and such regulations as to it may seem proper, subject, of course, to Presidential veto and subsequent congressional action.

Light is thrown upon the question by a decision of the Court in 1805. There Chief Justice Marshall held that the appellate jurisdiction of the Court did not extend to criminal cases, such jurisdiction not having been conferred by an act of Congress.[8]

"Had the judicial act created the Supreme Court, without defining or limiting its jurisdiction, it must have been considered as possessing all the jurisdiction which the Constitution assigns to it. The Legislature would have exercised the power it possessed of creating a Supreme Court as ordained by the Constitution, and, in omitting to exercise the right of excepting from its constitutional powers, would have necessarily left those powers undiminished. The appellate powers of this Court are not given by the judicial act. They are given by the Constitution. But they are limited and regulated by the judicial act and by such other acts as have been passed on the subject." Thus spoke Chief justice Marshall in 1810.[9]

Chief Justice Chase spoke on the subject for a unanimous Court in *Ex parte McCardle*[10] under circumstances which cogently demonstrate the scope of the power of Congress to limit the appellate jurisdiction of the Supreme Court.

With the constitutional provisions as stated in existence, Congress on February 5, 1867, enacted a statute conferring upon certain courts of the United States power to grant writs of habeas corpus in enumerated cases with an appeal to the circuit court and thence to the Supreme Court of the United States. This statute being in force, McCardle, alleging unlawful restraint in Mississippi by military force, preferred a petition in the circuit court of the United States in that State for the writ of habeas corpus. Upon a hearing, McCardle was remanded to the military custody. An appeal under the act of February 5, 1867, was taken to the Supreme Court. A motion to dismiss the appeal was made and, after argument, denied at the December term, 1867.[11] Subsequently, in early March of 1868, the case was argued very thoroughly and ably upon the merits and taken under advisement. While it was thus held, and before conference in regard to the decision proper to be made, an act was passed by Congress,[12] vetoed by the President, and repassed by the constitutional majority. This act provided that so much of the act of February 5, 1867, as authorized an appeal from the judgment of the circuit court to the Supreme Court of the United States, or the exercise of any such jurisdiction by the Supreme Court on appeals "which have been or may hereafter be taken," to be repealed.

After hearing argument upon the effect of this repealing act, the Court dismissed the appeal for want of jurisdiction. An appeal, valid when taken, valid when argued, valid when being considered by the Court, was carved out of the Court's jurisdiction and dismissed.

Said Chief Justice Chase for a unanimous Court: "We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words. What, then, is the effect of this repealing act upon the case before us? We cannot doubt as to this. Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

It it noteworthy that at the December term, 1868, the same Court in *Ex parte Yerger*[13] limited the application of the 1868 act to appeals taken under the act of 1867, and held that Yerger might by the writ of habeas corpus, aided by the writ of certiorari, test the legality of his detention.

That decision does not affect the constitutional principles as to the appellate juris-

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[7] Saturday Evening Post, editorial, April 19, 1958.

[8] *United States* v. *Moore* (3 Cranch 170, 172).

[9] *Durousseau et al.* v. *The United States* (6 Cranch 313–314).

[10] 7 Wallace 506.

[11] *Ex parte McCardle* (6 Wallace 318).

[12] Act of March 27, 1868.

[13] 8 Wallace 98, 19 L. ed. 332 (1869).

diction of the Supreme Court (op. cit., p. 105).

In 1882, Chief Justice Waite, for a unanimous Court, went even back of *U. S.* v. *More*, supra, and applied the case of *Wiscart* v. *Dauchy*, decided in 1796,[14] saying that it "was the beginning of the rule, which has always been acted on since, that while the appellate power of this Court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe."[15]

It is clearly decided in that case that what the appellate powers of the Supreme Court shall be, and "to what extent they shall be exercised, are, and always have been, proper subjects of legislative control." Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not.

The rule of that case was followed by a unanimous Court in 1926.[16]

That the appellate jurisdiction of the Supreme Court must be exercised "with such exceptions and under such regulations as the Congress shall make" was also distinctly stated in *St. Louis and Iron Mountain Ry. Co.* v. *Taylor* (210 U. S. 281, 28 S. Ct. 616, 52 L. ed. 1061 (1908)).

The wide scope of the power of Congress over the jurisdiction of the Federal trial courts is nowhere better demonstrated than in the provisions of the Emergency Price Control Act of 1942 (50 U. S. C. A. Appendix, sec. 924 (d)). There was a statutory provision withholding from Federal district courts authority to enjoin enforcement of the act; while that question is not precisely the same as the one which we are treating it is nevertheless interesting as depicting the broad scope of the congressional power. The constitutionality of that statutory provision was argued before the Supreme Court on May 3, 1943, and upheld in a unanimous decision just 1 week later.[17] The late Arthur T. Vanderbilt, Esq., and Mr. Thomas I. Emerson, now of the Yale Law School, were opposing counsel, the latter successfully upholding the power of Congress to create the emergency court of appeals.

There can, therefore, be no doubt of the power of Congress under the Constitution to limit the appellate jurisdiction of the Supreme Court.

And, so, we come to the question: Should Congress now so act to limit the appellate jurisdiction of the Supreme Court?

It can.

Are the circumstances such that it should?

At the outset of this phase of the discussion, let me say, that I do not think that those who believe the Congress should limit the jurisdiction of the Court are motivated by a state of feeling which has been denominated, in high places, metaphorically, as a kill the umpire tendency. We have no such purpose. We do think, if the question is to be reduced to baseball parlance, that the umpire should not be permitted to pitch, bat, or field, nor should he be permitted to usurp the functions assigned to others under the rules of the game. The pole marking the foul line should be permanently fixed and not capable of being moved from side to side at the whim of the umpire while a ball is in midair.

The importance of the question to the public at large—not merely us lawyers, but citizens everywhere—north, south, east, and west—is demonstrated by the fact that the editor of the very conservative Saturday Evening Post has recently published an editorial entitled "Lawmaking Isn't the Supreme Court's Job."[18]

It commences: "Senator HENNINGS, of Missouri, was doubtless right in feeling that Congress ought to do a lot of thinking before adopting anything like Senator WILLIAM JENNER'S bill to restrict the jurisdiction of the Supreme Court over certain selected matters. However, it ought not to require too much study to convince Congress that some action is necessary if it is to retain its position as a supposedly equal partner in our tripartite Federal system. The reason why Congressional action to curb the Court is even mentioned is that the Court is setting itself up as a sort of third legislative chamber, and, as such, has felt free to impose its ideas upon the other branches of the Government. Judge Learned Hand, formerly of the United States Court of Appeals, in his recent lectures at Harvard, declared that 'if we do need a third chamber it should appear for what it is, and not as the interpreter of inscrutable principles.'[19] He added that for him 'it would be most irksome to be ruled by a bevy of platonic guardians, even if I knew how to select [sic] them, which I assuredly do not. If they were in charge, I should miss the stimulus of living in a society where I have, at least theoretically, some part in the direction of public affairs.'"[20]

After relating some of the attempts of what the editor calls the platonic guardians, he proceeds: "Surely the legislature is bound to consider how to restore balance to the Federal system of checks and balances. For, as Abraham Lincoln warned in his first inaugural address, 'if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court * * * the people will have ceased to be their own rulers.'"

Let's proceed, now, to do at least some of that lot of thinking to find out the justification for the editorial statement that the Court is setting itself up as a sort of third legislative chamber, and, as such, has felt free to impose its ideas upon the other branches of the Government.

For if that statement is justified, is not Congress bound to consider how to restore balance to the Federal system of checks and balances?

If limitations of the Court's jurisdiction is not the way to restore Congress to its rightful and constitutional authority, what is the way?

Of course, you expect me to use the segregation cases[21] as examples of the Court's setting itself up as a sort of third legislative chamber. So as not to disappoint you, and so as to dispose of those cases for the present, let us first consider them.

They present a glaring, striking illustration of judicial legislation.

If there had been pending before a State legislature a bill forbidding the segregation of children in the public schools of the State on account of their race or color, the opinion would be an argument for an affirmative vote on the bill. The opinion is simply a statement of reasons why a legislative body ought not to enact a segregation statute.

"Today, education is perhaps the most important function of State and local governments. * * * In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be available to all on equal terms. We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.[22]

"To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."[23]

"Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy* v. *Ferguson* contrary to this finding is rejected. We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal."[24]

The quoted statements would make fine arguments as to the pros and cons of pending segregation legislation. They are not statements of law. *Plessy* v. *Ferguson* was not reversed and overruled. Any language in it contrary to the finding of the Court was rejected. The Court concluded that in the field of public education the doctrine of separate but equal had no place. The finding and conclusion are binding in the cases decided, but they constitute a finding and conclusion theretofore considered to be within the exclusive province of legislative bodies.

Forty-five years before, the Court had, on the basis of opinions of scientific men, been asked to set aside an ordinance of the city of San Francisco. Speaking through Justice Oliver Wendell Holmes, it refused so to do:[25]

"Tradition and habits of the community count for more than logic in determining constitutionality of laws enacted for the public welfare under the police power" (op. cit. 358, 366).

In so holding, Justice Holmes followed the lead of the first Justice Harlan who wrote for the Court in the Massachusetts vaccination case.[26] There, Justice Harlan, speaking for a majority of the Court, had said:

"Since then vaccination, as a means of protecting a community against smallpox, finds strong support in the experience of this and other countries, no court, much less a jury, is justified in disregarding the action of the legislature simply because in its or their opinion that particular method was—perhaps or possibly—not the best either for children or adults."[27]

Despite this strong language of Justices of a bygone day, despite the deadly paraphrase which might be drawn from the preceding quotation,[28] I might be deemed prejudiced in my views, so, as to this particular phase, I call a witness against whom that charge cannot be made.

Judge Hand, in his recent the Bill of Rights, speaking of these segregation cases, said: "In these decisions did the Court mean to 'overrule' the 'legislative judgment' of States by its own reappraisal of the relative values at stake? Or did it hold that it was alone enough to invalidate the statutes that

[14] 5 Dall. 321, 1 L. ed. 619.

[15] The Francis Wright, 105 U. S. 385, 26 L. ed. 1100.

[16] *Luckenbach SS Co.* v. *U. S.* (272 U. S. 533; 47 S. Ct. 186, 71 L. ed. 394).

[17] *Lockerty et al.* v. *Phillips* (319 U. S. 182, 63 S. Ct. 1019).

[18] Issue of April 19, 1958, p. 10.

[19] The quotation is from The Bill of Rights, by Judge Learned Hand, p. 70.

[20] Ibid., p. 73.

[21] 347 U. S. 483; et seq.

[22] 347 U. S. at p. 493.

[23] Ibid., p. 494.

[24] Ibid., pp. 494–495.

[25] *Laurel Hill Cemetery* v. *San Francisco* (216 U. S. 358).

[26] *Jacobson* v. *Massachusetts* (197 U. S. 11).

[27] Ibid., p. 35.

[28] "Since segregation, as a means of educating the children of a community finds strong support in the experience of many States in various sections of the Union, no court is justified in disregarding the actions of the legislatures of the States simply because in its or their opinion segregation is not best for either race."

they had denied racial equality because the amendment inexorably exempts that interest from legislative appraisal? It seems to me that we must assume that it did mean to reverse the 'legislative judgment' by its own appraisal." [29]

After a page or so additional discussion, Judge Hand said: "I cannot frame any definition that will explain when the Court will assume the role of a third legislative chamber and when it will limit its authority to keeping Congress and the States within their accredited authority." [30]

The Court did not first assume the role of a third legislative chamber in the segregation cases. Those cases constituted one more step in a continuing trend which had begun several years before.

Justice Brandeis, Justice Holmes concurring, had in 1924 pointed out in a dissent that the Court, in setting aside a Nebraska statute requiring that bread be sold in loaves of certain weights, was exercising "the powers of a super-legislature" not performing "the constitutional function of judicial review." [31]

In 1940 Justice Frankfurter had said in a case soon to be reversed: "Judicial review, itself a limitation on popular government, is a fundamental part of our constitutional scheme. But to the legislature no less than to courts is committed the guardianship of deeply-cherished liberties." [32]

A couple of years later, Justices Black, Douglas, and Murphy stated in a dissenting opinion [33] that, though they had joined in the 1940 case they now thought it was "wrongfully decided."

So it wasn't long before the Gobitis case was reconsidered and reversed.[34]

Justice Frankfurter adhered to his views of 3 years before, and used this striking language:

"One who belongs to the most villified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution. Were my purely personal attitude relevant, I should wholeheartedly associate myself with the general libertarian views in the Court's opinion, representing as they do the thoughts and action of a lifetime. But as judges we are neither Jew nor Gentile, neither Catholic nor agnostic. We owe equal attachment to the Constitution and are equally bound by our judicial obligations whether we derive our citizenship from the earliest or the latest immigrants to these shores. As a member of this Court, I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard."

So, we see, the segregation cases were but a step in a trend which commenced about the time the Senate ceased to use its constitutional power of advising and consenting to the appointment of judges and justices.

If I were a United States Senator, and had to decide whether I would vote to limit the appellate jurisdiction of the Supreme Court, and strengthen the antisubversive laws, I would, to a large extent, be guided by what Justices of the Supreme Court, presently sitting, had said within the past 4 years evidencing the necessity for such legislation.

Let's start with *Konigsberg* v. *The State Bar of California*.[35] Of it, Mr. William H. Rehnquist of the Arizona Bar recently said in an American Bar Association article: "A decision of any court based on a combination of charity and ideological sympathy at the expense of generally applicable rules of laws is regrettable no matter whence it comes. But what could be tolerated as a warm-hearted aberration in the local trial judge becomes nothing less than a constitutional transgression when enunciated by the highest court of the land." [36]

The case arose out of a proceeding by Konigsberg for admission to the California bar. The Supreme Court of California affirmed the action of the State Committee of Bar Examiners in refusing certification. The Supreme Court of the United States granted certiorari. Justice Black, with the Chief Justice, Justices Douglas, Burton, and Brennan concurring, held that there was no evidence in the record which rationally justified a finding that Konigsberg had failed to establish his good moral character or failed to show that he did not advocate forceful overthrow of the Government, even though he refused to answer questions as to his political associations. In the course of his opinion, Justice Black said: "A bar composed of lawyers of good character is a worthy objective, but it is unnecessary to sacrifice vital freedoms to obtain that goal." [37]

Justice Frankfurter dissented on jurisdictional grounds, admonishing that "This Court has a special responsibility to be particularly mindful of the respective boundaries between State and Federal authority." [38]

(Justice Whittaker took no part in the consideration or decision of the case, p. 274.)

Justice Harlan, with whom Justice Clark concurred, dissented vigorously, and at length.[39] He commenced: "Granting that this area of State action is not exempt from Federal constitutional limitations, see *Schware* v. *Board of Examiners* (ante., p. 232), decided today, I think that in doing what it does here the Court steps outside its proper role as the final arbiter of such limitations, and acts instead as if it were a super State court of appeals." [40]

He concluded: "It seems to me altogether beyond question that a State may refuse admission to its bar to an applicant, no matter how sincere, who refuses to answer questions which are reasonably relevant to his qualifications and which do not invade a constitutionally privileged area. The opinion of the Court does not really question this; it solves the problem by denying that it exists. But what the Court has really done, I think, is simply to impose on California its own notions of public policy and judgment. For me, today's decision represents an unacceptable intrusion into a matter of State concern."

A month or so later, Chief Justice Warren announced the judgment of the Court and delivered an opinion in the case of *Sweezy* v. *New Hampshire* [41] Justices Black, Douglas, and Brennan joined. Justice Whittaker did not participate. There was also an opinion by Justice Frankfurter, joined by Justice Harlan concurring in the result.[42] Justice Clark, joined by Justice Burton, dissented.[43]

Sweezy was a professor at the University of New Hampshire. He was convicted of contempt for failure to answer questions propounded by the State attorney general acting pursuant to legislative authority to investigate subversive activities. New Hampshire's supreme court affirmed.[44] The United States Supreme Court reversed.

The dissenting opinion of Justice Clark, in which Justice Burton joined, commenced:

"The Court today has denied the State of New Hampshire the right to investigate the extent of 'subversive activities' within its boundaries in the manner chosen by its legislature. Unfortunately there is no opinion for the Court, for those who reverse are divided and they do so on entirely different grounds. Four of my brothers join in what I shall call the principal opinion. They hold that the appointment of the attorney general to act as a committee for the legislature results in a separation of its power to investigate from its 'responsibility to direct the use of that power' and thereby 'causes a deprivation of the constitutional rights of individuals and a denial of due process . . .' This theory was not raised by the parties and is, indeed, a novel one." [45]

He continued: "My Brothers Frankfurter and Harlan do not agree with this opinion because they conclude, as do I, that the internal affairs of the New Hampshire State government are of no concern to us. * * * I agree with neither opinion." [46]

Then, a little later, he said: "The short of it is that the Court blocks New Hampshire's efforts to enforce its law. I had thought that in *Pennsylvania* v. *Nelson* (350 U. S. 497 (1956)), we had left open for legitimate State control any subversive activity leveled against the interest of the State. I for one intended to suspend State action only in the field of subversion against the Nation and thus avoid a race to the courthouse door between Federal and State prosecutors. Cases concerning subversive activities against the National Government have such interstate ramifications that individual State action might effectively destroy a prosecution on the national level. I thought we had left open a wide field for State action, but implicit in the opinions today is a contrary conclusion. They destroy the factfinding power of the State in this field and I dissent from this wide sweep of their coverage." [47]

The opinion in *Pennsylvania* v. *Nelson* [48] to which Justice Clark referred was written by Chief Justice Warren, and held that the Pennsylvania Sedition Act had been superseded by the Smith Act (18 U. S. C. A., sec. 2385 * * *) preceding the enforcement of the Pennsylvania Act against a person charged with acts of sedition against the Federal Government.

The second sentence in Justice Reed's dissenting opinion in the Nelson case, in which Justices Burton and Minton joined, pointed out the scope of the opinion in the Nelson case. Said he: "This is a jurisdictional problem of general importance because it involves an asserted limitation on the police power of the States when it is applied to a crime that is punishable also by the Federal Government.[49]

Justice Reed logically called attention to the fact that the Smith Act appears in that title of the United States Code which codifies the Federal criminal laws, and that section 3231 of that title is: "Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof."

"That declaration," he said, "springs from the Federal character of our Nation. It recognizes the fact that maintenance of order and fairness rests primarily with the States.

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[29] The Bill of Rights, Judge Learned Hand, p. 54.

[30] Ibid., p. 55.

[31] *Burns Baking Co.* v. *Bryan* (264 U. S. 504, 533, 44 S. Ct. 412, 68 L. ed. 813).

[32] *Minersville School District* v. *Gobitis* (310 U. S. 586, 600, 60 S. Ct. 1010, 1015, 84 L. ed. 1375 (1940)).

[33] *Jones* v. *City of Opelika* (316 U. S. 584, 62 S. Ct. 1320, 86 L. ed. 1691).

[34] *West Virginia Board of Education* v. *Barnette* (319 U. S. 624, 63 S. Ct. 1178, 87 L. ed. 1628).

[35] 353 U. S. 252, 77 S. Ct. 722, 1 L. ed. 2d 810.

[36] Vol. 44, A. B. A. Journal, p. 232.

[37] Op. cit. p. 273.

[38] Op. cit. p. 276.

[39] Op. cit., pp. 276–312.

[40] 353 U. S. 276–7.

[41] 354 U. S. 234, 77 S. Ct. 1203, 1 L. ed. 2d 1311.

[42] P. 255.

[43] P. 267.

[44] 100 N. H. 103, 121 A. 2d 783.

[45] 354 U. S. 267–8.

[46] 354 U. S. 267–8.

[47] Ibid., p. 269.

[48] 350 U. S. 497, 76 S. Ct. 477, 100 L. ed. 740.

[49] 350 U. S., at p. 512.

* * * The majority's position in this case cannot be reconciled with that clear authorization of Congress." [50]

Cogently, Justice Reed pointed out that in the Smith Act the individual States were not told that they were powerless to punish local acts of sedition, nominally directed against the United States, and that "Courts should not interfere." [51]

On the same day that Sweezy was decided, *Watkins* v. *United States* was decided with Chief Justice Warren writing the opinion.[52] Watkins had been convicted for contempt of Congress.[53] The misdemeanor was alleged to have been committed during a hearing before a Congressional investigating committee. The basis of the prosecution was that he had refused to make certain disclosures which he asserted to be beyond the authority of the committee to demand. The Chief Justice stated that "The controversy thus rests upon fundamental principles of the power of Congress and the limitations upon that power." He approached the questions presented with conscious awareness of the far-reaching ramifications that can follow from a decision of this nature.[54]

His conviction had been affirmed by the Court of Appeals of the District of Columbia.[55] Certiorari was granted by the Supreme Court.

The Honorable Herbert R. O'Conor filed a brief for the American Bar Association, as amicus curiae, urging affirmance. With him on the brief were Messrs. Julius Applebaum, Tracy E. Griffin, John M. Palmer, Paul W. Updegraff, and Louis C. Wyman.

The Supreme Court reversed. Justices Burton and Whittaker took no part in the consideration or decision of the case. Justice Clark dissented.

The statute under which Watkins was convicted penalized the refusal of a witness to answer any question pertinent to the question under inquiry. He refused to answer questions as to whether he had known certain other persons to have been members of the Communist Party. He based his refusal on the ground that those questions were outside of the proper scope of the committee's activities and not relevant to its work. The holding of the majority of the Court may be thus summarized: "No clear understanding of the question under inquiry could be gleaned from the resolution authorizing the full committee, the legislative history thereof, the committee's practices thereunder, the action authorizing the subcommittee, the statement of the chairman at the opening of the hearings or his statement in response to petitioner's protest. * * * Petitioner was not accorded a fair opportunity to determine whether he was within his rights in refusing to answer, and his conviction was invalid under the due-process clause of the fifth amendment." [56]

Of that holding, Justice Clark said: "As I see it the chief fault in the majority opinion is its mischievous curbing of the informing function of the Congress. While I am not versed in its procedures, my experience in the executive branch of the Government leads me to believe that the requirements laid down in the opinion for the operation of the committee system of inquiry are both unnecessary and unworkable." [57]

Then, for 20 pages, in a masterful dissenting opinion, he exposes the fallacies in the majority opinion, concluding: "To carry on its heavy responsibility the compulsion of truth that does not incriminate is not only necessary to the Congress but is permitted within the limits of the Constitution." [58]

Jencks v. *United States* [59] was decided June 3, 1957.

Jencks was prosecuted for filing a false non-Communist affidavit with the National Labor Relations Board. He was convicted. The case found its way to the Supreme Court. There it was held that Jencks was entitled to an order directing the Government to produce for inspection all reports of two Government witnesses to the FBI touching upon events and activities as to which they testified at the trial, and was entitled to inspect such reports and to decide whether to use them in his defense.

There was no contention here that Jencks would be deprived of any constitutional right if the reports were not produced. There was no contention that there was any statute which compelled or authorized their production. The basis of the finding of the court was merely: "Justice requires no less." [60] Justice Brennan wrote the majority opinion. Justice Whittaker did not participate. Justice Clark again dissented saying of the decision: "This fashions a new rule of evidence which is foreign to our Federal jurisprudence. The rule has always been to the contrary." [61]

And, further: "Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement may as well close up shop, for the Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets." [62]

The present importance of any discussion of the Jencks case is the rapidity with which the Department of Justice acted seeking corrective legislation.

Senate bill 2377 had as its purpose the amending of title 18, chapter 223, United States Code. The proposed legislation was prepared by the Department of Justice and introduced by Senator O'MAHONEY for himself, and for Senators EASTLAND, KEFAUVER, NEELY, WILEY, DIRKSEN, BUTLER, and POTTER.

The report [63] accompanying S. 2377 showed that Attorney General Brownell had testified in favor of the legislation at a public hearing held on June 28, 1957.

While he accepted the principle of the Jencks case, he said: "However, there is an immediate need for legislation to clarify the procedure to be followed in applying such a principle. Otherwise, serious harm will be done to Federal law enforcement."

He then pointed out the three principal problems, and concluded:

"The Department of Justice believes that these procedures must be followed to avoid serious miscarriage of justice in Federal criminal cases where the production of statements or reports comes into issue." [64]

The report itself made it clear that the proposed legislation was not designed to nullify, or to curb or to limit the decision of the Supreme Court "insofar as due process is concerned." The committee was convinced "that the proposed legislation which is procedural in character, if enacted, will serve both to protect individual rights during criminal prosecutions and to protect confidential information in the possession of the Government." [65]

When the Department of Justice was faced with what it considered "to be loose interpretation by lower courts of the Supreme Court decision" and thus was "placed in a position where it has found it necessary to abandon cases which it feels to be meritorious," it had no hesitancy in seeking and procuring clarifying legislation. The bill was enacted September 2, 1957 without there being any suggestion that it amounted to "killing the umpire."

Yates et al. v. *United States*, along with *Schneiderman* v. *United States*, and *Richmond, et al.* v. *United States*,[66] were also decided June 17, 1957. The cases arose from convictions for conspiracy to violate the Smith Act.

Justice Harlan wrote the opinion of the Court. Justice Burton concurred in the result. Justices Brennan and Whittaker did not participate. Justices Black and Douglas concurred in part and dissented in part. Justice Clark dissented.

The Court freed five of the defendants.[67] All of them were described in Justice Clark's dissent as "principal organizers and leaders of the Communist Party in California. New trials were ordered for the remaining nine. As to the five, the Court said that the evidence was "clearly insufficient." Justice Clark agreed with the Court of Appeals and the district court and the jury that the evidence showed guilt beyond a reasonable doubt. He said: "In any event, this Court should not acquit anyone here. In its long history I find no case in which an acquital has been ordered by this Court solely on the facts. It is somewhat late to start in now usurping the function of the jury, especially where new trials are to be held covering the same charges." [68]

The salient features of the majority opinion were these holdings:

"Since the Communist Party came into being in 1945, and the indictment was not returned until 1951, the 3-year statute of limitations had run on the 'organizing' charge, and required the withdrawal of that part of the indictment from the jury's consideration." [69]

"The Smith Act does not prohibit advocacy and teaching of forcible overthrow of the Government as an abstract principle, divorced from any effort to instigate action to that end." [70]

The ruling on the organizing charge derived from the construction of the word "organize" in the third paragraph of the Statute.[71] The defendants claimed that organize meant "establish"; "found"; "bring into existence." The Government contended that "organize" connoted a continuing process extending throughout the life of the organization, the recruiting of new members, forming of new units, the regrouping of existing clubs, classes and units.

As to the second holding, the Government had taken the position "that the true constitutional dividing line is not between inciting an abstract advocacy of forcible overthrow, but rather between advocacy as such, irrespective of its inciting qualities, and the mere discussion or exposition of violent overthrow as an abstract theory." [72]

The Yates cases bring to mind another case in which Justices Reed and Harlan dissented, along with Justices Minton and Burton. That case is *Slochower* v. *Board of*

[50] 350 U. S., at p. 519.
[51] Ibid.
[52] 354 U. S. 179, 1 L. ed. 2d 1273, 77 S. Ct. 1173.
[53] 2 USC 192.
[54] P. 182.
[55] 233 F. 2d 681.
[56] 343 U. S. 178.
[57] 354 U. S. 217–8.
[58] 354 U. S. 233.
[59] 353 U. S. 657; 1 L. ed. 2d 1103; 77 S. Ct. 1007.
[60] 353 U. S. 669.
[61] 353 U. S. 680.
[62] 353 U. S. 681–2.
[63] Report No. 569, July 1, 1957.
[64] Report, p. 4, p. 8.
[65] Report, p. 2–3.
[66] 354 U. S. 298; 1 L. ed. 1356; 77 S. Ct. 1064.
[67] Justices Black and Douglas thought that every one of the convictions should be reversed, and all of the defendants acquitted (p. 339.)
[68] 354 U. S. 345–6.
[69] 354 U. S. 298, 303–312.
[70] 354 U. S. 299, 312–327.
[71] 18 U. S. C. Sec. 2385.
[72] 354 U. S. at p. 313.

Higher Education of the City of New York.[73] Justice Clark wrote for the majority,[74] who held that New York could not discharge a professor in one of her colleges who had utilized the privilege against self-incrimination to avoid answering a question relating to his official conduct. Justice Reed commenced his dissent with this criticism: "* * * the Court (sic) strikes deep into the authority of New York to protect its local government institutions from influences of officials whose conduct does not meet the declared State standards for employment." Said Justice Harlan, in part: "I think that a State may justifiably consider that teachers who refuse to answer questions concerning their official conduct are no longer qualified for public-school teaching, on the ground that their refusal to answer jeopardizes the confidence that the public should have in its school system."

Justice Harlan, along with Justices Burton, Minton, and Reed, also dissented from the holding of the same majority that the 14th amendment requires a State to furnish an indigent defendant with a copy of the transcript and record of his trial for appeal purposes, he having been convicted of armed robbery.[75] The basis upon which Justice Black, citing Leviticus, rested his opinion was: "Providing equal justice for poor and rich, weak and powerful alike, is an age-old problem."[76] Justice Harlan thought that the case contained "none of the elements hitherto regarded as essential to justify action by this Court under the 14th amendment," and "it is beyond the province of this Court to tell Illinois that it must provide such procedures."[77]

But with Justices Clark, Reed, and Minton dissenting, the Court, with Justice Harlan writing for the majority, defined the term "national security" as used in the 1950 act authorizing dismissal of Government employees in interest of such security so as to comprehend only those activities of Government directly connected with the protection of the Nation from internal subversion or foreign aggression, and not those which contribute to the strength of the Nation only through their impact on general welfare.[78]

Justice Clark, dissenting, thought that the clear purpose of the Congress was frustrated[79] and that "the Court's order has stricken down the most effective weapon against subversive activity available to the Government. They should not be subverted by the technical interpretation the majority places on them today."

Into the 1957 term the trend continued.

On December 16, 1957, the majority held that a California municipal ordinance making it unlawful for a convicted felon to remain in the city for more than 5 days without registering with the police violated the due process clause when applied without proof that the defendant knew, or probably knew, of duty to register.[80] Justices Burton, Frankfurter, Harlan, and Whittaker dissented. Justice Frankfurter wrote: "I feel confident that the present decision will turn out to be an isolated deviation from the strong current of precedents—a derelict on the waters of the law."[81] In plain English, that it would never be cited except to be distinguished.

[73] 350 U. S. 551, 100 L. ed. 692, 76 S. Ct. 637.

[74] The others were Chief Justice Warren and Associate Justices Black, Douglas, and Frankfurter.

[75] *Griffin* v. *Illinois* (351 U. S. 12, 76 S. Ct. 585, 100 L. ed. 891).

[76] 351 U. S. at p. 16.

[77] 351 U. S. 39.

[78] *Cole* v. *Young* (351 U. S. 536, 76 S. Ct. 861, 100 L. ed. 1396).

[79] 351 U. S. 565, 569.

[80] *Lambert* v. *California* (26 L. W. 4059, 355 U. S. 225).

[81] 26 L. W. 4061.

On March 31, 1958, the Chief Justice announced an opinion in which Justices Black, Douglas, and Whittaker joined. Justice Brennan filed a concurring opinion. Justices Frankfurter, Burton, Clark, and Harlan dissented. The holding was that Congress had no power to expatriate a former serviceman for conviction of desertion in time of war.[82]

It was in this dissent that Justice Frankfurter said: "This legislation is the result of an exercise by Congress of the legislative power vested in it by the Constitution and of an exercise by the President of his constitutional power in approving a bill and thereby making it a law. To sustain it is to respect the actions of the two branches of our Government directly responsive to the will of the people and empowered under the Constitution to determine the wisdom of legislation. The awesome power of this Court to invalidate such legislation, because in practice it is bounded only by our own prudence in discerning the limits of the Court's constitutional function, must be exercised with the utmost restraint."[83]

Article I, section 1, paragraph 1, of the Constitution is: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

The very last section in the Bill of Rights (amendment X) is: "The power not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively or to the people."

These are the alpha and omega of what is really our original Constitution.

I have cited to you case after case as examples of the violation by the Supreme Court of these fundamental principles of American constitutional government. They are but samples. Complete citations and quotations would make this a tome instead of a talk.

Even Justice Douglas once, at least, recognized such a violation. In 1944, he wrote a dissenting opinion in which Justices Black and Reed joined. Said he: "This Court now writes into the law what Congress struck out 50 years ago. The Court now restores Federal control in a domain where Congress decided the States should have exclusive jurisdiction. I think if such an intrusion on historic States rights is to be made, it should be done by the legislative branch of Government."

Yes; those words were written by Justice William O. Douglas in his dissenting opinion in *United States* v. *Saylor* (322 U. S. at page 392 (64 S. Ct. 1105)).

That just about makes it unanimous so far as the Court is concerned.

The situation is such that the National Association of Attorneys General has urged that Congress enact legislation to strengthen the hands of both Federal and State agencies in dealing with subversion, and to maintain "a reasonable balance of power" between Federal and State Governments. And the Association of State Chief Justices has gone on record as favoring legislation to restore the right of States to control the practice of law within their borders.[84]

The States and their people intended when they ratified the Constitution that the ultimate power should rest in the Congress—the Senate and the House of Representatives. The Executive may veto an act of Congress, but Congress can pass it over his veto. The Supreme Court may (under *Marbury* v. *Madison*) declare an act of Congress unconstitutional, but the Congress may legally repass it, and deprive the Supreme Court of the right to review it. To the Congress is given the constitutional power to ordain and establish inferior Federal tribunals. It may constitutionally abolish every one of them. It fixes their powers and jurisdiction. While the Constitution provides for a Supreme Court, the Congress determines the number, qualifications, and compensation. The Executive may nominate Justices and judges, but they do not become such until the Senate shall have confirmed them. The ultimate repository of power is in the States and their people speaking and acting through their Senators and Representatives.

[82] *Trop* v. *Dulles* (26 L. W. 4219).

[83] 26 L. W. 4229.

[84] Report of the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws to the Committee on the Judiciary, United States Senate, 85th Cong., 1st sess., for the year 1957 (sec. XII, p. 215).

Therefore, the Congress can halt the present trend, and restore that separation of powers contemplated by the Constitution. The Congress can confine judicial review to its proper niche in many ways.

With respect to the future, it can, and doubtless will, exercise a more strict supervision over appointments to the Federal judiciary.

With respect to the present, and further demonstrating the supremacy of Congress, it has the power of removing from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors, the President, Vice President, and all civil officers of the United States, including Justices and judges.[85] And what Congress considers to be a "high crime and misdemeanor" is one. Its determination in that respect is not reviewable.

Each House of Congress is the judge of the elections, returns, and qualifications of its own members.[86]

Congress has the "right and the duty to preserve and protect its own autonomy as an independent and coequal branch of the Government; to protect the rights of the States, guaranteed under the 10th amendment of the Constitution, and restore them where they have been wrongfully abridged; and to protect the internal security of the United States to the fullest possible degree. The only means available for accomplishing these objectives is through passing laws."[87]

The author of that quotation was modest. He might have added that the Congress was "at least coequal" for it has tremendously more power over the other branches of the Government than they have over it. This is designedly so for it is the only branch of the Government whose members are elected directly by the people, and the only branch whose members are responsible only to the people. The Supreme Court in our form of government is not sacrosanct. We of America have despised kings, monarchs, and emperors, yet we have apotheosized judges.

If and when the deification is demonstrated to have been unwarranted, we must look to Congress to correct any evils which may have developed.

The United States shall, under the Constitution, guarantee to every State in the Union a republican form of government.[88]

A fortiori, the United States must have a republican form of government.

A "republican government," within the meaning of the term as used in the Federal Constitution, "is one constructed on the principle that the supreme power resides in the body of the people."[89]

We lack a republican form of government when one branch of it exceeds its constitutional powers.

That the judicial branch (the Supreme Court) has exceeded its constitutional powers has been demonstrated by the utterances of

[85] Constitution, art. II, sec. 4.

[86] Constitution, art. I, sec. 5, par. 1.

[87] Same as note 82, p. 215.

[88] Art. IV, sec. 4.

[89] *Chisholm* v. *Georgia* (2 U. S. 419, 457).

most of its members now sitting. In their dissents which have been quoted, Justice after Justice in dissenting opinions have pointed out the usurpation of power in particular cases.

Even if they had not so done, it is the power of Congress to determine whether the courts have exceeded their limited powers, and, if so, correct such transgressions.

The Judiciary Committee of the Senate, in favorably reporting the Jenner-Butler bill [90] has determined that such transgressions have occurred, and that it is the duty of the Congress to correct them.

What are the provisions of this bill?

Would the Congress be justified in enacting it?

Section 1 deprives the Supreme Court of appellate jurisdiction in any case where there is drawn into question the validity of any law, rule, or regulation of any State, or of any board of bar examiners or similar body, or of any action or proceeding taken pursuant to any such law, rule, or regulation pertaining to the admission of persons to the practice of law within such State.

Very evidently, the purpose of this section was to prevent further decisions such as the Konigsberg and Schware cases of 1957.

State courts, State bar associations, State boards of bar examiners, realizing that States' rights connoted correlative States' duties, have been laboring through the years to establish and maintain the high standards for lawyers required for the protection of their citizens. In so doing, they have doubtless been following what they thought was the law of the land as established by many cases, notably *Spears* v. *State Bar of California*.[91]

The section prevents the Supreme Court from interfering with what had been the established law of the land.

The section is a compliance with the action of the Association of State Chief Justices favoring legislation to restore the right of States to control the practice of law within their borders.

The minority views appearing in the report accompanying S. 2646 [92] say:

"This section would allow a State or a State's officials to proscribe (sic) any requirements for admission to the bar of that State regardless of any person's fitness or capacity to practice law. In the absence of Federal review in such actions, if the State supreme court was sympathetic, it could be required that a person to be admitted to the practice of law be of a certain race or certain religion, or it could be prescribed that persons of a specific race or religion could not practice law. A State or its officials could also establish any procedure for the admittance of persons to the bar."

The person who wrote that has very little respect for the integrity of State supreme court justices. They take oaths, too, to uphold and defend the Constitution of the United States. Aside from that, that author would delude us into believing that the section eliminates all Federal review in such actions. It does no such thing. It declares only that the Supreme Court shall have no appellate jurisdiction in that class of cases. There is no question of the absence of Federal review in such actions for if a State board of bar examiners should attempt any such action as that imagined by the author of that minority view, a Federal district court, or a Federal court of appeals would make short shrift of it. I suggest that the section does not go far enough. In impliedly permitting review by lower Federal courts of the action of State boards of bar examiners, it should be provided that the decisions in Schware and Konigsberg shall not be considered binding or persuasive in any judicial action.

The author also said: "While a person does not have a constitutional right to practice law, he does have the constitutional right of due process of law and equal protection of the law with respect to the denial to practice law."

That argument was made about 70 years ago in a case where the right of a citizen of a State to obtain a license to sell intoxicating liquors was involved.[93] Answering it, the Supreme Court said that "the possession and enjoyment of all (such) rights are subject to such reasonable conditions as may be deemed by the governing authority of the county essential to the safety, health, peace, good order, and morals of the community."

It would be strange for the law to permit a State to refuse to grant a man a license to sell intoxicating liquors, but compel the State to grant that same man a license to practice law in its courts, and assume a confidential relationship to its people.

In the expression of his views, Senator THOMAS C. HENNINGS, Jr. said: "The legal profession traditionally has held the role of the protector of the people against arbitrary governmental action." [94] That is true. Will we be such arrant cowards as to shirk that responsibility and depart from that role merely because the arbitrary governmental action happens to be the action of a majority of the Justices of the Supreme Court in a particular case?

Perhaps the strongest argument which could be made in favor of this section of the bill is in Justice Harlan's dissent, supra.

He said that the Court had in the Konigsberg case stepped "outside its proper role," and had imposed "on California its own notions of public policy and judgment," and that for him the decision represented "an unacceptable intrusion into a matter of State concern."

If Congress does not protect the people, the States, against such stepping aside, such imposition, such intrusion, who will?

Will we lawyers stand by, and see these impositions, intrusions, piled one upon another, and say that Congress should do nothing about them? Would such inaction be consistent with our role of protector of the people against arbitrary governmental action? If it is, God help the people.

Section 2 of the bill amends the Contempt of Congress section of the statutes [95] by adding to it a proviso: *"Provided,* That for the purposes of this section any question shall be deemed pertinent unless timely objection is made thereto on the ground that such question lacks pertinency, or when such objection is made, if such question is ruled pertinent by the body [96] conducting the hearing; and on any question of pertinency, the ruling of the presiding officer [97] shall stand as the ruling of the body unless reversed by the body on appeal."

This provision is necessitated by the ruling of the Supreme Court in the Watkins case.[98]

The question involved in the Watkins case was at that time deemed of such importance by the American Bar Association as to warrant its intervention as amicus curiae in support of the Government's position which was that of the Congress.

The amendment seeks to cure what Justice Clark in his dissent, denominated as the Court's "mischievous curbing of the informing function of the Congress." It seeks to permit the Congress to carry on its heavy responsibility and to compel a witness to give in evidence truth that does not incriminate.

In proposing this bill, the majority of the Senate Judiciary Committee thought that the question of pertinency was one with respect to which no outside judgment may be permitted to be substituted for the judgment of the body.

The opinion of that majority of the committee seems to me to be quite sound.

Senators and Representatives take an oath as well as do Justices and judges—an oath to support and defend the Constitution of the United States.

A Constitution which grants Senators and Representatives the awesome power of impeachment, the power to determine jurisdiction of every Federal court in the land, the tremendous legislative power embraced in article I, section 8 of the Constitution, the sole power to determine the election and qualification of their fellow members, should hardly be construed so as to deprive them of the power to determine the pertinency of a question propounded to a witness during an investigation being conducted within the Congressional jurisdiction.

"If this section should become law, a person accused of contempt of Congress would be entirely free to raise, and the courts would be entirely free to decide, the question of whether the committee in propounding the inquiries involved in the alleged contempt was acting outside its jurisdiction. If a body has no jurisdiction, its proceedings have no validity, and could not be the basis for a contempt under the statute." [99]

In the "minority views," it is admitted that "Congress has the power and authority itself to punish for contempt of Congress," and that it "exercised this power until 1857 when it enacted the predecessor to" the statute now being amended.[1]

That being the law, the Congress certainly has the constitutional power to reserve unto itself the power to decide one of the elements necessary to constitute contempt of Congress, to wit: pertinency of the question. Congress having the power to withdraw the entire subject matter from the jurisdiction of the Federal courts, has the power to withdraw a portion of the subject matter.

In 1896, the Supreme Court of the United States held that despite the passage of the statute which is now title 2, section 192, United States Code, "The power to punish for contempt still remains in each House." [2]

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[90] S. 2646, as amended.

[91] 211 Cal. 183, 294 Pac. 697, 72 ALR 923.

[92] P. 15.

[93] *Crowley* v. *Christensen* (137 U. S. 86, 91–2).

[94] Report, p. 30.

[95] 2 U. S. C. 102.

[96] The body referred to is the body conducting the hearing, whether committee, subcommittee, or joint committee.

[97] The ruling of the presiding officer means the ruling of the Senator or Representative presiding at the hearing.

[98] 354 U. S. 178.

[99] Report, p. 6.

[1] Report, p. 18.

[2] The following language at page 671 of the Chapman case is pertinent: "The refusal to answer pertinent questions in a matter of inquiry within the jurisdiction of the Senate, of course, constitutes a contempt of that body, and by the statute this is also made an offense against the United States. The history of Congressional investigations demonstrates the difficulties under which the two Houses have labored, respectively, in compelling unwilling witnesses to disclose facts deemed essential to taking definitive action, and we quite agree with Chief Justice Alvey, delivering the opinion of the court of appeals, 'that Congress possessed the constitutional power to enact a statute to enforce the attendance of witnesses and to compel them to make disclosure of evidence to enable the respective bodies to discharge their legitimate functions,' and that it was to effect this that the act of 1857 was passed. It was an act necessary and proper for carrying into execution the powers vested in Congress and in each House thereof. We grant that Congress could not divest itself, or either of its Houses, of the essential and inherent power to punish for contempt, in cases to which the power of either House properly extended; but because Congress, by the act of 1857, sought to aid each of the

That branch of the Government having the power to legislate is the branch which must also determine the wisdom of exercising a part of its inherent power as to contempts committed against it.

Perhaps, it will even decide that it is wise to repeal the entire 1857 act, and, once more assume complete control of punishments for contempt.

As Justice Field pointed out in the Chapman case,[3] the purpose of the act of 1857 was to invoke the aid of the courts so as to permit the Congress to discharge its constitutional functions. If and when the act of 1857 becomes a hindrance rather than an aid, it should be amended or repealed in its entirety.

The purpose of section 3 of the bill is to declare unmistakably the intent of Congress in enacting the Subversive Activities Act of 1950, the Communist Control Act of 1954, those chapters of the criminal code dealing with espionage and censorship,[4] certain crimes in the military and naval establishment,[5] sabotage,[6] and any other act of Congress prescribing a criminal penalty for any act of subversion or sedition against the United States or any State.

The section declares that except to the extent specifically provided by any statute hereafter enacted by the Congress, the statutes specified shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt or conspiracy to commit sedition against such State or the United States, or to overthrow the Government of such State or the United States.

In the Nelson case, supra,[7] the Supreme Court had in a 6 to 3 decision held that the Pennsylvania Sedition Act had been superseded by certain Congressional acts. Chief Justice Warren speaking for the Court said:

"We examine these acts (of Congress) only to determine the Congressional plan. Looking to all of them in the aggregate, the conclusion is inescapable that Congress has intended to occupy the field of sedition. Taken as a whole, they evince a Congressional plan which makes it reasonable to determine that no room has been left for the States to supplement it." [8]

The dissenting Justices in a dissent which has been detailed said that the "individual States were not told (by Congress) that they are powerless to punish local acts of sedition, nominally directed against the United States. Courts should not interfere." [9]

The next year came the Swazey case, supra.[10]

One of the Justices who had voted with the majority in the Nelson case, and stated that he thought "we had left open for legitimate State control any subversive activity leveled against the interest of the State."

And now comes the Congress, and by this proposed statute tells the people and the Court just exactly what they do mean. The section states that Congress has not intended to occupy the whole field of sedition, and that room has been left for the States to supplement the Congressional plan.

In the minority views, complaining of this proposed enactment, the authors say:

"The usual method of determining the enforceability of State legislation in relation to Federal enactments has been judicial determination on a case-by-case basis, so that evaluation may be made of the impact of Federal and State acts on one another in terms of practical operation and the national or local problems presented." [11]

That such is not the usual method may be demonstrated by just one case cited by the Chief Justice, *United States* v. *Lanza*.[12] There Chief Justice Taft pointed out that the 18th amendment, a part of the organic law, contained a provision that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

The usual method is not to leave it to the courts, but to prevent confusion by spelling it out in the statute.

The wisdom of the proposed Congressional action is demonstrated by what Chief Justice Taft speaking for a unanimous court said in the Lanza case: [13]

"We have here two sovereignties, deriving power from different sources, capable of dealing with the same subject matter within the same territory. Each may, without interference by the other, enact laws to secure prohibition, with the limitation that no legislation can give validity to acts prohibited by the amendment. Each government in determining what shall be an offense against its place and dignity is exercising its own sovereignty, not that of the other."

That was an ex-President of the United States, then a Chief Justice, speaking.

Since the report of S. 2646 to the Senate, the Supreme Court of the United States has decided certain labor cases [14] by a 6 to 2 vote. There the Court had to decide what in certain respects had been taken from the States and what left to them by the Taft-Hartley Act. The majority held that Congress had not prempted the field, and that certain State court actions were not prevented. The minority, speaking through the Chief Justice contended, citing among others *Pennsylvania* v. *Nelson*, supra, that under the preemption doctrine Congress had occupied the field.

Thus the question of preemption vel non was squarely drawn, and decided in favor of the States.

In the Nelson case, a majority of the Court opined that Congress had preempted the field.

In these recent labor cases, a majority of the Court opined that Congress had not preempted the field.

Now what does a great metropolitan newspaper, which has bitterly opposed S. 2646, say ought to be done about these recent cases?

They were decided May 27, 1958.

The very next day, an editorial appeared in that newspaper entitled "High Court Labor Cases." [15] It stated the facts of the cases, and the results. Then, says the editor:

"Clearly there is a hiatus here that needs to be closed—and it would be better, in the long run, to have it closed by legislation rather than by judicial decisions in specific cases in the 48 separate States."

If it is fitting for the Congress to close the hiatus in a field decided by the Court still to be reserved to the States, why is it not equally fitting for the Congress to specifically declare its intent in a field decided by the Court not to be reserved to the States?

Section 4 of the bill negates the intent ascribed by the Court in the Yates and Schneiderman cases, supra, to the Congress in the passage of the Smith act.

The majority of the Court ascribed to Congress the intent to construe the word "organize" as used in the Smith act as referring only to acts entering into the creation of a new organization.

In section 4 (c) of the bill, the majority of the committee says we mean the term "organize" to include encouraging recruitment or the recruiting of new or additional members, and the forming, regrouping, or expansion of new or existing units, clubs, classes, or sections of such society, group, or assembly of persons.

This definition gives current enforciability to the act. The limited meaning ascribed by the Court to the term "organize" barred the prosecution of many subversives.

The majority of the Court had also said in those cases that the Smith act did not prohibit the advocacy and teaching of forcible overthrow of the Government as an abstract principle, divorced from any effort to instigate action to that end.

The majority of the Senate Judiciary Committee does not agree with that interpretation placed on the act by a majority of the Court, so it amends it by causing it to read:

"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 such government."

And the amendment adds to the act: "Whoever, with intent to cause the overthrow or destruction of any such government, in any way or by any means advocates, advises, or teaches the duty, necessity, desirability or propriety of overthrowing or destroying any such government by force or violence" shall be guilty, etc.

The Supreme Court had said that the Congressional act did not prohibit mere advocacy and teaching of forcible overthrow of the Government.

Congress now says we intended it to, and, if it doesn't, we will amend it by making it even more plain than it was.

As the majority of the committee point out in the report,[16] as interpreted by the Supreme Court in the Yates and Schneiderman cases, the act is no longer effective for its intended purpose. But the intent of Congress as declared by the Supreme Court in the intent which must be presumed in all cases hereafter unless and until the Congress by amending the statute makes clear another and a different intent. If Congress is not in agreement with the interpretation of the Smith Act expounded by a majority of the Court, the remedy is for Congress to amend its own statute and so do a better job of expressing its original intent.

The minority report says that this section "contains an outright invitation to the Supreme Court to declare it unconstitutional."

The problem here is not whether the nine men comprising the Supreme Court, if and when the amendment reaches it, will declare it unconstitutional.

The problems here are twofold:

(a) Is it desirable legislation?

(b) Do the Senators and Representatives deem it constitutional?

Houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved; and the statute is not open to objection on that account."

[3] 166 U. S. at p. 672.

[4] Title 18, ch. 37.

[5] Title 18, ch. 67.

[6] Title 18, ch. 105.

[7] *Pennsylvania* v. *Nelson* (350 U. S. 497 (1956)).

[8] 350 U. S. 504.

[9] 350 U. S. 520.

[10] 354 U. S. 234 (1957).

[11] Report, pp. 19–20.

[12] 260 U. S. 377, 43 S. Ct. 141, 67 L. ed. 314.

[13] 260 U. S. at p. 382.

[14] *United Automobile Workers of America* v. *Russell* (26 L. W. 4347); *International Ass'n of Machinists* v. *Gonzales* (26 L. W. 4355).

[15] New York Times, May 28, 1958, p. 30.

[16] Report, p. 8.

It is desirable legislation, for it "amounts to a Congressional declaration that the knowing and willful advocacy or teaching of the duty, necessity, desirability, or propriety of overthrowing or destroying the Government * * * by force or violence, or by the assassination of any officer of * * * such Government, constitutes a clear and present danger whether or not a specific date is set for the uprising.[17]

Whether the nine persons who will compose the Supreme Court when and if a case involving the constitutionality of the new statute reaches the Court will declare it constitutional is not the question. No one could presume to guess what that future decision might be. The questions are: Is it a measure which will protect the American people from the internal borings of those who have come to our shores to waste the precious gifts of freedom? If it is, are the Members of Congress, exercising their independent legal judgment, satisfied that it violates no constitutional guaranties?

Personally, I think that measured by the yardstick of the Dennis case it is perfectly valid, and that we as Americans, as free American lawyers, should support it with all our heart and soul and might. Chief Justice Vinson in the Dennis case, said that the "words (clear and present danger) cannot mean that before the Government may act, it must wait until the putsch is about to be executed, the plans have been laid and the signal is awaited. If government is aware that a group aiming at its overthrow is attempting to indoctrinate its members and to commit them to a course whereby they will strike when the leaders feel the circumstances permit, action by the government is required."

Senator HENNINGS, expressing his views, called attention to the language just quoted.[18]

Almost immediately following it is this: "Certainly an attempt to overthrow the Government by force, even though doomed from the outset because of inadequate numbers or power of the revolutionists, is a sufficient evil for Congress to prevent."[19]

I am glad that the Congress seems inclined to quit fiddling over semantics, and to prevent the ever-growing menace of subversion within our borders.

CONCLUSION

Recently the Chief Justice of the United States spoke at the laying of the cornerstone of a law school building at the University of Chicago.

He is quoted as having said that the laws of the Nation "must develop and grow with the changing needs of our social, political, and economic life."[20]

No one could dispute that statement. But let us also be aware of the fundamental principle of American constitutional government that the legislative power is vested solely in the Congress of the United States. Congress alone can determine whether there exists a need for legislation. Congress alone can determine whether a development and growth is needed in the various fields of our life. Until Congress acts, regardless of what any other department may consider necessary, there can be no constitutional development and growth of our laws.

Eighty years ago a great Georgia Senator, Benjamin Harvey Hill, spoke in the Senate of the United States against the constitutionality of a bill to establish a sinking fund to secure the repayment of a loan made by the United States to the Union and Central Pacific Railroad Cos.

He said: "I do not dread these corporations as instruments of power to destroy this country, because there are a thousand agencies which can regulate, restrain, and control them; but there is a corporation we may all well dread. That corporation is the Federal Government. From the aggressions of this corporation there can be no safety, if it be allowed to go beyond the well-defined limits of its power. I dread nothing so much as the exercise of ungranted and doubtful powers by this Government. It is in my opinion the danger of dangers to the future of this country. Let us be sure we keep it always within its limits. If this great, ambitious, ever-growing corporation becomes oppressive, who shall check it? If it becomes wayward, who shall control it? If it becomes unjust, who shall trust it? As sentinels on the country's watchtower, Senators, I beseech you watch and guard with sleepless dread that corporation which can make all property and rights, all States and people, and all liberty and hope, its playthings in an hour, and its victims forever."[21]

I read those words for the first time 50 years ago—just a generation after they were spoken.

As time marched on, I learned that that great corporation known as the Federal Government, as all other corporations, could only act through its agents and departments.

I have seen that ever-growing corporation acting through its executive department becoming oppressive, and being checked by the Congress of the United States.

I have seen that ever-growing corporation, acting through its legislative department, becoming oppressive, and being checked by the Supreme Court of the United States.

Now, with all respect, I see that ever-growing corporation, acting through its judicial department, becoming oppressive. I ask in the words of Senator Hill: Who shall check it? Who shall control it?

The answer is: "The Congress of the United States."

Whenever any branch of the Government of the United States exceeds its constitutional authority, the layman does not at first know it. The ordinary layman can no more recognize it, and its dangers, than he can recognize a cancerous growth in his body until it is too late. As a trained physician recognizes a malignant growth in your body or mine, so a trained lawyer recognizes such growth in the body politic. And when he recognizes it, it becomes his solemn duty to lay aside every selfish interest and every fear of antagonizing anyone, and exert his knowledge and training for the benefit of his people—his country.

I visualize the practicing lawyers of America, those who are out on the filing line and know the practical problems which are to be solved if America is to survive—the practicing lawyers as soldiers in an army whose mission is to preserve and transmit to posterity the principles of justice, freedom, and the republican form of government contemplated by the Constitution of the United States.

RACE RELATIONS IN DAWSON, GA.

Mr. TALMADGE. Mr. President, the good name of the city of Dawson, Ga., and the humanity of its people, were libeled by the Washington Post and Times Herald in an article of Sunday, June 8, and an editorial of Monday, June 9, in which that paper printed unfounded charges and drew unsupported conclusions from those charges concerning race relations in that city.

The Washington Post and Times Herald has now been forcefully and effectively answered by the editor of the Dawson News, Hon. Carl Rountree—a past president of the Georgia Press Association—in an editorial entitled "Dawson Negroes Have Nothing To Fear Except Fear Itself," printed in the June 12 issue of the News; and by the editor of the neighboring Albany (Ga.) Herald, Hon. James H. Gray, in an editorial entitled "That Negro Case in Dawson," printed in the June 11 issue of the Herald.

These two editorials speak for themselves, Mr. President, and I ask unanimous consent that they be printed herewith in the body of the RECORD.

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

[From the Albany (Ga.) Herald of June 11, 1958]

THAT NEGRO CASE IN DAWSON

The Washington Post, a self-styled liberal newspaper which has never hidden its light under a bushel when it came to proposing cure-alls for racial difficulties, has been bothered for some time by the fact that the President's newly established Commission on Civil Rights has not had much to do—in truth, there has been a considerable problem in getting informed persons even to serve on this Commission. So the Post has been trying its level best to dig up some business for the racial bureaucrats. On the basis of NAACP rumors and little else to our knowledge, it dispatched a reporter to what the Post, in the best Harriet Beecher Stowe tradition, refers to as "the south Georgia black-belt town of Dawson in Terrell County." This reporter went to the meat of his subject like a well-trained dog to a bone. He unearthed what he described as several cases of police brutality against unoffending Negroes.

So strong was his language that the Post's editorial writers, waxing indignant in their ivory tower, made some rather harsh statements, to wit: "It required a strong stomach to read that story without physical revulsion. It would take a callous spirit for anyone to read it without a sense of bitter shame that it could have happened in America. * * * There is an urgent, festering problem in Terrell County for the Department of Justice which has already begun to investigate it, and for the President's Commission on Civil Rights. For the sake of America's good name in the contemporary world, for the sake of simple human decency, let them go in there and root out this evil. What has happened in Terrell County concerns the conscience of humanity."

But it so happens that the facts as outlined by the Post's reporter do not conform to the facts as obtained by other writers for other newspapers. True, a Negro was killed by a white policeman in Dawson. But the policeman, whom the Post apparently did not bother to interview, told other reporters that he shot in self-defense against a knife-wielding attack by the suspect he attempted to arrest. Now what would the Post's editorial writers do in such circumstances? Would they try to reason with a man swinging a naked blade in a vicious manner? Would they argue that it would do America no good in world affairs if he pressed his attack? Would they attempt to outline his civil rights and also timidly mention their own? Would they preach a sermon on the Judaeo-Christian moral? Or would they, like normal men, either fight back with whatever weapons were at their disposal, or take the alternative of running like the devil lest they be cut to ribbons?

We would be more touched by the Post's concern for what it calls the conscience of humanity if only the supposed facts that it pointed up had some relation to actual conditions in the community of Dawson. The

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[17] Report, p. 9.

[18] Report, p. 33.

[19] 341 U. S. at p. 509.

[20] New York Times, May 29, 1958; p. 29.

[21] Life, Speeches and Writings of Benjamin H. Hill, of Georgia, p. 529.

Post, in our opinion, is more than presumptuous when it entitles its editorial comments on the Dawson situation, "terror in Georgia." Dawson has its trials from time to time in maintaining law and order, even as do other communities North, South, East, and West, or even as does Washington, D. C., the Post's home town. But strangely enough racial troubles outside the South are not exaggerated all out of proportion, and heatedly condemned as practices of terror. More often than not they are tentatively laid at the door of adult delinquents or unreasoning children.

We submit that if there is terror in Dawson, Ga., there is also terror in Washington, D. C., or New York City, or Brooklyn. Unlike our Post brethren, however, we believe that individual communities can handle capably their own police problems without pontifical lectures from outsiders, whose knowledge of local affairs is hazy, to say the least. And, certainly, if individual communities are not so responsible then our whole Federal system is in jeopardy, and clucking tongues from afar can offer precious little remedy.

What is especially hurtful in this Dawson case, is that superficial reporting has led to distorted editorial comment. There has been far too much of this in the publicizing of racial difficulties—this business of making the so-called facts fit preconceived and biased notions of a section's behavior. We feel that the Post really should take time to visit Dawson without a chip on its shoulder and integration on its editorial mind. It would find many, friendly hard-working, religious, law-abiding people whose company it would enjoy. And it would find also a people who naturally resent an episode of a policeman's doing his duty being presented as a cause for shame because it happened to involve an altercation between persons of different races.

If the Post worries about the conscience of the people of Dawson, we have no doubt that the people of Dawson share a similar distaste about the Post's weightless and ill-considered moralizing.

JAMES H. GRAY,
Editor and Publisher.

[From the Dawson (Ga.) News of June 12, 1958]

DAWSON NEGROES HAVE NOTHING TO FEAR EXCEPT FEAR ITSELF

(By Carl Rountree, editor)

At the moment without a Little Rock, the Washington Post and Times Herald must have a whipping boy.

And so they have chosen Dawson, on the basis of rumor, as its new target.

The newspaper charged in emblazoned headlines in its Sunday's edition that "death and violence terrorize Negroes of Dawson."

That simply is just not true.

And it has thrown a cloud of unjustified suspicion over race relations here and has done more to enflame the lawless element of the Negro population to hatred and violence than anything that has yet occurred.

The Negroes of Dawson have nothing to fear.

This is still America and we invite Americans to visit Dawson any time and ascertain the true facts for themselves. We have nothing to hide or to be ashamed of.

Negroes of Dawson are free to come and go as they please, any time of the day or night. They live, work with, and for their white neighbors, in an atmosphere of peace and harmony. They enjoy the full protection of the law but, like citizens of other communities—in Washington and throughout the Nation—they are held responsible for their wrongdoings. And our officers, like all others, are entitled to and justified in self-protection in the line of duty.

Most of the Negroes who live here are law-abiding citizens. Many of them own their own homes, farms, and businesses which they operate successfully. They enjoy the respect of the majority of both races.

They have good schools and qualified instructors. Their physical plants are new and modern in every respect. As a matter of fact, they are much better on the whole than those provided for white children.

A modern housing unit serves a segment of the population and the city has moved, as fast as its finances will permit, to improve living conditions in all areas and sections.

Library facilities are available to them through a regularly scheduled bookmobile and daily library service is provided through a unit established in the northside homes.

A swimming pool has been made available for them and white property owners provide a large recreational area for baseball, softball, and other sports in which they wish to engage.

They receive the same city services as white residents and have been accorded every opportunity to share in all city improvements.

Yet, only a relatively few Negroes here make any significant contribution to the city's welfare and progress. Only 529 of the 2,475 who are recorded in the last census as residents are on the tax digest. They pay only 10.38 percent of the taxes.

There are some few Negroes qualified to vote in city elections but as in county elections few, if any, exercise that right.

These are cold, hard facts and irrefutable.

So far as this newspaper can determine, no privileges or rights of the Negroes have ever been denied. Certainly, there have been no public complaints.

The Post article to the contrary, Dawson Negroes enjoy the right of free assembly. They can meet anyone, anywhere at any time without fear of intimidation, arrest, retaliation or violence.

The charge that it was necessary for the Post reporter to interview witnesses of police brutality in Dawson, outside of the city and county, in shade-drawn rooms under the cover of night, can be regarded only as another of the extreme means the northern press employs in their brazen efforts to break down segregation in the South.

This view is supported by the fact that the Post reporter apparently did not seek in any manner to ascertain true local race relations. His interest solely was in uncovering a mythical fear among Negroes does not exist. So far as we can determine and so far as his article shows, he interviewed only three white persons in the city and county. They were the mayor, chief of police, and the sheriff. Those interviews were in connection with the deaths of two Negroes and the wounding of a third at the hands of a Dawson policeman, who was acting in self-defense and in the line of duty.

Certainly, those incidents are unfortunate and are to be deplored but they have been exploited far out of proportion. They would have received scant if any attention and publicity had they occurred outside of the South. The cases were entirely unrelated and each resulted purely from an officer employed to preserve law and order who was acting in the line of duty.

Out of another molehill, the Post made a mountain. That concerned the right of Negroes to vote. We concede that few Negroes are on the voting list. Yet only a handful of those qualified exercise the right. The fact that there are so few Negroes registered does not mean they are being discriminated against or any undue barriers prevail. The Georgia Legislature has set up voter qualifications and prescribed certain questions registrars must ask. Applicants must answer them satisfactorily. And it must be noted that the law applies to white and Negroes alike.

The reported dismissal of a Negro schoolteacher because he was getting too big in connection with registration activities is another of the Post's errors. It simply is just not true.

We have the word of the county school superintendent on that. He says every Negro teacher completed the school term. Thus far, he added, not a single teacher has been fired, although notice has been given one teacher that he will not be recommended for reemployment. The superintendent said his recommendation was based on personal observation in the classroom of incompetency.

From their ivory towers in Washington, the Post editors of strong stomachs weep copious crocodile tears as they look upon the unrest in our city and call for Federal investigations.

To them we say Dawson welcomes full and complete probes of any and all reports of brutality but we want them to be fair and unbiased, and predicated upon something more than rumor and interviews outside of the city and county in shade-drawn rooms under the cover of night.

We have nothing to hide.

The conscience of the city of Dawson is clear.

Because our circulation is limited and does not reach the people who read the Post story and editorial, we are sending a copy of this issue of the News to the Post editors with the request that, in fairness, they publish our editorial. But we imagine it will be a little too white for them.

PRESIDENT GARCIA SEEKS TO ENCOURAGE FOREIGN INVESTMENTS IN THE PHILIPPINES

Mr. POTTER. Mr. President, the President of the Philippines, the Honorable Carlos P. Garcia, will arrive in the United States on a State visit today, where he will be greeted by our President and will engage in discussions with our Secretary of State and others of our distinguished representatives. President Garcia's administration is most friendly to the United States and seeks to encourage foreign investments in the Philippines.

Mr. Gerald Wilkinson, president of Theo. H. Davies & Co., Far East, Ltd., the author of an article entitled "Philippine Islands Found Hospitable to Business," which appeared in the Journal of Commerce of June 10, is a distinguished soldier, author, economist, and businessman. Mr. Wilkinson, as a representative of both domestic and foreign capital, has been engaged in various businesses in the Philippines for the past 30 years and during the last war had a distinguished war service as liaison officer between the British and American Armies, having departed from the Philippines with General MacArthur.

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:

PHILIPPINE ISLANDS FOUND HOSPITABLE TO BUSINESS

(By Gerald Wilkinson)

MANILA.—Why do American and other nationals invest in the Philippines, and why should the Philippines need capital investment from abroad in addition to her domestic capital and savings? Because we live in a world whose population is increasing, whose personal consumption rate is mounting, and whose distances are shrinking so fast that internationalism is increasingly, even if sometimes reluctantly, becoming recognized as the pattern to which civilization is moving.

In the great sweep of east and southeast Asia, from Japan through the Philippines, Indochina, the Malay Achipelago, to India and Pakistan, live one-third of the world's population (excluding the population of Communist China). The rate of increase of population in this area is faster than the world's average, and the human needs and desires of these populations are rising, as indeed they should rise from the meager standards of the past.

STANDARDS RISING

Growth of literacy, speed of modern communication, competition between the principles and propaganda of the free world on the one hand, and communism on the other, are all bringing to the peoples of southeast Asia the knowledge that within their lifetime they may at last achieve better foods, better housing, cleaner drinking water, more roads and medicines, greater moral and personal dignity; in general, a progressively better future for themselves, their children, and their children's children.

Asia, patient for so long, is now astir, and if her peoples do not within a reasonable time obtain moral and material progress from one political philosophy, they will listen to another. Amid these nations, the Free World has no keener champion and no people more cheerfully dedicated to the pursuit of happiness, liberty, and a better life, than the people of the Philippines.

All of these factors, with their direct impact upon the expansion of consumption and thus production, shows that the time for major expansion of investment, both domestic and foreign, is at hand in southeast Asia in general, and in the Philippines in particular.

It is nearly a quarter of a century since I first came to Manila. Since then the population of the islands has increased from about 13 million to over 22 million people in spite of great loss of life during the last war. But in spite of the dislocation caused by enemy invasion, occupation, and liberation, the Philippines has peacefully accomplished a democratic transition from total dependence to the sovereign status of an independent republic.

Before the war, the largest American investments in the Philippines were in public utilities, sugar, merchandising, and mining. Since the war, the Philippines has been industrializing more energetically than any other country in Asia except Japan. Over 800 new factories have been built, for the production of building materials, textiles, chemicals, foodstuffs, oil refining, tires, paper, and many other products formerly imported wholly from abroad.

Some of these new factories are packaging and assembly plants, and have been criticized by the economically minded because they require a high percentage of imported raw materials. While it is advisable for a country with limited foreign exchange to give priority to factories that will use a high percentage of local raw materials, it is also well to remember that nothing stimulates the development of local raw materials faster than a local industry needing to reduce its dependence upon imported supplies. It is therefore probable that the very industries now using a high percentage of imported raw materials will prove to be the greatest stimulants of new raw material development within the Philippines.

This has been the history of industrial development in the United States and Canada, and the Philippines, with its varied natural resources, is well placed to follow the same pattern. In the meantime, the cost in foreign exchange of importing the machinery required for these new industries, when added to the grievious cost of rebuilding the cities, factories, and homes destroyed by the war, has eaten heavily into Philippine reserves of foreign exchange, at a time when the need for additional foreign exchange to buy more tools and more materials for rising consumption is vital.

Therefore, as the governor of the Central Bank of the Philippines recently remarked, the present foreign-exchange difficulty in the Philippines is no crisis of stagnation but is a crisis of development. This gap in foreign-exchange requirements is a gap which overseas investors can fill, and long-term market growth and profits are there for those who will take their risks and work to earn them by investing capital in the Philippines, preferably in conjunction with domestic capital.

Does the Philippines really want to encourage the entry of such capital from abroad? That is for the Philippine Government to answer, and the President of the Philippines and the Speaker of the Lower House have recently and publicly welcomed foreign investments. A number of Senators and Congressmen endowed with a broad understanding of their country's needs, have taken the same view. In the Philippines, as elsewhere, practice is not of course always identical with policy, when it comes to the implementing of controls by officials who may be influenced by fear that excessive entry of foreign capital could reduce the opportunities for Filipinos to take the fullest possible part in the development of their own economy.

Others believe such fears to be unfounded on the grounds that a substantial increase in foreign investment in the Philippines will create a greater expansion of the economy and more opportunities for domestic capital than could result from discouraging foreign capital.

In any case, there are a number of foreign companies established in the Philippines today who understand the natural fears of nationalism, and in our own experience there have been few cases where the exercise of patience, sympathy, and consideration between domestic and foreign investors has not resulted in progress and profits on a very satisfactory scale for domestic and foreign stockholders alike.

For an individual investor living outside the Philippines, the problems of exchange control and other regulations are sufficiently complex as to be discouraging. But American and European corporations, organized to ally themselves with domestic and foreign corporations already established in the Philippines, will find the problems much less formidable.

RISKS AT HOME

The American or European executive contemplating investment in the Philippines will no doubt examine not only the profits and risks to be faced in the Philippines, but the comparative risks of further investment at home. In any such analysis, the growing power of American labor union leaders and the extent to which their mounting spiral of costs is pricing American products out of many an international market, is already noteworthy. Perhaps this is a reason for the increasing number of modern American industrial corporations investing in foreign plants.

When making such analyses, I recommend the industrial executives of America and Europe today not to underestimate the market growth, the future profits, and long-term good will that may be theirs in partnership with the people of the Republic of the Philippines.

SENATE SALAD LUNCHEON, WEDNESDAY, JUNE 18, 1958

Mr. POTTER. Mr. President, the dressing makes the salad, and everyone knows that a salad dressing must have its vinegar. But how many know that Michigan apples are the greatest source of vinegar in the United States? It is because of this that Michigan is being represented tomorrow through its vinegar in Senate salad.

The special dressing which has been created for this new salad will contain 2 quarts of Michigan vinegar blended with 30 envelopes of a garlic-type salad dressing mix and 5½ quarts of salad oil. The dressing will be poured over Senate salad from a specially made cruet which is 18 inches tall and has a capacity of 8 quarts.

The charming and gracious Treasurer of the United States, Mrs. Ivy Baker Priest, will be on hand at the luncheon tomorrow in the Senate District of Columbia Committee room to assist in the preparation and serving of Senate salad. I should like to join with my host colleagues in inviting all of you to taste Senate salad and to give Mrs. Priest a hand in this man-sized job of pouring the dressing.

Mr. HOLLAND. Mr. President, the State of Florida, which produces a majority of all citrus fruits produced throughout the Nation, is happy to be represented in "Senate salad of 1958."

Some 31 million boxes of juicy grapefruit—more than three-fourths of the total national output—were shipped to all parts of the country this spring.

And, through the modern miracle of food freezing, the Florida food processing industry is able to make available to everyone throughout the year the enjoyment of this delicious winter and spring product.

This I would like Senators to see for themselves, by joining my host colleagues and myself at the Senate salad luncheon tomorrow, between 1 and 3 p. m., in the Senate District of Columbia Committee room.

The second annual version of this already famous dish will contain a plentiful proportion of frozen Florida grapefruit sections which, I am confident, will greatly enhance the delectable flavor of this all-American salad.

Mr. SPARKMAN. Mr. President, on behalf of myself and five distinguished colleagues, I wish to extend an invitation to all to join us tomorrow afternoon in sampling a dish that someday may well become a national institution—the second annual Senate salad.

First introduced last year, under the auspices of the distinguished senior Senator from Maine and the junior Senator from Arizona, the salad stirred such favorable comment that a new version—Senate salad of 1958—has been created.

It is indeed a pleasure for me to participate in this festive occasion, and to supply an ingredient known the world over as the added touch which makes a good salad perfect—watercress.

For those who know my hometown, Huntsville, only for its fame as a missile center, let me point out that long before the first missile was launched even in a scientist's brain, Huntsville was known as the "watercress capital of the world."

More than 2 million bunches are produced here each year and shipped throughout the country to add that special touch to everyone's dining pleasure. My host colleagues and I would like to have all join us tomorrow in the District

Committee room, just off the Senate floor, for a plate of salad. Luncheon will be served from 1 to 3 p. m.

APPOINTMENT OF JAMES R. BROWNING AS CLERK OF THE SUPREME COURT

Mr. MANSFIELD. Mr. President, I take great personal pleasure in announcing to the Senate the appointment of James R. Browning, a native of Belt, Mont., to be Clerk of the Supreme Court of the United States.

Jim Browning has had a distinguished legal career in the District of Columbia. He made tremendous contributions in law and public service during the time he was associated with the Department of Justice and more recently during his association with the law firm of Perlman, Lyons, & Browning.

I have known Jim for many years. He is a young man of outstanding capabilities. It is indeed gratifying to have Montana honored with this appointment. I extend my very best personal wishes and congratulations to Jim and his wife, Marie Rose.

Jim Browning is one of the outstanding honor graduates of the Montana State University, and we in Montana are extremely proud of this great honor which has been bestowed upon him and which we think is so justly deserved.

Mr. President, I ask unanimous consent that an article from the Washington Post and Times Herald of June 17 be printed at this point in the CONGRESSIONAL RECORD.

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

DISTRICT OF COLUMBIA LAWYER APPOINTED CLERK OF HIGH COURT

James R. Browning, 39-year-old Washington attorney and former Justice Department official, yesterday was appointed Clerk of the Supreme Court.

He will replace John T. Fey who is leaving at the end of this month to become president of the University of Vermont. Browning will take over the office August 15. The job pays $20,000 a year and is one of the few remaining positions which require a swallowtail coat. The clerk wears formal morning attire when the Court is sitting.

A native of Montana, Browning joined the Justice Department's Antitrust Division after law school in 1941. Following Army service in the Pacific during World War II, he worked his way up to Assistant Chief of the Division's General Litigation Section, served as first assistant in Justice's Civil Division, and then as executive assistant to Attorney General James P. McGranery.

When the administration changed, Browning, a Democrat, stayed on a few months supervising United States attorneys and then left to join the law firm of Perlman, Lyons, & Browning. He has specialized in the field of Federal law, particularly antitrust and trade regulation matters.

Browning and his wife live at 454 New Jersey Avenue SE. This past year he has been a lecturer at Georgetown University Law Center.

Browning's appointment was announced from the Bench by Chief Justice Earl Warren at the conclusion of the regular Monday reading of opinions. Said Warren:

"For many years Mr. Browning held important positions in the Department of Justice where his work brought him in close contact with the Court. His ability, plus his fidelity to public responsibility thoroughly commend his appointment to the important task of serving as Clerk of the Supreme Court."

THE BID FOR SAFER SKYWAYS

Mr. HOBLITZELL. Mr. President, I ask unanimous consent to have printed in the RECORD an article under the heading "CAB Presses Bid for Safer Skyways," written by Josephine Ripley, and published in the Christian Science Monitor of May 29, 1958.

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

CAB PRESSES BID FOR SAFER SKYWAYS

(By Josephine Ripley)

WASHINGTON.—Setting aside of three transcontinental superskyways is the first step in a broad program of greater air safety, long in the making and now being speeded up as a result of recent air collisions.

The Civil Aeronautics Board has been more and more concerned over the hazards of increasing plane traffic streaking through the air at increasingly high speeds.

Only 3 days before the collision between a military jet plane and a commercial airliner over Maryland, the CAB issued a special report urging the designation of these skyways.

The new freeways of the air—40 miles wide and covering altitudes between 17,000 and 22,000 feet—vary but slightly, and in altitudes only, from that set forth in the report.

STARTS URGED

The CAB hopes eventually to establish a system of positive control, covering all aircraft at all times. A start must be made immediately on this system, in the view of CAB authorities.

This system was first advocated 10 years ago, and a detailed engineering blueprint for an air-control system was developed. Yet it is estimated that it will be at least 5 years before it can be put into operation.

Now, with the rapid coming of the jet age and jet liners scheduled for service before the end of the year, the CAB and the Civil Aeronautics Administration are being forced to step up the control system timetable.

Military jet aircraft which formerly flew practically at will through commercial airlines have now been restricted, as a first step in the regulation of military and civil flights.

CONTROL LIMITED

While the CAB's civil air regulations apply to all aircraft, actual control of traffic is greatly limited because most flying today is under visual flight rules (VFR).

Under instrument flight rules (IFR) it is possible to maintain positive separation between such flights at all times. But under VFR, it is up to the pilots themselves to avoid collisions. Limited visibility, plus high speeds, has made this responsibility more and more difficult.

One move to meet this problem was made last October when the CAB established a continental control area in airspace above 24,000 feet. "The next step will be to lower the floor of this continental control area as soon as the capability of the air-traffic-control system permits," according to CAB authorities. This may take place within a year.

GRADUAL APPROACH

But the whole system of control over the airways is just as difficult and time consuming to develop as was the regulation of ground traffic—a far cry today from what it was even 10 years ago.

It means, in a sense, the installation of traffic lights, increasing the traffic force, building highways, byways, speedways, and expressways.

Just as it would have been impossible some 10 or 20 years ago to handle today's motor traffic with the limited means and equipment then available, so it is impossible today to clamp sudden and radical controls on air traffic.

To do so, it would be necessary to ground 85 percent of the present air traffic, according to the CAB. In other words, there are not enough navigational guides and manpower today to establish positive control over more than 15 percent of the traffic in the air.

TRIBUTE TO PILOT SKILL

The fact that there is such a high degree of safety in the air today is tribute to the skill of pilots and the expert guidance from ground forces, in control towers and elsewhere.

More than 200,000 persons a day fly safely through the airspace over the United States. This includes those in commercial, military, and private planes. While collisions generate black headlines and spell sudden tragedy for those involved, they constitute the exception.

At the same time the CAA and the CAB are dedicated to elimination of air hazards and the development of an air safety system that will meet modern traffic conditions.

The CAB in its recent report, expressed concern over the problem of diminishing airspace. It conducted a poll of pilots to find out from them what that problem has meant in terms of near collisions.

SPECIAL REPORT AIRED

This survey represented the first of its kind, and one which the CAB apparently considered so significant, not to say alarming, that it featured the statistics in a special report spelling out the number of near misses, the pilot's explanation, location, weather, speed, altitude, etc.

Most of the actual collisions which have occurred have been in daylight and clear weather—a fact which supports CAB convictions that, no matter what the weather, instrument rather than visual flight is safer. Eventually, it is hoped that all flying may be by instrument.

CONSTITUTIONAL PROVISIONS FOR RECALL OF UNITED STATES SENATORS

Mr. NEUBERGER. Mr. President, on June 14 there was some debate as to whether or not Members of the United States Senate are subject to the provisions for recall by their constituents to which some Senators would, by law, subject the officers of labor organizations. This debate took place when, in connection with the amendment offered by the able Senator from California [Mr. KNOWLAND] to the pending bill, I made the point that it seemed inconsistent to demand a higher degree of democracy and responsiveness to the electorate by leaders of labor organizations than applies to Members of the United States Senate. At least one Senator, who supported the compulsory recall amendment proposed by the Senator from California, stated that he, himself, had regarded himself as being subject to recall by the voters of his State.

I made the point at that time that any provision for recall of United States Senators and United States Representatives which might possibly be found in the laws of some of the States would necessarily be null and void, because it would conflict with the provisions of the United States Constitution. That is the reason why, on April 24, when this subject first

was brought up in connection with the pending bill, I introduced Senate Joint Resolution 165, which would specifically authorize each State to make such provision for the recall of Members of both Houses of Congress if the people of the State desired to do so.

Since some question was raised in the debate on June 14 about the state of the law in this subject, I have now obtained an official opinion from the Legislative Reference Service of the Library of Congress which, I believe, settles the issue. This legal opinion briefly and unequivocally states the following:

By the terms of the United States Constitution * * * a seat occupied by a United States Senator or Member of the House of Representatives can become vacant only by resignation, death, or expiration of the term of office of an incumbent thereof, or by direct action, such as expulsion, directed at the incumbent by the Senate or House itself in the exercise of its allotted powers. * * * As a consequence States lack the constitutional competence to extend the application of their recall election procedures to the offices of United States Senator and Members of the House; for to permit such attempted extension would be tantamount to allowing a State to effect an unauthorized amendment of the Constitution by enlarging the grounds set forth therein, and heretofore enumerated, whereby a seat in the Senate or House becomes vacant. For these reasons a United States Senator or Member of the House is deemed not to be subject to the law of any State providing for the recall of public officers.

Mr. President, in the debate on June 14, the statement was also made—although not supported by any reasoning—that there is no analogy between the recall of union officials and the recall of public officials. To the contrary, I believe that the principle involved is quite pertinent; and I do not see how Senators who are so concerned to impose compulsory recall provisions upon labor unions can maintain their position, if they fail to support the permissive authority in my resolution for recall provisions with respect to United States Senators.

As a matter of fact, I understand that a great many union constitutions do provide procedures for the recall of elected officials by the membership. I think this is a good principle, and I am glad that these labor organizations have adopted it. The question is not whether such recall provisions are good or bad, but whether they should be imposed by force of Federal law. To me, at least—coming from the State which first adopted recall provisions for its public officials—it seems incongruous to insist on legal compulsion to impose recall provisions on labor unions on the one hand, and not to support even permissive authority for States to have recall provisions with respect to elected Members of the United States Senate and House of Representatives on the other hand. Is this at all consistent?

For that reason, I again call upon those Senators who supported the Knowland amendment for compulsory recall provisions in union constitutions to support my Senate Joint Resolution 165, which would authorize permissive recall provisions for United States Senators and Representatives in State constitutions.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD the text of Senate Joint Resolution 165, followed by the opinion of the Legislative Reference Service of the Library of Congress.

There being no objection, the joint resolution (S. J. Res. 165) and opinion were ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The legislature of any State may prescribe rules for the recall of Senators and Representatives in Congress from that State.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

THE LIBRARY OF CONGRESS,
Washington, D. C., June 16, 1958.

To: Hon. RICHARD L. NEUBERGER.
(Attention: Mr. Linde.)

From: American Law Division.

Subject: Can States subject Members of the House and Senate to recall elections?

By the terms of the United States Constitution, which is the supreme law of the land (art. VI), a seat occupied by a United States Senator or Member of the House of Representatives can become vacant only by resignation, death, or expiration of the term of office of an incumbent thereof, or by direct action, such as expulsion, directed at the incumbent by the Senate or House itself in the exercise of its allotted powers (art. I, sec. 2, clause 2, sec. 3, clause 2, sec. 5, clause 2); *Burton* v. *U. S.* ((1906) 202 U. S. 344, 369)). As a consequence States lack the constitutional competence to extend the application of their recall election procedures to the offices of United States Senator and Members of the House; for to permit such attempted extension would be tantamount to allowing a State to effect an unauthorized amendment of the Constitution by enlarging the grounds set forth therein, and heretofore enumerated, whereby a seat in the Senate or House becomes vacant. For these reasons a United States Senator or Member of the House is deemed not to be subject to the law of any State providing for the recall of public officers.

NORMAN J. SMALL,
Legislative Attorney, American Law Division.

A MINNESOTA FAMILY STORY

Mr. THYE. Mr. President, in the Oliver Towne column of the St. Paul Dispatch of Thursday, June 12, there was printed a Minnesota family story which was very inspiring. The columnist would term his story the Minnesota Centennial story of the century, and I think that that would be very fitting, because it relates the story of a sturdy pioneer couple who raised their family to contribute much to Minnesota and the Nation. This story of Charles and Mathilda Peterson, amazing as it is, certainly must be looked upon as an example of what our sturdy pioneer forebears did to make the United States the great Nation that it is.

I ask unanimous consent, Mr. President, that the article to which I have made reference be printed in the body of the RECORD. The article tells the life story of a pioneering family which is most outstanding. I have read it, and I know what the mother went through in raising her large family.

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

MINNESOTA STORY

(By Oliver Towne)

In a centennial year, when writers scour events and historic miles traveled, it is difficult to find the representative story of a century. Then I heard about Charles and Mathilda Peterson.

Fifteen miles from Mora, Minn., in a little valley, is a tall stand of pine, which is all that remains of the homestead.

The grass grows where the two log cabins stood, and the big frame house. And the massive pines grow. In a sense, those trees are like the Petersons.

Mathilda, who in 1890 bought a ticket to America; Charles, who met her and won her in Augustana Lutheran Church in Minneapolis.

Charles followed his pretty Swedish bride, who took him north in a creaky wagon in search of a dream she had.

In the dream were fields of waving grain, children, and the opportunity that America promised.

So the old wagon halted on May 30, 1895, and because it was Memorial Day, Mathilda called her little valley Decoration Valley.

Charles raised 2 log cabins and planted the little pines; Mathilda already was rearing 2 sons. Every 2 years for 26 years, a baby was born at the Petersons. In fact, when the 13th—a girl—arrived, the older boys were so embarrassed they wouldn't look at her for 3 months. When they were finally assured there would be no more after 14, the boys celebrated by going fishing.

Mathilda lost three children. One son died in her arms from diphtheria and she rocked his lifeless body all night. Then she rode to the cemetery, on a wagon, listening with despair to the little wooden box jostling in back.

Later, in the little log cabin, she could hardly find time to think about it. There were potatoes to be peeled and boiled by noon. And clothes to mend. Because Mathilda's children went to school looking neat if not fashionable.

She never realized the part of the dream about the fields of golden grain. Truth is that Charles was not a very good farmer and the land was not very good to him.

Sometimes he went into the logging camps and she went out to earn a spare dollar. He cobbled the children's shoes and she followed them down the lane on cold mornings, carrying an extra shawl to one she thought needed it most.

Then, on pennies saved and scraped together, Charles managed to build a big frame house for his family and they lived in the only comparative splendor they ever knew. Mathilda satisfied a gnawing material desire. She got a piano.

One night fire swept the beautiful house. No one was killed, but the Peterson children went to school barefoot for awhile. And lived in tents and finally a summer house.

There never again was a big house.

And Mathilda Peterson's great dream seemed to be fading from her life.

"Go to college, be somebody, don't fail in America," she told her children. "Look at us." One by one they left, later to recall, as one daughter did, those years of adversity—a little wistfully, when one time she remembered: "The first day it was warm

enough to go to the creek to wash off winter."

Charles and Mathilda have long since, like their first log cabins, crumbled into the dust.

And their children?

Arthur has 3 degrees, 2 from the University of Minnesota and a doctor of philosophy from Harvard. He is an adviser on food and agriculture for the United States Public Health Service in Washington.

Mrs. Allen Langguth has been a clinical social worker for 20 years at Minneapolis General Hospital. Her degree is from Minnesota.

Mrs. Ruth Stein, a psychologist, taught at the University of Chicago and worked with the famed Professor Thurston.

Leonard got his medical degree at the University of Minnesota, rose to the rank of colonel in the Army, was chief of orthopedic surgery at Walter Reed Hospital and now is on the staff of George Washington University.

Mrs. Florence Kendall got her degree from Minnesota, was graduated from the United States Army Medical School as a physiotherapist and was assistant director of physiotherapy at Children's Hospital in Baltimore. She has written two books in collaboration with her husband—also a famous physiotherapist.

Mrs. Mildred Zimmermann specialized in home economics and was a dietitian at West Virginia University and Yale. Her husband and children leave soon for the University of Bologna in Italy, where he will be on the staff.

Mrs. Margaret Doren, of St. Paul, with a master's degree in psychology, is elementary supervisor of Burnsville School near Savage and has authored a text on reading skills.

William is general agent with Pioneer Mutual Insurance Company in St. Paul and is State president of the Health and Underwriters' Association. His son, Bill, was Central High School's "boy with the golden toe" a few years ago.

Carl and Emil followed their father as farmers and learned how to make the land work for them.

These are the 10 still living. The 11th, George, died in 1940. He earned 3 degrees, was an agricultural economist and one of the University of California's most respected professors in the field of agriculture.

I listened to this recital, and I couldn't help seeing that old log cabin with its hayloft bedroom and the couple standing there—Charles with his beard, battered hat and old work clothes, face lined by striving for something he thought he never reached, and Mathilda, in faded cotton dress, face crinkled by the years of worry.

She and Charles and the rest like them—these have written the real Minnesota story.

MINNESOTA'S TWIN CITIES

Mr. THYE. Mr. President, there recently was published in the magazine Senior Citizen an article by Lora Kelly, entitled "Minnesota's Twin Cities—Travel Target of the Month."

I am sure many individuals and families will be visiting our fine State of Minnesota during its statehood centennial year. Since the article is a salute to my State of Minnesota on its hundredth birthday, I ask unanimous consent, Mr. President, that the article from the Senior Citizen be printed in the RECORD at this point as a part of my remarks.

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

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

MINNESOTA'S TWIN CITIES—TRAVEL TARGET OF THE MONTH

(By Lora Kelly)

Today's vacationer to America's Midwest northland may well echo the sentiment of the swain who insisted he "could be happy with either were t'other dear charmer away." For Minnesota's Twin Cities of St. Paul and Minneapolis are both "charmers" and fortunately a visitor is not forced to make a choice. Located side by side with only a river between them they offer both pleasant similarities and interesting contrasts—a travel bargain if there ever was one. Being twins they have a common heritage but, like many twins, they have developed along their own individual lines.

St. Paul, the capital, is now the center of the State's centennial celebration. A community which has expanded in little more than a century from an Indian campsite the city is now one of the great transportation hubs of the continent with a population of approximately half a million. Although a growing center of diversified industry, it has always placed a marked emphasis on cultural progress, with its 8 colleges, its public libraries, 300 churches, and, of course, excellent public schools.

Summer fugitives from the sweltering south will enjoy the stimulating atmosphere in the public parks, 92 in all, most of which provide facilities for outdoor sports, such as pool swimming, boating, fishing, tennis, baseball, and archery. Animal lovers may spend absorbing hours at the Como Park Zoo, a wooded tract of 18 acres with streams, ponds, and waterfalls.

The Kiddies Farmland Nursery where bottle babies and the gentler type of farm animals bring squeals of delight from youngsters and perhaps some nostalgic twinges from the grownups, too.

Equally diverting are some of the indoor events offered in July and August, among which are the musical revues of a popular nature staged in the main arena of the huge auditorium located in the central business district.

On the other hand if you are planning a winter vacation you will be amply rewarded if you arrive in time for the annual Winter Carnival. This Mardi Gras of the North is one of America's greatest winter sports spectacles, with gala parades of marchers in colorful costumes, and floats of ingenious artistry. Reigned over by Boreas, ruler of the North Wind, with his Queen of the Snows, the 10-day calendar of events each February has become a legend in the northwest. Ski jumping, skating, ice fishing contests in which more than 2,000 sportsmen compete are scheduled until Vulcan routs the forces of winter on the final evening.

All this tingling gaiety dates back to 1886, after an eastern newspaper correspondent wrote that Saint Paul was another Siberia, unfit for human habitation. This naturally roused the ire of Saint Paul's civic-minded citizens who then planned the winter festival as a defiant answer to the journalistic sneer. A dazzling Ice Palace was built in old Central Park, with six toboggan slides, together with facilities for ice skaters, curling matches, blanket tossing and even baseball on snowshoes. Since then, new attractions have been added from year to year—bands, majorettes, square dances, and dogsled races.

What to see downtown? One sight you can hardly miss is that giant statue, "Indian God of Peace," the central figure in the concourse of the city hall and Ramsey County courthouse. Carved of Mexican onyx by a noted Swedish sculptor, Carl Milles, it is a beautiful peace memorial standing 36 feet high and weighing 55 tons. A board consisting of famous artists and architects coordinated the designs of the Federal, State, and county buildings into a harmonious group unusual in public structures.

Southeast of the city is Fort Snelling, built in 1819, on a site bought from the Indians in 1805 for the United States Government by Zebulon Pike. He drove a shrewd bargain, acquiring the land in exchange for 60 gallons of whisky and an assortment of trinkets. The Congress, however, deemed he had taken an unfair advantage of the red men, and accordingly added $2,000 to the purchase price.

The old stone fort near the steamboat landing was a social as well as military center for the squatters on the reservation land, which was thrown open to settlement in 1840. It was then known as Pig's Eye, the nickname of Pierre Parrant, a squint-eyed French Canadian who had built a log tavern there. It was Father Lucien Galthier who the following year prevailed upon the little community to adopt the more dignified name of Saint Paul to whom his chapel was dedicated. The magnificent Cathedral of Saint Paul is its present-day successor. The newly christened Saint Paul had a population of only 840 in 1849 when it was incorporated as a town and designated by the first meeting of the legislature as the capital of the territory.

Equally phenomenal in growth within a relatively short period is the other Twin City, Minneapolis. Several generations of housewives throughout all the Nation have filled their flour bins with the products of the great mills which have flourished there since the seventies. Sometimes called the bread basket of the world, Minnesota might also be termed the biggest butter tub because of its top rank in production. Conducted tours will take you through some of the mills.

But this bread and butter status has not been achieved at the expense of the city's cultural life. Famous indeed is the Minneapolis Symphony Orchestra, founded in 1903, recognized both in this country and abroad as one of top five in the world. Its home is in the beautiful Northrup Memorial Auditorium on the campus of the University of Minnesota now starting on its second century of academic progress. From a modest 2 candidates for degrees its graduation classes have grown to more than 100,000 throughout its existence. The main campus with its 72 major buildings sprawls on the east bank of the Mississippi, a fine scenic setting for this renowned institution of higher learning.

If you like to look at pictures, the Institute of Art will show you a notable collection of paintings, prints, tapestries, and even some bronzes by Paul Manship, a native of St. Paul. You don't need to have Scandinavian ancestry to appreciate the magnificent display of Swedish glass, sculpture, and other arts in the American Swedish Institute's charming old mansion on Oakland Avenue.

A conspicuous feature of the Loop skyline is the Forshay Tower. Built along the general structural lines of the Washington Monument in the Nation's Capital, it is almost as high—447 feet tall with 32 stories and an observation balcony affording excellent views of the Twin City area. The slanting sides honeycombed with windows denote its functional use as a unique office building.

Like its sister city across the river, Minneapolis has an outstanding symbolical statue, a massive representation of the Father of Waters in Carrara marble, standing in the Fourth Street rotunda of the city hall and Hennepin County courthouse.

With an extensive park system generously interspersed with many lakes, a scenic tour is a must on a motorist's schedule. A pleasant afternoon drive will take you to Minnehaha Falls, through the wild flower garden in Wirth Park, the flower gardens at Lyndale and Kenwood Parkway, Lake Harriet

rose gardens, and past the fine mansions around the Lake of the Isles. A tour known as the Grand Rounds, 62 miles long, encircles the entire city.

Just as St. Paul pays its sparkling tribute to Old Man Winter each year, Minneapolis stages a summer festival, the Aquatennial, a 10-day celebration keyed to its many lakes. An Aqua Follies show each night, with championship diving and competitive water sports, make an exciting program, climaxed by colorful parades. A summer stock company offers theatrical entertainment, and there is no lack of facilities for indulging in your own favorite form of recreation.

Minneapolis justly prides itself on its restaurants. If it is atmosphere you want along with your sizzling steak you'll find it at a dozen or more houses which make both a specialty. Smorgasbord or Polynesian dishes also cater to the exotic taste. And don't overlook wild rice, a native product usually served with wild duck, for which Minnesota is famous.

Father Louis Hennepin, usually credited with being the area's first influential visitor, feasted on wild rice, a staple food of the Sioux Indians, the original inhabitants. His most important discovery, however, was St. Anthony Falls, the birthplace of Minneapolis in 1671. An early chronicle mentions the arrival of Jean Nicolet, one of Shamplain's couriers, a few years prior to Hennepin looking for a trade route to China. In anticipation of dealing with highly civilized mandarins and merchants he donned a Chinese robe for fitting ceremonial rites. Disillusioned when he found only savages to greet him, he left, presumably in digust. Two other Frenchmen, Radisson, and Groseilliers, also passed through here briefly around 1660.

But Father Hennepin was made of sterner stuff. He stayed long enough to leave a lasting imprint on the area and his memory is still cherished. The fur trade marked the beginnings of the region's development, followed by the lumberman's ax, and the settler's plow. Immigrants of Scandinavian, German, and Yankee origin later flocked in to begin a new life in their sod houses and log cabins. Their descendants still cling to the faiths of their fathers, as well as many of their ancestral social customs.

Most of the earlier settlers arrived by the Mississippi steamboats at the Saint Paul Landing long before the first railroad was built in 1854. Others came in carts and prairie schooners until the iron horse of Jim Hill marked the beginning of the industrial era.

With the pioneer period thus relatively short, it was actually a full-fledged State when admitted to the Union in 1858. During the War Between the States it sent about 27,000 soldiers to the Southern battlefields at the same time it was suppressing Indian uprisings within its own borders. One of the bloodiest rebellions in the winning of the West was a Sioux outbreak led by Chief Little Crow in 1862 when 650 white persons were slain.

When peace finally descended on all fronts—red, white, and black—immigration increased and Minnesota began to develop its great iron ranges, manufacturing and agricultural resources so essential to the whole Nation's economy today.

The Land of the Sky Blue Water has come a long way since one of its first millers bolted flour through his wife's silk dress.

Senior Citizen salutes the North Star State's 100th anniversary of its birth.

MESSAGE FROM THE HOUSE

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

S. 846. An act for the establishment of a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of the public lands and other land and water areas of the United States, and for other purposes;

S. 1850. An act to adjust conditions of employment in departments or agencies in the Canal Zone;

S. 2007. An act to amend the United States Grain Standards Act, 1916, as amended, to permit the Secretary of Agriculture to charge and collect for certain services performed and to deposit such collections to the credit of the appropriation available for administration of the act, and for other purposes; and

S. 2533. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to lease space for Federal agencies for periods not exceeding 15 years, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House to the bill (S. 734) to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 93) to provide for correction in the enrollment of S. 734, to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes.

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

H. R. 3778. An act to amend the act of May 29, 1930, with respect to the stream valley parks in Maryland;

H. R. 7898. An act to revise the authorization with respect to the charging of tolls on the bridge across the Mississippi River near Jefferson Barracks, Mo.;

H. R. 8645. An act to amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes;

H. R. 10321. An act to authorize the Secretary of Agriculture to exchange lands comprising a portion of the Estes Park Administrative Site, Roosevelt National Forest, Colorado, and for other purposes;

H. R. 10969. An act to extend the Defense Production Act of 1950, as amended;

H. R. 11253. An act to authorize the Secretary of Agriculture to exchange land and improvements with the city of Redding, Shasta County, Calif., and for other purposes;

H. R. 11861. An act authorizing the city of Chester, Ill., to construct new approaches to and to reconstruct, repair, or improve the existing approaches to a toll bridge across the Mississippi River at or near Chester, Ill.;

H. R. 11936. An act to extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at Brownville, Nebr.;

H. R. 12226. An act to amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes;

H. R. 12303. An act to amend the Revised Organic Act of the Virgin Islands;

H. R. 12586. An act to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury;

H. R. 12617. An act to amend section 2 and 3 of the Act of May 19, 1947 (ch. 80, 61 Stat. 102), as amended, relating to the trust funds of the Shoshone and Arapahoe Tribes, and for other purposes; and

H. R. 12632. An act authorizing Gus A. Guerra, his heirs, legal representatives and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 7251. An act to amend the definition of the term "State" in the Veterans' Readjustment Assistance Act and the War Orphans' Educational Assistance Act to clarify the question of whether the benefits of those acts may be afforded to persons pursuing a program of education or training in the Panama Canal Zone; and

H. J. Res. 427. A joint resolution to permit use of certain real property in Kerr County, Tex., for recreational purposes without causing such property to revert to the United States.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 3778. An act to amend the act of May 29, 1930, with respect to the stream valley parks in Maryland; to the Committee on the District of Columbia.

H. R. 7898. An act to revise the authorization with respect to the charging of tolls on the bridge across the Mississippi River near Jefferson Barracks, Mo.;

H. R. 11861. An act authorizing the city of Chester, Ill., to construct new approaches to and to reconstruct, repair, or improve the existing approaches to a toll bridge across the Mississippi River at or near Chester, Ill.; and

H. R. 11936. An act to extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at Brownville, Nebr.; to the Committee on Public Works.

H. R. 8645. An act to amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes;

H. R. 12226. An act to amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes;

H. R. 12303. An act to amend the Revised Organic Act of the Virgin Islands; and

H. R. 12617. An act to amend sections 2 and 3 of the Act of May 19, 1947 (ch. 80, 61 Stat. 102), as amended, relating to the trust funds of the Shoshone and Arapahoe Tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 10321. An act to authorize the Secretary of Agriculture to exchange lands comprising a portion of the Estes Park Administrative Site, Roosevelt National Forest, Colo., and for other purposes; and

H. R. 11253. An act to authorize the Secretary of Agriculture to exchange land and improvements with the city of Redding, Shasta County, Calif., and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 10969. An act to extend the Defense Production Act of 1950, as amended; and

H. R. 12586. An act to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase United States

obligations directly from the Treasury; to the Committee on Banking and Currency.

H. R. 12632. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.; to the Committee on Foreign Relations.

REPEAL OF EXCISE TAXES ON FREIGHT AND PASSENGER TRAFFIC

Mr. SMATHERS. Mr. President, it is my information that tomorrow the Senate will begin consideration of the tax bill for the continuation of excise taxes, which measure has come to the Senate from the other body.

It is my expectation, on behalf of members of the Committee on Interstate and Foreign Commerce, in addition to 30 other Senators, to offer at that time what I call a single-shot amendment to the excise-tax-continuation bill. That amendment will have to do only with the removal of the present excise tax on freight charges, as well as the excise tax on passenger charges. I thought it would be interesting to Members of the Senate to have in the RECORD an advance statement regarding the amendment which will be offered.

Some 29 State legislatures have memorialized Congress to remove this particular tax. Let me give a list of the States which have already memorialized the Congress in behalf of the removal of the excise taxes on transportation.

A memorial has been received from the State of Alabama; 1 from Arkansas; 1 from the great State of California; 1 from the State of Colorado; 1 from the State of Delaware; 1 from the great State of Florida; 1 from the State of Georgia; 1 from the State of Idaho; the Legislature of the State of Illinois has adopted a resolution in favor of the removal of this particular tax; the State of Indiana has asked the Congress to remove this tax, as have the State Legislatures of Iowa, Kentucky, and Maryland. There is a memorial from the Legislature of the State of Massachusetts asking that the transportation tax be removed; 1 from the State of Michigan; 1 from the State of Minnesota; 1 from the State of Mississippi; 1 from the State of Nevada; and 1 from the State of North Dakota. Each of these memorials includes a request for the removal both of the excise tax on freight charges and the excise tax on passenger charges.

There is a memorial from the State of Oregon; the State of Pennsylvania has asked that these taxes be removed, as have the States of South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington.

There is a memorial from the State of Louisiana, although I do not have it in this particular compilation. Furthermore, there is a memorial from the National Grange asking that this tax be removed. There is also one from the American Farm Bureau Federation asking that the tax be removed.

I thought it would be helpful and informative to Members of the Senate to know that various State legislatures are asking that Senators join in the effort to have the single-shot amendment which we shall offer tomorrow adopted, so that these excise taxes can be removed.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1958

Mr. BARRETT. Mr. President, I shall vote for the labor bill. I do so reluctantly. I believe that the rank-and-file union men of this country are entitled to a better bill. The McClellan committee conducted hearings for 15 months. Its staff traveled more than 700,000 miles in 44 States and interviewed 18,000 prospective witnesses. The committee exposed evidence of theft and embezzlement of union funds; extortion and bribery; vandalism and violence; fraudulent financial records rigging of elections, and the making of "sweetheart contracts" with employers against the best interests of their own membership.

It is true that the overwhelming majority of labor leaders are honest and upright citizens, but there was abundant proof of flagrant betrayal of trust by certain union officials. It is necessary in many cases for a man to join a union and to pay dues in order to get and to hold a job. We owe the union men a duty to protect their rights and to assure them that their union funds will not be dissipated and misappropriated.

We need legislation which will drive the criminals out of union offices and assure democratic procedures to union members. Give the union members control of their own organization and they will do the job that needs to be done. I have voted for amendments designed to protect the rank-and-file union men against corrupt leaders who have shamefully converted to their personal gain the union funds under their control and disposition. The McClellan committee was constrained to say that a union treasury should not be managed as the private property of union officers. I was quite disappointed when the Senate rejected the amendment requiring that union funds be treated as trust funds and directing that the officers handle such funds in a fiduciary capacity.

I could not understand, either, why the opposition in the Senate rejected the right of 20 percent of the membership of a union to file a petition that would force a vote by secret ballot on a proposal to change the constitution and bylaws of the union or to recall the officers for malfeasance in office. My sole concern in the disposition of these amendments has been the welfare of the rank-and-file union members and, of course, the public interest. While the the bill is not as strong as I would like, nevertheless, I shall vote for it.

EXPERIMENTAL PROCEDURES ON LIVING ANIMALS

Mr. MORSE. Mr. President, in order that I may honor a commitment previously given to present both sides of a highly controversial subject—the use of experimental procedures on living animals—I ask unanimous consent that a letter addressed to me dated June 4, 1958, from Miss Pilar A. Magana, of the National Society for Medical Research, together with the attachments, be inserted in the RECORD at the conclusion of my remarks.

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

NATIONAL SOCIETY FOR MEDICAL RESEARCH,
Chicago, Ill., June 4, 1958.

Hon. WAYNE MORSE,
United States Senator,
Eugene, Oreg.

DEAR SENATOR MORSE: Enclosed you will find additional material for incorporation into the CONGRESSIONAL RECORD. These are replies to the antivivisection articles that appeared in the RECORD of August 21, 1957.

We request the insertion of these statements in order to achieve a better understanding of the experimental procedures in medical science.

Thanking you for your interest in this matter, I remain.

Sincerely yours,

PILAR A. MAGANA,
Assistant.

The following is with reference to a leaflet distributed by the National Humane Education Association of Chicago, Ill., called an experiment to observe the carbon dioxide content after sharp freezing the brain of conscious but paralyzed cats, purporting to be a description of experiments as reported in an article by J. A. Bain and J. Raymond Klein, which appeared in the American Journal of Physiology, volume 158, pages 478 through 484, 1949, and which was read into the CONGRESSIONAL RECORD of the United States Senate by the Honorable WAYNE MORSE. I should like to state that as detailed below the above leaflet presents a gross distortion of the article to which it refers.

Firstly, the object of the experiments was not to make notes concerning the amount of carbon dioxide found in the blood and brain of animals as is stated in paragraph 3 of the leaflet, but rather to determine the effect of carbon dioxide on the content in the brain of certain metabolites, specifically glucose, lactate, and high-energy phosphates. These are essential for the normal functioning of the brain and knowledge of their variation under the influence of carbon dioxide might perhaps give information as to the mode of action of carbon dioxide in producing the effects on the epileptic and on the normal individual, which were outlined in the introduction to the article.

Secondly, the animals were not only paralyzed with dihydro-beta-erythroidine as is stated in paragraph 5 of the leaflet, but they were also prepared under vinyl ether anesthesia in the manner described in articles to which reference was made in bibliographic items 13 and 14 of the article discussed in the leaflet. Had the writers of the leaflet taken the trouble to look up the bibliographic references referred to in the methods section of the article which they reviewed, they would have discovered this fact. Erythroidine was used in order to prevent distortion of the results by muscular activity. The anesthetic agent was only dispensed with when absolutely necessary in those cases where its presence might interfere with the measurements. Furthermore, it should be pointed out that breathing high concentrations of carbon dioxide, such as were used in this particular series of experiments, is in itself an anesthetic procedure. Indeed, this is a procedure advocated by the so-called humane societies, for the humane slaughter of animals in stockyards. Further, while it is not specifically stated in that particular article, it has been our custom to infiltrate all cut surfaces with a local anesthetic, procaine, as described in a subsequent article

from our laboratory which appears in the Journal of Pharmacology and Experimental Therapeutics, volume 111, page 210, 1954.

Thirdly, the leaflet is written in such a fashion and with such choice of words, as to imply that the freezing of the animal's brain with liquid air is a painful process, for example, in paragraph No. 8 of the leaflet. This is definitely not so and this is probably as quick and painless a method to sacrifice an animal as can be devised. The outer layers of the brain wherein the pain sensation is perceived and appreciated are frozen almost instantaneously, and even the depths of the brain are frozen within a very few seconds after the application of the liquid air.

Fourthly, the inference in paragraph No. 9 is that animals should never be used while alive. If investigators cannot perform experiments upon living tissue they would never be able to discover those facts about tissue function which have led to the marked advance in medical science, which has taken place over the last few decades. In all instances in which living animals are used this is done under conditions in which the animal is subjected to the least possible amount of pain.

Finally, the last paragraph of the leaflet implies that no information was gained from the experiments, which was not already known at the start. This is definitely not true. Information was obtained about the fluctuation of lactate, pyruvate, inorganic phosphate, and high-energy phosphate content of the brain and the changes in brain glucose under the influence of carbon dioxide. This information was not available until these experiments had been performed. These experiments were not designed, as the last paragraph of the leaflet inferred, to determine the effect of carbon dioxide upon the convulsive threshold. No such observations were made in the experiment, but these experiments did yield the information on the aforementioned essential metabolites which was sought in the beginning of the experiment. It is my belief that such information will ultimately be of value in explaining the changes in nervous function brought about by the administration of carbon dioxide and hence may be of value in working out the etiology of dysfunctions of the central nervous system which are affected by the administration of carbon dioxide. The outstanding example of such dysfunctions are, of course, epilepsy and certain types of schizophrenia.

J. A. BAIN, Ph. D.,
Professor and Chairman,
Emory University, Georgia.

BALTIMORE, MD., *March 31, 1958.*

Mr. RALPH A. ROHWEDER,
Executive Secretary, National Society for Medical Research, Chicago, Ill.

DEAR Mr. ROHWEDER: Thank you very much for inviting me to present an up-to-date rebuttal for the CONGRESSIONAL RECORD regarding the slandering of one of my articles entitled "An Experiment To Observe Anew That Cats Can Survive Immense Convulsions."

May I say immediately, that this title is a misrepresentation of the title of the article which was published, which read "The Ability of the Cat to Withstand Repeated Electrically Induced Convulsions." May I say that this work was originally carried out in 1948, and the study was made because of the situation regarding electroshock therapy as it was used on human beings at that time.

As you know, since then electroshock therapy—or electroconvulsive therapy as it has come to be known—has proved to be of great benefit in patients suffering especially from mental depression. Whereas, many patients afflicted with psychiatric illness can respond to psychotherapy (which calls for the communicative exchange between doctor and patient, in an attempt to better understand the experiences through which the patient had lived and which may have contributed to the psychiatric illness), in states of depression, patients cannot communicate. That means that for many, many months such patients can remain silent, almost paralyzed in the inability to move, to produce, and to relate to other human beings. Electroshock therapy for such patients is extremely beneficial because in a relatively short time—sometimes days or weeks—such a patient can be brought out of the depressed phase of his illness, following which psychotherapy can then be applied. As a matter of fact, even without subsequent psychotherapy a number of such depressed patients have been brought back to absolute usefulness and what to them had been complete mental health. You can see, therefore, that the use of electroshock therapy in such patients is extremely important, especially when one realizes that such patients not only remain for long periods of time as if they themselves are frozen, but that this group of patients yields the greatest number of suicides of any psychiatric category.

In 1948, when such patients were subjected to electroshock treatment, it was noted that subjecting the patient to a particular dose of electric current sometimes failed to induce a convulsion. This inadequately applied amount of electricity then left the patient in a greater state of disturbance. Yet the physician dared not repeat the treatment with a higher dose of electric current. The lack of knowledge concerning the ability of a living mammal to withstand repeated convulsive doses made it imperative that this gap in knowledge be filled. As stated in the original research report, which was published in the proceedings of the Society for Experimental Biology and Medicine, volume 67, page 325, 1948: "At times, especially in attempting to establish the convulsive threshold for a particular patient, it becomes necessary to induce 3 or 4 minor responses before the desired major reaction becomes evident. In other patients, especially in those who are markedly disturbed, it has been observed that a single convulsion may fail to induce adequate sedation. * * * Since a survey of the literature has failed to disclose the tolerance of animals to repeated electrically induced convulsions, and because of a fear of the consequences of repeated electrical stimulation," it was deemed advisable to study this problem experimentally.

This attempt to determine the tolerance of a particular drug or procedure to which living creatures may be subjected is not new. As a matter of fact, in the use of practically every drug, for example, therapeutically it becomes necessary, not only to determine the minimal amount of the drug which will be effective in alleviating a patient's difficulty, but it is also extremely, and perhaps even more important, to determine the maximum amount of the drug that the patient or the animal can stand in order to determine the safety factor. It is obvious that the most effective drug, if it kills with the slightest increase in dosage, cannot be used in the practice of medicine.

It was with this aim: to determine the safety factor; that is, the gap between the minimal effective dose and the largest nonfatal dose of electric current; that this study was made. As a result of this study, which showed that animals had the ability to withstand at least 57 times the minimal effective dosage, one could feel safe in increasing the electrical dose to a patient to a degree which was necessary to bring about the desired therapeutic effect.

In brief, the experiments as carried out pointed to the relative safety of the minimal convulsive dose of electricity in the cat; and therefore suggested a probable greater tolerance in the human than had heretofore been recognized. These experiments further showed that any changes in the electroencephalogram of animals so treated were reversible. This means that animals who had received marked increase in electrical dosage, and who as a result of this increase in dosage showed changes in their brain wave patterns, that, if permitted to survive, these animals' brain waves all returned to normal. That also gave new hope that patients subjected to electroshock therapy would not be left with any permanent brain damage.

With deep appreciation for the opportunity of expressing this rebuttal, I remain,

Respectfully yours,

H. S. RUBINSTEIN, M. D.

UNIVERSITY OF CALIFORNIA
MEDICAL CENTER,
Los Angeles, Calif., April 9, 1958.

Dr. RALPH A. ROHWEDER
National Society for Medical Research, Chicago, Ill.

DEAR DR. ROHWEDER: Thank you for your letter of March 4 in which you advise me that Senator WAYNE MORSE has caused to be included in the CONGRESSIONAL RECORD publications of the National Antivivisection Society slandering many scientific articles, among them one of ours. I would sincerely hope that other legislative moves of Senator MORSE were considerably more enlightened than this one.

You have refreshed my memory concerning the nature of the attack upon us with your quote from the antivivisection article, an experiment to pile superfluous detail upon certain facts long since known and for a long time regularly used. This statement, I believe it was the title of the article, was remarkable in its impertinence since it suggested that the author had a fund of knowledge available to him alone. Our article has been cited as source material many times since its publication; hence, I must suppose that the antivivisectionists' knowledge was not generally shared.

I have retained an active interest in neurophysiology and in the ensuing years have seen information of the type published in our report accumulate to the point where I believe real hope exists for the future of some 2 million Americans suffering from epilepsy. This one example of progress made in the biological sciences can be multiplied thousands of times, and developments in this field must equal in importance achievements in the physical sciences which are so much in the public eye nowadays. I submit that advancement in these fields is essential not only to the progress but perhaps even to the survival of our country and our culture and that enlightened use of every possible tool must be employed to this end.

Sincerely yours,

JOHN D. FRENCH, M. D.

UNIVERSITY OF CALIFORNIA
MEDICAL CENTER,
Los Angeles, Calif., April 10, 1958.

Mr. RALPH A. ROHWEDER,
Executive Secretary, National Society for Medical Research, Chicago, Ill.

DEAR MR. ROHWEDER: The shock experiments to which the antivivisectionists refer were done during the war on the request from the British and American military forces for information concerning the cause and treatment of crushing shock. At the time there were a great many people in London who were taken out from under crushing beams or other weight from bombed buildings, and the same was happening in the actual fighting. These people seemed to be in good shape until the pressure was removed, at which time they promptly faded and died of shock. Before these experiments were finished I saw a young soldier removed from a train wreck in Tennessee who showed exactly the same symptoms.

We were able to duplicate the symptoms in anesthetized dogs and found that if we promptly encased the crushed limb in ice and kept the ice on until healing developed, even though this might be 1 week, the animal would live and have a usable limb. If

the ice was not applied promptly the situation was irreversible and the animals died. If the ice was removed too soon the same situation developed. The animal appeared to be in no pain with the ice in place so no anesthesia was used when it was not necessary for the comfort of the animal. The military were very pleased with the finding that crushing shock could be treated so simply.

We also found that high room temperatures were contributory to the development of shock during surgical operations. As a result of this and other work, the OSRD panel advised the military that a patient in danger of shock was not to be warmed, and if anything to be kept in a cold or cool room. This was contrary to the general policy, and we had considerable difficulty in effecting the recommendations. We of course did not hear anything of the results obtained by the application of these procedures.

I would like to point out that there were nurses and technicians with the animals at all times, and they were treated with the same amount of gentle care that the patient would have received, when they returned to consciousness. We did no more experiments on the animals than to prove the points desired. It is interesting that this is one of the few cases where a treatment is simple and within the reach of almost anyone having knowledge of the fact that the ice and cooling was so effective. I hope this is sufficient for your purpose.

Sincerely yours,

STAFFORD L. WARREN, M. D.,
Dean.

THE SCIENTIST'S VERSION

(By Kathryn F. Fink, VA Hospital, Long Beach, Calif.)

In antivivisectional circles, there is a widespread use of an ancient and dishonorable device known as vilification. When this device is employed in fields where the emotions are easily stirred and the facts are not widely known, even well-meaning people may fail to recognize the hypocrisy of the vilification campaign, its distortions of fact, the shallowness of its ridicule, and its sly twisting of motives.

It is odd that, among antivivisectionists, such underhanded attacks upon conscientious medical scientists are distributed in the name of an organization whose title carries the beautiful words "humane" and "education." As "Mr. Anonymous," the author of this particular poison-pen letter, undoubtedly knows, the colorful language which can be used when truth is not the goal often makes the actual facts of the case seem pale and uninteresting by comparison. Protestations of virtue are rarely as interesting as the spicy gossip which made the denials necessary. Fortunately, a majority of people do consider the source of slanderous statements, and in this particular case the facts themselves happen to be rather interesting.

Often when a bombed building caves in, the trapped victims are found with crushed bones and gashed, mangled flesh. They may bleed to death before they can be extricated, their open wounds may become seriously infected, or they may develop a peculiar and often fatal condition which has come to be known as shock. Occasionally, however, rescue workers find a victim who is apparently uninjured except for the fact that an arm or leg is pinned under the wreckage. In such cases, after the initial pain has subsided, the victim may remain in excellent spirits, smoking, eating, drinking, and joking with his rescuers for many hours while they work to free him, only to go into shock and die shortly after being released in spite of the frantic use of plasma and other therapeutic measures by the attending physician. People are also trapped in wrecked automobiles, trains, and buildings in peacetime, and cases of shock from these and a wide variety of other causes develop fairly regularly. When our country was plunged into World War II, however, the handling of shock due to hemorrhage and trauma suddenly became an exceedingly important medical problem, and medical scientists all over the country dropped their own research projects in order to join in a concerted effort to provide quickly better means for combating shock. This was the fundamental reason for carrying out the shock experiments reviewed by "Mr. Anonymous." This particular research program was one of more than 20 World War II projects devoted to an experimental study of the problem of traumatic shock under contracts recommended by the committee on medical research of the Office of Scientific Research and Development. Although our results were not published until 1945, the data were available to the shock committee in 1942 and 1943, and the clinical treatment of shock was revised on the basis of these experiments and those of other investigators.

The cases in which people who were apparently almost uninjured died of shock after being released from wreckage appeared to be a relatively pure, uncomplicated clinical form of traumatic shock, which might be reproduced under accurately controlled laboratory conditions, used for a basic study of the factors involved in the shock syndrome in order to uncover new leads concerning rational therapeutic measures, and then employed as a means of quickly and accurately evaluating therapeutic measures suggested by the basic studies.

The Blalock press was carefully designed to put a constant reproducible pressure on the leg muscles of the dog, similar to that which might be exerted by a fallen beam or a twisted automobile frame, while avoiding the crushing of bones, the grinding, tearing, and cutting of flesh, the hemorrhage, and the open wounds that usually occur simultaneously when humans are trapped in wreckage. It has two rows of wooden grooves and ridges, arranged to avoid the bone and carefully rounded and smoothed so that the muscle could be pressed and circulation to the limb occluded without cutting the skin. Perhaps Mr. Anonymous simply felt that the words "dull steel teeth" would have a better effect on readers, or perhaps he finds a morbid fascination in studying the medieval torture devices and unconsciously adds improvements to the scientists' apparatus when the design appears disappointingly inefficient from his standpoint. Thus, rather than being devised to produce a maximum of torture, as Mr. Anonymous implies, the Blalock press procedure was actually patterned after a clinical condition which often appears so mild when it occurs in unanesthetized humans that rescue workers find it almost impossible to believe that the victim may die of shock shortly after being rescued.

The animals were kept completely anesthetized while the press was being adjusted and the limb was growing numb. They were allowed to recover from the anesthetic just before removal of the press initiated the shock syndrome, for anesthesia was known to cause an unpredictable degree of intensification of shock. Generally, the leg to which the pressure was applied remained numb throughout the experiment, and did not appear to cause acute pain. If it had seemed possible to obtain the needed data while using anesthesia throughout the entire experiment, we would naturally have preferred that course in order to avoid any possibility of causing unnecessary pain. Similarly, we would prefer that all military and civilian casualties of bombing raids could be anesthetized just before being pinned under a falling structure and could be conveniently and safely kept under anesthesia until they had fully recovered. Unfortunately, the bombing victim cannot be given preliminary anesthesia, and experiment and clinical experience has taught that he must not be given anesthesia as shock develops.

Mr. Anonymous apparently feels, or professes to feel, a special thrill of horror at the thought that animal experiments are often carried out under carefully standardized conditions, e. g. with measured pressure on the leg muscle. Surely anyone as well-versed as Mr. Anonymous pretends to be would know that one of the best ways of attacking a complex phenomenon is to attempt to standardize conditions which might be expected to affect the results, and then begin varying one condition at a time to determine its actual effect. Inadequate standardization of the experimental conditions in such cases can greatly retard progress, necessitate the use of a much larger number of animals in order to obtain statistically reliable results, or completely prevent solution of the problem under study. Considering the host of uncontrollable conditions associated with shock in humans, and the natural humanitarian reluctance of physicians to experiment with untested procedures when the patient's life hangs in balance, it was not too surprising to find a concentrated research effort resulting in drastic revision of clinical procedures. The data obtained in regard to the beneficial effect of low room temperature and the detrimental effect of high room temperature in these shock experiments, together with related data collected in other laboratories, led to an actual reversal of the previously accepted procedure of warming the shocked patient with high room temperature, hot water bottles, and so forth. These findings were of particular significance on the steaming Pacific island battlefields, and jury-rigged refrigeration units were quickly and successfully pressed into service there. Data indicating that traumatic shock could be minimized or avoided if the injured limb were packed in ice bags was completely ignored by Mr. Anonymous—apparently it didn't fit into his tirade, but it has been extremely useful clinically.

Mr. Anonymous, following the best traditions of the Monday morning quarterback, implies that we should have employed "strenuous exercise of commonsense," as he presumably did, to arrive at these conclusions. What a pity, Mr. Anonymous, that you didn't tell the medical profession how to handle such shock cases many years ago, and may we remind you that if you really want to be of help to dogs and men, there are many pressing medical problems involving these two species, which scientists are still struggling to solve by their own slow, plodding methods. How about strenuously exercising your remarkable gift of commonsense, and telling us the prevention or cure of cancer, muscular dystrophy, cerebral palsy, old age? Incidentally, in spite of considerable advancement in our knowledge of the nature and the proper treatment of shock, there is still a lot we need to know about the syndrome. If you would clarify it for us now, rather than waiting to say, "I knew it all along," it might result in the saving of untold numbers of lives in this generation and in generations yet unborn.

The rest of your bulletin hardly merits point by point discussing. You counted many of the dogs more than once—all the experiments employed 308 dogs. In view of the fact that gas gangrene bacillus often complicates traumatic shock, it was by no means stupid to investigate the effect of an antibiotic in shock. Sulfadiazine did reduce the incidence and intensity of gas gangrene, without intensifying the shock syndrome, which is certainly a worthwhile observation. Rabbits were used to check the effect of environmental temperature on shock in a different species, an essential step if results

were to be extended to humans. This was not a flesh-crushing experiment, for the shock was produced in this case by applying and later releasing a tourniquet. All the rabbits in our early experiments were anesthetized during the application of the tourniquet, but it was soon noted that the rabbits showed very little evidence of pain under light anesthesia, and then with even no anesthesia at all, so that this type of experiment was used to obtain further controlled data on the effect of anesthesia in shock.

It seems odd, "Mr. Anonymous," but we have not been able to find these reports which disagree absolutely with our results. It is easy, however, to find statements such as "The demonstration of the inhibition of shock by reduced temperature was the first break in the universal tradition of warming shocked patients or their injured parts. The subsequent confirmations, cited elsewhere, are so numerous and harmonious that the briefest summary may suffice here" (quoted from the Journal of the American Medical Association, vol. 150, p. 186 (1946).) We are nevertheless aware, as you apparently are not, that experimentally determined facts often appear to disagree, and that such apparent disagreements frequently are valuable indications that there remain important uncontrolled and undetected variable factors. Your last sentence, at least, seems completely accurate (viz "It is hard, sometimes, to know what to think"), but is it not a tremendous admission from a person who makes a practice of saying, in effect, "I knew it all the time"?

THE NATIONAL ZOO

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD two editorials which stress the importance of the National Zoo to the District of Columbia and to the Nation. I wish to express my concurrence with the views of those editorials and, at the same time, to comment the newly formed organization, Friends of the National Zoo, and its president, my good friend, Dr. Max M. Kampelman, for the sense of community responsibility which impelled them to help throw the spotlight of attention on this heretofore neglected national institution. The editorials in question are from the Washington Evening Star of June 7, and the Washington Post of June 8, 1958. We in Oregon are very proud of the fact that the new Director of the National Zoo, Dr. Theodore Reed, is from our State. He is an outstanding expert in his field, and we know that with some cooperation on the part of the community and Government authorities, this zoo can become the national shrine it deserves to be.

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

[From the Washington Evening Star of June 7, 1958]

FINANCING THE ZOO

This is an appropriate time for Congress to consider anew the illogical system under which the District is charged with the cost of improving and operating the National Zoological Park. The recent tragedy at the zoo has brought demands for new buildings, facilities and staff to make the zoo safer and more attractive for the millions of persons, largely children, who visit it every year. The improvements should be made—but in view of the national character of the zoo, which is a branch of the Smithsonian Institution, it is grossly unfair to require local taxpayers to foot the bill.

An organization calling itself the Friends of the National Zoo has made a persuasive plea for more funds before the House District Appropriations Subcommittee. The money is needed for numerous improvements, the urgency of which was described in a Star article last Sunday by Jerry O'Leary, Jr. However, as the Friends of the National Zoo testified, no zoo buildings were included in the District public-works program recently approved by Congress. Furthermore, because of the District's financial plight, the zoo's pending budget request has been trimmed below what zoo officials and others consider to be the safety point.

The Friends of the National Zoo, headed by an attorney, Max Kampelman, is correct in regarding the zoo as a national institution. The organization pointed out to the subcommittee that 4 million men, women, and children from every State in the Union visit the zoo each year. It is no more a District institution than the Smithsonian Institution itself or any of its other branches, such as the National Museum or the proposed National Air Museum. Congress first made the mistake of putting the zoo in the District budget more than 60 years ago and the error has been perpetuated through the years, despite recurrent protests. At the time of the original action the Federal Government was sharing District expenses on a 50–50 basis, but the Federal share has dwindled drastically in recent years.

The District Commissioners properly objected even to the 50–50 arrangement on the ground that the zoo had "no relation to the municipal administration of the District." And Senator Ingalls of Kansas, in opposing the House plan for making the District share in the cost of building and maintaining the zoo, told the Senate in 1890: "* * * I do not think that I ever knew an illustration of more perfect tyranny than is evinced * * * in this bill. The people of the District of Columbia have absolutely nothing whatever to do with that park or its maintenance or its management. It is to be under the control of the regents of the Smithsonian Institution. The people of the District have no representation on that board, no connection with its management, no disposition whatever of the finances which are to be appropriated and disbursed. * * * It is to be a great national institution and I protest in the name of the people here against imposing upon them this invidious and unjust and unnecessary burden in addition to what they already endure." What Senator Ingalls said is just as true, or even more so, today than in 1890.

[From the Washington Post of June 8, 1958]

ZOO IN NEED

The proverbial ball of snakes could not be more hopelessly tangled than the administration of the Capital's badly neglected National Zoo. Despite its name, the zoo isn't a National institution at all. It is supported by District revenues and gets not a cent directly from Congress. But to confuse matters further, the zoo, through a historical quirk, is administered by the Smithsonian Institution, although it is located in Rock Creek Park, an area under Interior Department supervision. Predictably, the result is that the zoo gets a relative titmouse's share of budgetary funds although it gets an elphantine share of the Capital's tourist traffic (last year, about 3 million persons strolled through its gates).

Currently, the zoo is seeking operating expenses of $898,000 in the District budget. It is good that a newly formed group, Friends of the National Zoo, is stirring up some interest in its campaign. The other day, the Friends presented a forceful case for an even more generous budget before a House District appropriation subcommittee. For example, it was pointed out that the Detroit Zoo operates on a yearly budget of $1.21 million despite the fact that it is closed during winter and has a smaller collection of animals. Representative LOUIS C. RABAUT, chairman of the subcommittee, happens to represent a Detroit district; he might well consider why the year-round zoo in the Nation's Capital must operate on a skimpy budget and be housed in a sadly inadequate physical plant.

Quite properly, Mr. RABAUT questioned the wisdom of the zoo's hybrid administrative structure. Surely it would make more sense to house the zoo in a single administrative tent. But the administrative problem ought not deflect attention from the budgetary need. A National Zoo truly deserving of a world capital cannot be nourished on peanuts and birdseed.

CONSERVATION OF OUTDOOR RECREATIONAL FACILITIES

Mr. MORSE. Mr. President, I ask consent to have printed in the RECORD the resolutions passed by the board of trustees of the National Parks Association at its recent annual meeting and the press release describing them.

In particular, I invite attention to the resolution recommending early enactment of the National Wilderness Preservation Act, S. 1176. I am proud to be a cosponsor of this proposed legislation, and I commend highly the work the National Parks Association has done to prepare and further the bill.

Also, the association board endorsed the proposal to preserve the dunes region of Indiana along Lake Michigan as a recreational area. I had the privilege of cosponsoring this bill when it was introduced by the Senator from Illinois [Mr. DOUGLAS].

The National Parks Association has been among the most diligent and effective influences on behalf of conservation of our outdoor resources for the pleasure and enjoyment of the American people. Without the work of such groups, the American continent would be far more devastated than it is of its natural grandeur.

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

RESOLUTIONS

1. NATIONAL WILDERNESS PRESERVATION SYSTEM

The board of trustees of the National Parks Association, at its annual meeting on May 23, 1958, reaffirms its support of legislation now before Congress to provide Congressional recognition of the concept of wilderness preservation by the establishment of a National Wilderness Preservation System. The association has studied this proposal through its formulative stages for more than 10 years, and has contributed to its definition in the form of legislation. The present revision of S. 1176, now being considered by the Department and the Congress, represents, in the opinion of the Board, a sound, efficient and equitable proposal which meets all important questions that have been raised. The Board strongly recommends enactment of this legislation at the earliest possible time.

2. MISSION 66

The board of trustees of the National Parks Association has watched the progress of the Mission 66 program during its

first 2 years with close attention. It adheres to its original belief that this program is well planned to provide increased protection for the national parks and monuments while preparing for the continued increase of visitor attendance as our population expands, our people have more leisure time, and the urbanization of the Nation impels more opportunity for outdoor relaxation. It approves the provision of visitor centers, museum, nature trails, and many other projects which will lead to better public appreciation of these areas, and their location in restricted parts of the parks to avoid spreading the impact of numbers of people throughout wide natural areas.

At the same time, the board views with question certain aspects of the program. It does not believe the expansion of artificial devices and facilities for recreational use or entertainment is wise. While many of the roads in the parks urgently need renovation, the Board is concerned that they be built to the most moderate standards consistent with public safety and use for park objectives. It is opposed to the construction of new roads into still wild and pristine parts of the parks and monuments, and some such proposals are incorporated into Mission 66. The Board is encouraged by the increased attention devoted to the vital importance of wilderness preservation as an essential part of Mission 66, as expressed in public statements by the National Park Service, and believes the ultimate tests of the success of the Mission 66 program will rest materially on the degree to which this protection of wilderness has been achieved in practice.

[Release of the National Parks Association, May 29, 1958]

WASHINGTON, D. C.—The National Parks Association announced today the 12 resolutions passed by its board of trustees at the association's annual meeting this week in the Nation's Capital. In these policy statements, the association went on record as:

1. Urging prompt enactment of legislation before Congress to establish the Chesapeake and Ohio National Historical Park in Maryland;

2. Strongly recommending enactment of the wilderness bill at the earliest possible time;

3. Endorsing the proposal to acquire the Great Outer Beach of Cape Cod, Mass., as a part of the National Park System;

4. Endorsing a proposal to preserve the dunes region of Indiana along Lake Michigan as a national lakeshore recreational area;

5. Strongly opposing the construction of the proposed Hooker Dam in New Mexico which would devastate a large part of the Gila Wilderness Area. (The association also went on record in opposition to the elaborate reconstruction of the Copperas Canyon Road which penetrates this area because it would be injurious to the area, economically unsound and adverse to the public interest.);

6. Reaffirming its backing of the proposed Great Basin Range National Park in the Wheeler Peak country of the Snake Range of Nevada;

7. Urging the National Park Service and the United States Forest Service to enter into discussions aimed at protecting the Northern Cascades region of north-central Washington as a national park;

8. Endorsing H. R. 12281, legislation to relocate National Park Service and concessioner facilities from Yosemite Valley to the El Portal site outside of Yosemite National Park, Calif.;

9. Supporting the redesignation of the Bridger Primitive Area, Wyo., as a wilderness area;

10. Opposing a highway within the coastal strip of Olympic National Park, Wash., and urging that any necessary highway be placed east of Lake Ozette; and

11. Endorsing the proposal to establish a national seashore recreational area on Padre Island and Lagune Madre in Texas.

In a resolution on the Park Service's Mission 66 program, the association reaffirmed its backing for the overall concept and at the same time raised several questions about its specific application. The board indicated it does not believe the expansion of artificial devices and facilities for recreational use or entertainment is wise, and confirmed its opposition to the construction of new roads into still wild and pristine parts of the parks and monuments.

The National Parks Association is an independent, nonprofit citizens' conservation organization having as its primary purpose the preservation of our national parks.

THE SNAKE RIVER PROJECT

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution which I have received from citizens of Seattle, Wash., who show great concern in regard to the Snake River project. The resolution is signed by a list of taxpayers.

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

SEATTLE, WASH., *April 30, 1958.*

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.

DEAR SENATOR: We are deeply concerned over the problem of the proper use of the last great project in the Northwest—the development of the Snake River potential of flood control, water storage and utilization, and electric power. We here are certain that you, as a public servant, are doing your utmost to protect the best interests of all the people.

It is our hope and expectation that you will insist upon the inadequacy of the Idaho Power Co.'s proposals, and will help prepare the way toward resumption of work on the original plan. With our great Grand Coulee development functioning in such an impressive manner, it seems unthinkable that the Snake River can be any less of a triumph for the country.

Respectfully submitted by the following tax-paying citizens:

James G. Staley, Marcia L. Staley, Helen M. Rouse, Dale W. Huff, Lily H. Huff, Jeannette Taylor, Francis R. Burgett, Arthur F. Jackson, Ella Siegfried, Cassie Bear Sande, Olive M. Morrison, H. E. Patterson, Dora Patterson, Conley D. Rodgers, Roy D. Renard, Freda Rodgers, Martha Renard, Erma Carson, Roberta Hodge, Jacolyn Phillips, Amelia Champa, Louis Champa, James Kent, Helen Kent, C. V. Morrison, John B. Speer, Mary J. Crookston, Rena Salverson.

A STUDY OF LATIN AMERICAN AFFAIRS

Mr. MORSE. Mr. President, I have received a letter from Mr. Jordan L. Linfield, editor of the Chronicle of United Nations Activities, which reads as follows:

THE CHRONICLE OF
UNITED NATIONS ACTIVITIES,
New York, N. Y., May 19, 1958.

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

DEAR SENATOR MORSE: In connection with the hearings of the Senate Foreign Relations Committee, I'm happy to send you an article which was prepared by the staff of the Chronicle of United Nations Activities, dealing with the growing estrangement between the United States and the Latin American countries during the past year.

If we could be of any service to you in this matter please do not hesitate to call on us.

Sincerely yours,
JORDAN L. LINFIELD, *Editor.*

Mr. President, as chairman of the Subcommittee on Latin American Affairs of the Committee on Foreign Relations, I should like to have the very brief article published in the RECORD. In inserting it, I wish to announce that we are proceeding with the deliberations in the subcommittee in preparation of an agenda and procedure for a study of Latin American affairs. We have received from a cross section of the American people and from the press inquiries with regard to what we are doing in connection with the proposed study. I have already announced that we are going to make a thorough study of Latin American affairs, and that our activities will not be any flash-in-the-pan investigation, but a study of our relations with South American countries. It takes time to prepare that kind of thorough study which the chairman will insist upon being conducted. I am glad to insert the article in the RECORD, because bears upon the type of problem which confronts the subcommittee.

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

(By Jordan L. Linfield, editor, Chronicle of United Nations Activities)

UNITED NATIONS, N. Y.—Observers at United Nations Headquarters here were not among those caught by surprise by the violence of anti-United States feelings in Latin America, revealed in last week's demonstrations against Vice President RICHARD NIXON.

Though much of the world was visibly shocked by the show of ill will so close to United States borders, informed sources here were nodding knowingly. For a check of the General Assembly record has indicated for some time that this country's relations with its southern neighbors have been deteriorating sharply.

Once considered a solid ally of the United States on every important issue before the United Nations, the 20 Latin-American-bloc countries have become increasingly uncertain in their support of United States positions in the last year.

If Mr. NIXON's trip brought home the volatile nature of some of the antagonism that has built up toward this country, votes in the United Nations provide a more sober indication of the growing breach in our relations with the other American nations.

By and large these countries are still firmly committed to the West. Most of them still vote with the United States a great majority of the time. But there have been significant shifts, and observers here feel the economic and political unrest now in the news may presage further differences.

Mexico, for example, had voted with the United States 73.5 percent of the time in 1956, but agreed with us only 43.4 percent of the time in the 1957 Assembly—a drop of 30.1 percent.

When it is remembered that even the Soviet Union votes with the United States over 22 percent of the time, the seriousness of this divergence becomes apparent.

Four other Central and South American countries likewise registered sharp drops in the frequency of their agreement with the

United States. Guatemala voted with the United States on only 46.1 percent of the rollcalls in the 1957 session, compared to a 64.7 percent support in 1956.

Haiti's votes coincided with ours only 47.4 percent of the time, though she was found alined with the United States 71.6 percent of the time in 1956. Bolivia also voted with this country on less than half the rollcalls in 1957—47.4 percent—compared with her agreement with the United States on 62.7 percent of the votes in 1956—a drop of 15.3 percent.

Even Uruguay, though supporting the United States on 71.1 percent of the votes, had dropped 7.3 percent from a 1956 record of 78.4 percent agreement.

Nor are the issues on which the Latin American states veered away from the United States without significance in appreciating the basis for the antipathy expressed in the attacks on Mr. NIXON.

When the Assembly voted last October to have the United Nations study the effects of the European Economic Community on colonial territories—a measure supported by the Russians and opposed by the United States—not a single Latin American country voted with us. Five of them abstained, the other 15 voting in favor of the measure.

Again, on the issue of suspending nuclear weapons tests, less than half the Latin American States were found supporting the United States position, perhaps reflecting fears of radiation affecting the Americas.

The problem of race prejudice was reported to have stirred many of the anti-Nixon demonstrators. On this question, too, United Nations Assembly votes indicate the trouble has been brewing for some time. Though the United States generally abstains on such issues as appeals to the Union of South Africa to revise its Apartheid (segregation) laws, the multiracial Latin American bloc consistently registers overwhelming condemnation of such policies.

These votes against the United States have not been frequent enough to place the Latin American bloc in the neutralist category, it is true. But their significance has not escaped attention in the United Nations quarters as evidence of growing difficulties between the United States and her "poorer relatives" to the south.

The Nixon trip only underscores the trend that has been reflected in political terms here in the course of General Assembly debates.

STOCK DISTRIBUTION ORDERS

Mr. FREAR. Mr. President, several days ago I introduced S. 3962, which has been referred to the Senate Finance Committee. Its basic purpose is to prevent the imposition of an undue burden on stockholders affected by court-enforced stock distribution orders.

Mr. President, an editorial entitled "Protecting the Innocent" appeared yesterday in the Wall Street Journal, and because it is so pertinent, and so logical in its analysis of this legislation, I believe it would be of much interest to the members of the Finance Committee, as well as to the entire Senate itself.

I therefore request, Mr. President, that the editorial be printed in the RECORD as a part of these remarks.

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

[From the Wall Street Journal of June 16, 1958]

PROTECTING THE INNOCENT

Senator FREAR of Delaware has introduced a bill to prevent the Government from unduly burdening stockholders who may be affected by court-enforced stock distribution orders.

The bill is an outcrop of the Du Pont-General Motors suit by the Government, but it would apply in the future to all similar cases. Briefly, it would prevent the Government from levying Federal income taxes on stock received through distribution forced by court or commission orders.

To understand Mr. Frear's reasoning, it might be well to recall some of the circumstances of this historic case against the Du Ponts and General Motors. At first the Government charged the family with conspiracy to control GM and the company with violation of the antitrust laws. A long trial ensued. The Federal district court judge in Chicago finally ruled that the Government charges against Du Pont were without reasonable basis. There had been no proof, he said, that the Du Ponts, or the Du Pont company, had exerted undue influence on General Motors policies in the 40 years Du Pont had owned the GM stock.

But the Government appealed the case to the Supreme Court and the Supreme Court reversed the lower Federal court. The Supreme Court went out of its way to say there seemed to be no conspiracy, and to talk about the honorable gentlemen involved; it found that in the four decades that had passed since Du Pont acquired the GM stock Du Pont had done nothing wrong.

But, the Court said, that didn't mean that some time Du Pont officials might not possibly exert influence over General Motors. So it sent the case back down to the Chicago Federal court with orders for the judge to find some way to make Du Pont rid itself of its GM stock.

If that ruling seemed like arbitrary force based on a bit of prophecy—something like telling a man he must sell his automobile because some day he might break the speed laws—it was hardly anything to the trouble that followed when the Government and the Du Pont lawyers began batting around ways to distribute the GM stock owned by the company to Du Pont stockholders.

The Government wants the Chicago court to order Du Pont to sell one-third of the GM stock and to order the balance distributed over a 10-year period. Du Pont lawyers call this a "harsh penalty"; they suggest that the stock be retained by the company but that the voting rights of the stock be distributed. Senator FREAR's bill falls somewhere in between the Government and the company proposals.

The Senator says the Government suggestion would penalize Du Pont stockholders to the extent of about $680 million in taxes, because the Internal Revenue Service says that the stock distribution would be taxed as ordinary income and the people who received the stock would have to pay up. There are 165,000 stockholders who would be so penalized. They would have no choice whatsoever, and the chances are a great many of them would have to sell their GM stock—or something else—to raise the money to pay the extra taxes they would be forced to pay because of the Government-enforced distribution.

The Supreme Court decision, one may assume, was arrived at because the Justices thought the innocent public should be "protected" from injury by future machinations of the Du Pont company. And if that is so, the public interest requires that the innocent should not be injured by their Government in the process of protecting them.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 846) for the establishment of a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of the public lands and other land and water areas of the United States, and for other purposes, which were, on page 2, strike out line 12 over through and including line 2 on page 3, and insert:

(2) "Outdoor recreation resources" shall mean the land and water areas and associated resources of such areas in the United States, its Territories, and possessions which provide or may in the future provide opportunities for outdoor recreation, irrespective of ownership.

On page 5, line 15, after "interests," insert "livestock interests, mining interests, State travel commissions, petroleum production interests,"; on page 7, lines 10 and 11, strike out "December 31, 1959," and insert "September 1, 1961,"; on page 8, line 8, after "organizations." insert "The Commission is also authorized to reimburse Federal agencies for the expenses of liaison officers appointed under section 4 (c) and other cooperation.", and on page 8, strike out lines 21 through 24, inclusive, and insert:

SEC. 8. There are hereby authorized to be appropriated not more than $2,500,000 to carry out the purposes of this act, and such moneys as may be appropriated shall be available to the Commission until expended.

Mr. ANDERSON. Mr. President, the five amendments of the House have been presented to each member of the Committee on Interior and Insular Affairs, and to the author of Senate bill 846. The matter has been cleared with both the majority leader and a representative of the minority leadership, the able Senator from Colorado, who is familiar with the proposal.

Mr. ALLOTT. That is correct. There is no objection to action on the House amendments.

Mr. ANDERSON. Mr. President, I move that the Senate concur in the House amendments.

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

The motion was agreed to.

HIGH HELLS CANYON DAM

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a press release dated June 11, 1958, written by Mr. James Marr, president of the National Hells Canyon Association, making clear that the fight for the full development of the Columbia and Snake Rivers is far from over.

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

The fight for high Hells Canyon Dam is not over. Supporters of the high dam announced today that they will continue their efforts to get a Hells Canyon bill passed by the United States Congress.

In a meeting last week, directors of the National Hells Canyon Association reviewed a study to determine the feasibility of replacing three small Idaho Power Co. dams in the Snake River with high Hells Canyon. The study, which has been completed in draft form, shows that even if Idaho Power Co. completes its Oxbow and low Hells Canyon projects in addition to Brownlee, it will

be economical as well as desirable to replace them with a Federal Hells Canyon Dam.

This study carries forward a report released by the association earlier this year, which showed that Brownlee Dam could be paid for and replaced by Hells Canyon in a period of 10 years, without adding to the cost of the Government project. The same method would be used to replace both Oxbow and low Hells Canyon Dams.

The present study also shows that, even with a much lower cost of power, the high Hells Canyon Dam will produce $12 million more in direct benefits each year than all three Idaho Power Co. projects together. Just as important, the low-cost Hells Canyon power will make it possible to develop the region's industrial potential, and to create a vast new phosphate industry. The high dam will also provide nearly 4 million acre-feet of badly needed flood control storage, and will provide funds and power for new irrigation projects in the region.

The association's directors agreed that the defeat of the Hells Canyon bill on June 2 by the House Interior Committee puts an end to chances for authorization of the high dam this year. However, the directors expressed the hope that the November election will result in substantial changes in the membership of the Interior Committee, and a more favorable atmosphere in Congress as a whole. For this reason, the association will call an annual membership meeting in November, shortly after election returns are in, to consider plans for next year. Dates and speakers will be announced later.

UNITED NATIONS TECHNICAL ASSISTANCE PROGRAM

Mr. MORSE. Mr. President, a few days ago, in his very able speech on the mutual security bill, the Senator from Minnesota [Mr. HUMPHREY] discussed American participation in the United Nations technical assistance program. I wish to lend support to his argument that American money contributed to U. N. technical assistance is one of the most important and effective uses of foreign-aid funds, dollar for dollar.

The contention that reducing the percentage which the United States provides of the U. N.'s technical assistance budget will not necessarily reduce the total outlay by the agency is totally unrealistic.

I share the view of the Senator from Minnesota that action by us to cut progressively the percentage of the budget we provide is likely to discourage this excellent program. It certainly will not inspire other nations to raise their ante.

It is my hope that the House provision deleting the declining scale of the American contribution will prevail.

Secondly, I express my personal feeling that in computing the share of our contribution we should include in the base the so-called local cost assessment.

When a technical assistance program is undertaken, the requesting country is expected to pay certain costs which are not included as part of the U. N. program. Under a resolution approved by the U. N. Economic and Social Council in 1949—

> The requesting government should be expected to agree * * * normally to assume responsibility for a substantial part of the costs of technical services with which they are provided, at least that part which can be met in their own currencies.

It was estimated by the State Department that the local countries have contributed $67.5 million for office and other facilities, transportation, and project supplies and materials in addition to the expenditure by the United Nations Expanded Technical Assistance Program.

But in addition, there is assessed by the UNETAP a partial payment by the requesting country for the living costs of experts assigned to the project. This assessment is levied on the country by the U. N. and the payments are received and audited by the agency. The assessments for 1958 ran to $3.1 million.

The House of Representatives felt that the amount of the assessment should be included in the base upon which the American contribution is figured. I agree. The local assessments are a part of any technical assistance study, and should be included in the total cost of the studies.

Here, again, I am in agreement with the House provision and want to express my hope that it will prevail in conference.

I ask unanimous consent that recent press releases by a number of citizen groups and a telegram to me, be printed at this point in the RECORD.

There being no objection, the press releases and telegram were ordered to be printed in the RECORD, as follows:

CITIZEN GROUPS URGE SENATE SUPPORT FOR U. N. TECHNICAL ASSISTANCE PROGRAM

Twelve national organizations wired all members of the Senate today urging support for two House provisions to strengthen the "small but important" U. N. Technical Assistance programs. The items are a part of the Mutual Security Program on which Senate debate is scheduled to begin Thursday.

The group supported a House provision to level off the United States contribution to the U. N. Technical Assistance programs at 40 percent. The present law, adopted last year, calls for a reduction to 38 percent in 1959 and 33⅓ percent in 1960. The spokesmen pointed out that creation of the special projects fund makes the 40 percent figure essential. This Fund, which enlarges U. N. efforts in the technical assistance and development field, was approved by the U. N. General Assembly last fall. In addition, United States ability to pay is estimated at about 40 percent of the world's income, the group said.

The 12 organizational spokesmen also supported a second House recommendation that the base on which United States contributions are computed should be enlarged to include "local cost assessments." These sums, which are estimated at $3.1 million for 1958, are assessed against nations receiving U. N. technical experts, are paid to the U. N. Technical Assistance Program and audited. Including them would give "greater recognition to contribution of other governments."

The Senate Foreign Relations Committee rejected the two House provisions. Both the House and Senate Foreign Relations Committees recommended $20 million for U. N. Technical Assistance programs for 1959.

The text of the telegram is as follows:

Small but important U. N. Technical Assistance Program deserves all support United States can give. Foreign Relations Committee decision not to accept two constructive House provisions is most disappointing.

We urge Senate on floor or in conference to peg United States contributions at 40 percent. Creation of new Special Fund makes 40 percent essential. United States ability to pay estimated at 40 percent of world's income.

Also urge revision of base to include local cost assessment received and audited by U. N., thus giving greater recognition to contribution of other governments.

These amendments already accepted by House would greatly strengthen technical assistance through U. N. They have our wholehearted support.

Robert R. Nathan, Americans for Democratic Action; Andrew E. Rice, American Veterans Committee; Wallace J. Campbell, Cooperative League of the United States of America; E. Raymond Wilson, Friends Committee on National Legislation; Bernard Weitzer, Jewish War Veterans; Reuben Johnson, National Farmers Union; Rev. James L. Vizzard, S. J., National Catholic Rural Life Conference; Mrs. Samuel Brown, National Council of Jewish Women; John W. Edelman, Textile Workers Union of America; Victor G. Reuther, United Automobile Workers; Donald Harrington, United World Federalists; Annalee Stewart, Women's International League for Peace and Freedom.

SOME FACTS ON LOCAL CONTRIBUTIONS TO THE UN EXPANDED TECHNICAL ASSISTANCE PROGRAM

RAMSEYER RULE PRINT OF THE MUTUAL SECURITY ACT OF 1958

Title III, Technical cooperation, section 306: "There is hereby authorized to be appropriated to carry out the purpose of this section * * * [$15,500,000] *$20,000,000* for the fiscal year [1958] *1959* for contributions to the United Nations expanded program of technical assistance *and such related fund as may hereafter be established:* Provided, That, notwithstanding the limitation of 33.33 percent contained in the Mutual Security Appropriation Act, 1957, the United States contribution [to this program] *for such purpose* may constitute for the calendar year 1958 as much as but not to exceed 45 percent of the total amount contributed [to the program] *for such purpose* for that period, for the calendar year 1959 as much as but not to exceed 38 percent of the total amount contributed [to the program] *for such purpose* for that period, and for the calendar year 1960 as much as but not to exceed 33.33 pecent of the total amount contributed [to the program] *for such purpose* for that period."

CONTRIBUTIONS PLEDGED BY GOVERNMENTS TO THE EXPANDED PROGRAM

These are the contributions on which the United States percentage contribution is computed:

1952	$18,797,200
1953	22,320,700
1954	25,020,600
1955	27,666,200
1956	28,833,700
1957	30,794,200
1958 (authorized)	31,890,422

LOCAL CONTRIBUTIONS OF A GENERAL NATURE—NOT ASSESSED OR AUDITED

In 1949 the UN Economic and Social Council approved a resolution (222 (IX) Annex I) that: "the requesting government should be expected to agree * * * normally to assume responsibility for a substantial part of the costs of technical services with which they are provided, at least that part which can be met in their own currencies."

Under this arrangement, recipient governments have provided funds to pay for personnel assisting the experts, office, and other physical facilities, transportation within the country, project supplies and material available in the country, and certain services such as postal and telecommunicative facilities.

The State Department has estimated the cost of all local contributions at $67.5 mil-

lion for 1958. (Francis O. Wilcox before Senate Foreign Relations Committee, April 1, 1958; John W. Hanes, Jr. before House Foreign Affairs Committee March 26, 1958.)

LOCAL CONTRIBUTIONS FOR LIVING COSTS OF EXPERTS—ASSESSED AND AUDITED

In 1953 the Economic and Social Council in resolution 470 (XV) approved arrangements under which recipient governments are required to pay towards the local living allowances of experts a flat sum calculated on the basis of 50 percent of the daily subsistence allowance rate established by the Technical Assistance Board multiplied by the number of man days served by experts in the country.

This procedure went into effect in 1954. The local costs assessments are as follows:

1954 (paid)	$913,267
1955 (paid)	1,379,589
1956 (paid)	1,494,529
1957 (estimated assessments)	2,570,420
1958 (estimated assessments)	3,100,000

These payments are listed along with voluntary contributions as payments to the special account in the UN records. But they are not included when computing the amount of the United States percentage contribution.

PRIMARY SOURCES

Status of Local Costs Arrangement, Report of the Technical Assistance Board (UN Doc. E/TAC/60, May 8, 1957).

Annual Report of the Technical Assistance Board for 1956 (E/TAC/REP/97).

Paragraph (2) amends in several respects subsection (a) which relates to contributions to the United Nations Expanded Technical Assistance Program. First, it deletes the obsolete authorization for the appropriation for fiscal year 1958 and substitutes an authorization for an appropriation of $20 million for 1959. Second, it inserts new language so that contributions under this subsection may be made to or for the United Nations Fund for Special Projects, or similar programs to be established pursuant to action by the General Assembly as supplementary to its existing program of technical assistance. Third, the language governing the scale of United States annual contributions is deleted. The committee took the initiative by inserting new language authorizing a contribution for each calendar year not to exceed 40 percent of the total amount contributed for that year. If contributions from other governments should exceed the present estimate and 40 percent of the total amount contributed by all governments for calendar year 1959 therefore exceed the requested $20 million, any additional United States contribution would be financed from the contingency fund in section 451 (b).

In 1958 an estimated sum of $3.1 million will be contributed by benefiting governments to the United Nations Expanded Technical Assistance Program in the form of local cost assessments. Since 1954 these contributions to the central account have normally been required from countries which receive the services of United Nations technical assistance experts. Such payments are applied, like other contributions to the technical assistance fund, toward general project expenses. If such payments are centrally received and audited in the same way as our own contributions, the United States could then take them into account in arriving at our proportionate share.

The proposal for the special projects fund arises from developments during the last session of the General Assembly. Many delegations from underdeveloped countries have attempted for years to establish an organization popularly referred to as SUNFED (Special United Nations Fund for Economic Development) which would have required large contributions to a U. N-administered fund for capital expenditures in underdeveloped countries. Our delegation has repeatedly pointed out that such a program is unrealistic in present world circumstances. Before a program of this nature could be undertaken, it would be necessary to make a careful analysis of the resources and capabilities of the countries and to develop a reservoir of trained personnel. This view was ultimately accepted by the General Assembly, and it was agreed to set up a supplementary program, popularly referred to as SPUR (Special Projects for Underdeveloped Regions), that would provide for surveys, research, and training. The new program will not get underway before 1959. The authorization of $20 million which is recommended by the committee for United Nations technical assistance and this related fund is estimated to be the amount necessary to cover United States contributions on the above 40 percent basis during this year, both to the regulation United Nations technical assistance programs and to these new activities.

(From the Mutual Security Act of 1958, Report of the Committee on Foreign Affairs.)

WASHINGTON, D. C., *May 28, 1958.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Small but important U. N. technical assistance program deserves all support United States can give. Foreign Relations Committee decision not to accept two constructive House provisions is most disappointing. We urge Senate on floor or in conference to peg United States contributions at 40 percent. Creation of new special fund makes 40 percent essential. United States ability to pay estimated at 40 percent of world's income. Also urge revision of base to include local cost assessments received and audited by U. N., thus giving greater recognition to contribution of other governments. These amendments already accepted by House would greatly strengthen technical assistance through U. N. They have our wholehearted support.

Robert R. Nathan, Americans for Democratic Action; Andrew E. Rice, American Veterans Committee; Wallace J. Campbell, Cooperative League of the U. S. A.; E. Raymond Wilson, Friends Committee on National Legislation; Bernard Weitzer, Jewish War Veterans; Reuben Johnson, National Farmers Union; Rev. James L. Vizzard, S. J., National Catholic Rural Life Conference; Mrs. Samuel Brown, National Council of Jewish Women; John W. Edelman, Textile Workers Union of America; Victor G. Reuther, United Automobile Workers; Donald Harrington, United World Federalists; Annalee Stewart, Women's International League for Peace and Freedom.

QUAKER PROGRAM AT THE UNITED NATIONS

Mr. MORSE. Mr. President, I have received under date of June 4, 1958, a letter from Elton Atwater, Associate Director of the Quaker Program at the United Nations. In the introduction to his letter, he says:

I have just learned that the Senate Foreign Relations Committee report on the mutual security authorization bill deletes two points which were included in the House version of the bill.

He, too, stresses the point I have just made in my previous comment. I ask unanimous consent that the letter be printed at this point in the RECORD.

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

QUAKER PROGRAM
AT THE UNITED NATIONS,
New York, N. Y., June 4, 1958.

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

DEAR SENATOR MORSE: I have just learned that the Senate Foreign Relations Committee report on the mutual security authorization bill deletes two points which were included in the House version of the bill. One of these was the recommendation that the United States contribution to the United Nations technical assistance program be stabilized for several years at 40 percent of the total contributions, rather than dropping to 38 percent in 1959 and 33.3 percent in 1960. I was sorry to hear this news, and should be very interested to know what reasoning lay behind the Senate committee decision. I also hope you will do what you can to support the 40 percent formula. The amount of money involved is relatively small in comparison with the goodwill which would be gained for the United States by making the larger contribution. Moreover, the application of the 38 percent formula in 1959 and the 33.3 percent formula thereafter will, in all probability, mean a reduction in the total amount of funds available for the U. N. technical assistance program. Even though contributions from other countries increase, as is expected, about $1 million per year, the increase will not be large enough to offset the decreased American contributions. While one cannot be absolutely certain of the size of the future programs, it looks now as though the U. N. program, which is currently running at about $31 million a year, would be forced down to $28 or $29 million a year when the United States 33.3 percent formula goes into effect.

In my work as a Quaker observer at the United Nations I have been impressed with the effectiveness of the U. N. technical assistance program and with the fact that the same amount of money goes farther than when spent in our own United States bilateral programs. The launching of the new U. N. Special Projects Fund for economic assistance to underdeveloped countries would also be handicapped by the United States 33.3 percent matching formula.

I know it is sometimes argued that the United States should not contribute more than 33.3 percent because this is the ratio of United States contributions to the regular U. N. budget. I think, however, that for programs of economic assistance where the United States is obviously in the best position to contribute, a larger share of the total is not unreasonable. I have been interested to discover that several other countries actually contribute a higher percentage to the technical assistance program than to the regular U. N. budget. In going over the figures, for example, I discovered that Canada contributes about 3 percent to the regular U. N. budget, but 6.2 percent to the U. N. technical assistance program. The Netherlands contributes 1.12 percent of the regular U. N. budget, but about 3.3 percent to the U. N. technical assistance budget. Sweden contributes 1.43 percent for the regular budget and 2.4 percent for the technical assistance budget.

Denmark contributes 0.64 percent of the regular budget and 1.8 percent to the technical-assistance budget. These are all figures for the 1958 calendar period. There seems to be ample precedent, therefore, for suggesting that the United States contribution might reasonably exceed the percentage which it contributes to the regular U. N. budget.

The second point which was dropped in the Senate Foreign Relations Committee report was the suggestion of the House Foreign

Affairs Committee that certain local assessed costs paid by the recipient governments toward the living expenses of United Nations experts be included in the base figures used for calculating the United States contribution to the technical-assistance program. At present the figure of these local assessed costs is about $3.1 million. Since they represent as much of a contribution to the program as many of the regular pledges, it seems reasonable to include them in the total figures used to determine the United States matching contributions. These figures are regularly audited and verifiable.

If the $3.1 million were added to the total pledged contributions of about $31 million, it would make it possible for the United States under the present matching formula to contribute about $1.4 million to the program. In effect, this would make it possible for the U. N. to draw down nearly all of the United States pledge to the technical-assistance program. At present, although the United States has pledged $15.5 million to the program, the actual United States contribution in 1958 under the present matching formula is not likely to exceed $14 million. (It will be even less in 1959 and 1960, unless the present matching formula is revised.) By including the local costs, this would increase the base of contributions sufficiently to draw an extra $1.4 million. Since this would be money already pledged and authorized, it would involve no new authorization whatsoever.

I know you are as deeply concerned as anyone about the success of the United Nations economic-assistance work, and I feel sure you will want to do all you can to increase the United States contribution toward it.

Sincerely yours,

ELTON ATWATER,
Associate Director.

THE NEED FOR TAX REDUCTION

Mr. MORSE. Mr. President, a few days ago the Senator from Florida [Mr. SMATHERS] said that he would shortly press for the elimination of the transportation excise tax. In my humble judgment, the trouble with the Smathers amendment is that it does not do much more than scratch the surface of the problem; it does not go far enough.

During the war when it put the excise taxes on the books Congress made a pledge that it would take them off when the war was over. I do not support any of the leaders in the Democratic Party who have not kept that pledge. That is why I have no intention of supporting those leaders in the Democratic Party who have joined the Eisenhower administration in what I consider to be an inexcusable imposition upon the American people by continuing the excise taxes.

Therefore, I intend to join with the Senator from Illinois [Mr. DOUGLAS]. We will support the Smathers amendment, but we will go far beyond the Smathers amendment. We will take the position that when politicians make a commitment, they ought to keep their commitment. We will take Senators back to the CONGRESSIONAL RECORD of the time when the excise taxes were imposed and will read to the Senate what the politicians at that time promised the American people.

These excise taxes ought to be removed. I agree with the editorial published in the Washington Post last Sunday. I ask unanimous consent that it be printed in the RECORD, with the appropriate deletions to conform with the rules of the Senate. I think the editorial in the Washington Post is unanswerably right. I call the Senate's attention to the last paragraph of the editorial:

It might not be amiss, as a last resort, for Senators who understand the need for a tax cut to block extension of the present corporate and excise tax rates, which automatically decline at midnight June 30. A much broader measure of relief is, of course, needed. But if a determination to hold fast for at least this much did not win some useful concessions on other taxes, the automatic cuts in a few levies might still be better than nothing.

I still stand with the eminent tax economists of the country, who have been advising us for months that what the economy needs is a tax cut of between $6 billion and $7 billion. We ought to start with excise taxes. We ought to carry out the recommendation of the Committee for Economic Development in 1947, a committee composed of outstanding businessmen and industrialists of the Nation, who have been urging since 1947 the elimination of most of the excise taxes and a drastic reduction in the others.

Year after year since 1947, the senior Senator from Oregon has introduced such a proposal in the Senate. I think it is about time that we start following the experts on taxes and stop following the politicians on taxes.

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

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

[From the Washington Post of June 8, 1958]

THREE YEARS OF STAGNATION?

The Joint Economic Committee of Congress has sounded a much-needed note of realism in its new survey of the business outlook. Without specifically advocating tax reductions, the committee makes an excellent case for a broad if temporary measure of tax relief to help accelerate the revival of production. Without it or other herculean measures such as a real and substantial step-up in Federal spending, the United States will suffer 2 and perhaps 3 years of serious stagnation. In human terms, the committee estimates, unemployment will continue at present levels or even rise as high as 7 million next winter and, not return to acceptable levels (of perhaps around 3 million) for 1 or 2 years.

For all the administration's fuzzy talk about accelerating expenditures (and its seeming horror at the thought of temporary Federal deficits), the committee shows that the real increase in the Government's contribution to the national economic consumption accounts by the end of this year will be relatively trifling. It puts the figure at some $2 billion, at an annual rate, above the level for the first of this year. This, of course, is far from enough to offset the great decline in business investment spending and exports, which could easily ripen into a disastrous, confidence-shattering slump in personal spending if unduly prolonged.

Against this backdrop, the stubborn indifference with which the House Thursday turned aside all efforts to write some measure of tax relief into the administration-backed bill to extend present excise and corporate tax rates was almost incredible. It is up to the Senate to end the economic policy paralysis for which the Democratic leadership and the President are equally to blame. Only the most adamant stand against the present obduracy is likely to be effective.

It might not be amiss, as a last resort, for Senators who understand the need for a tax cut to block extension of the present corporate and excise rates, which automatically decline at midnight June 30. A much broader measure of relief is of course needed. But if a determination to hold fast for at least this much did not win some useful concessions on other taxes, the automatic cuts in a few levies might still be better than nothing. At the least, it would dramatize the sterility of thought of the neo-Hooverites who would continue to gamble with the Nation's economic well-being by acting as though the recession were none of the Government's business.

ALASKA STATEHOOD

Mr. STENNIS. Mr. President, one of the most important, serious, and far-reaching decisions ever to be made by the Congress of the United States is scheduled for attention of the Senate within the next few days. I refer to the Alaskan statehood bill, S. 49, and the decision whether the fundamental structure and balance, both geographical and political, of our Nation is to be altered by receiving this Territory into the bosom of our Union.

I do not think that there has been general realization of the gravity of the issues presented by the annexation of noncontiguous areas, which cannot be made contiguous, thousands of miles from our other 48 States. The gravity of this question of national policy has been submerged in the specious arguments which have been advanced for the desirability of the approach toward granting Territorial residents the greatest blessing of citizenship in the United States: The right to vote in State and national elections.

Action on Alaska will set a precedent for other Territories. Mark my words, of we commit this fatal error in following the French plan of direct parliamentary representation and equal statehood rights for far-flung Territories, the process will not stop with Alaska, nor with Hawaii, nor with Puerto Rico, but will be extended on through Guam, the Virgin Islands, and other Territories which, of course, would highly prize the opportunity for full representation as States on the Senate floor.

Why is this matter of statehood for Alaska designated as so urgent?

Why is it that the proponents say it is unfair to consider an elected governor and a larger measure of independent self-government for the Territory as an apprenticeship period for statehood?

Answers to these questions lie in the political importance of senatorial representation. The ability to participate, by senatorial representation in decisions made here involving, as they do, many matters in many fields of every local community, county, and State in our 48 present States confers disproportionate power on a small constituency. The goal sought is not proportionate representation—it is disproportionate representation.

I think that the admission of Alaska or any other noncontiguous Territory to the heart of our Union would be a tragic mistake, an irrevocable act. It would commit us to a course impossible to reverse, much as we may regret out choice in future years. I most sincerely ask the Members to consider all the consequences, all the ramifications, and all the lessons of history in deciding their position on this bill. I sincerely hope that it will not be called up, but that the forces of reason and logic will prevail and a substitute bill to grant a higher degree of self-government within Territorial status will be offered. I firmly believe that such a bill would deserve and obtain a unanimous vote in the Senate.

GIFTS TO PUBLIC OFFICIALS AND THE CONFLICT OF INTEREST STATUTE

Mr. MORSE. Mr. President, under the 3-minute rule, I wish to refer to another matter. I ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks, together with certain other insertions which I shall request before I finish these remarks, an article entitled "Gifts Come Home to Roost," written by Peter Edson, and published today in the Washington Daily News.

The PRESIDING OFFICER. Is there objection?

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

GIFTS COME HOME TO ROOST

(By Peter Edson)

Oregon Senator WAYNE MORSE's warning of last August, that it was "politically immoral" for the President of the United States to accept gifts "worth thousands and thousands of dollars," has come home to roost in the White House with a vengeance.

Opinion here is now divided sharply on the outcome of the assistant to the President, Gov. Sherman Adams' acceptance of costly favors from his New England manufacturing friend, Bernard Goldfine.

One view is that Mr. Adams will have to go. The other is that for the President to let Mr. Adams go would be an admission of guilt from which the Republicans could not recover.

The White House keeps no official gift book. One unofficial tabulation shows over 100 gifts worth press mention in the last 5 years.

They range from about 25 head of purebred horses and cattle—given by various groups and individuals and worth from $20,000 to $25,000—and a $4,000 tractor complete with cigarette lighter, for his Gettysburg farm, to a Bible from the American Bible Society and an annual pass to the National Symphony Orchestra, which he rarely attends.

Total value of these gifts was once estimated at a million dollars. But when this figure was mentioned to the President, he said he would sell out for that "in a hurry."

One such offer came into the White House from Kidd Brewer of Raleigh, N. C. It wasn't accepted.

The administration got in a prize mess last fall over King Saud's gift of a $3,000 Oldsmobile to the wife of Victor Purse, former assistant chief of protocol. Things were made so unpleasant for Mr. Purse that he finally resigned.

King Saud also spread expensive watches around pretty liberally to people who were nice to him on his tour. But the White House never revealed what the King gave Ike. One rumor was that it was a jeweled dagger for Ike, a pearl necklace for Mamie.

After the Purse affair, however, the administration became more circumspect about gifts to Government guys.

President Eisenhower told a press conference that good taste should be the guide for acceptance of presents, if the gifts were made within the law.

Before King Mohammed V of Morocco came to Washington last November, it was announced that only the President, the Vice President, and the Secretary of State would exchange gifts with the royal visitor. Smaller fry were thus cut out.

Many of the gifts given to Presidents have no ulterior motive. The donors have nothing more to gain than an increase in their own self-esteem. They want to be able to brag to their friends that they have given something to the President. And they glory in the publicity they get out of it.

But the mere fact that the President does accept gifts sets a bad precedent for lesser Government help.

Few officials have the rectitude of the late Edward Douglas White of Louisiana, Chief Justice of the United States Supreme Court from 1910 to 1921. He said he wanted the members of his Court to be Delphic oracles and recluses. He wouldn't even allow his associates to attend Washington social functions. That kept them pure.

LIST OF GIFTS TO IKE

Here are the bigger gifts given to Ike since 1953:

Pair of matched official police revolvers with pearl grips—from Graham Anthony, chairman, Colt Manufacturing Co.

"Mamie's Cabin" at Augusta National Golf Club, from club members.

Color TV set, from Brig. Gen. David Sarnoff of RCA.

About 25 head of livestock, from various breeders' associations.

Oil lamp, 2,000 years old, from United Jewish Appeal.

Antique conference table, 12 chairs and Indian carpet from Stanwell House, where General Eisenhower planned D-day invasion, anonymous giver.

Statue of Jacob Wrestling with Angels, from sculptor Carl Mills.

Black Hawk tractor and plow, from Indiana, Ohio, and Pennsylvania cooperative associations.

Desk on which he wrote inaugural day prayer, from Statler Hotels.

Painting of Custer's Last Stand, from American Airlines.

Grandma Moses' painting of Ike's farm, from President's Cabinet.

Ten tons of teakwood, from Premier U Nu of Burma.

Small bronze head of Lincoln, from Bernard G. Hayn of France.

Rare portrait of George Washington, from General Franco of Spain.

Two horses for farm, from American Quarter Horse Association.

Furniture and ceramics once owned by Mrs. Frederick Keep.

Gem-encrusted map of Ceylon, from Premier Bandaranaike.

Sterling silver cutlery set of 200 pieces, value $3,000, from Ancient Company Cutlers, Sheffield, England.

Putting green for Gettysburg, $3,000, from Pro Golfers Association.

Greenhouse, 60-foot wall and 2,000 bulbs 100 trees, and other landscaping for farm from various nurseries.

Three-wheeled electric golf cart, from Cushman Motors.

Cask of rare cognac, from Cognac Producers of France.

Italian provincial wing chair, from Detroit department store.

Mr. MORSE. Mr. President, the RECORD will show that I was the first Member of the Senate to stand on the floor of the Senate and protest the acceptance by the President of gifts for his Gettysburg farm—not those from organizations such as 4-H Clubs, which would not involve a problem of conflict of interest—but from concerns and individuals in this country from which the acceptance of a gift would imply a conflict of interest. I took the position that the President should not so sully his office as to be guilty of accepting gifts which violate the moral principle inherent in the conflict of interest doctrine.

All of us know what happened. After I made my protest, not only did I receive some rather unkind criticisms from colleagues in the Senate, but I also received some from the press of the country.

Mr. President, I agree with Peter Edson that the conflict-of-interest chicken has come home to roost on the shoulders of the President of the United States. We now have the Adams scandal, and we have the whitewash brush in the hand of the President himself, who is trying to whitewash Adams.

But, Mr. President, Mr. Adams cannot be washed clean, because Sherman Adams—no matter how the President now tries to present the matter to the American people—has tartar all over the Eisenhower hound's tooth. In fact, in my judgment, it is a decayed tooth and should be extracted; and the voters should start doing so in 1958, and should finish doing it in 1960.

This matter has been brought out in excellent fashion in recent days by means of articles written by such persons as Drew Pearson, who is no favorite of the administration, but probably is the most effective muckraker of all time in the American journalistic profession. Mr. President, thank God we have some muckrakers in American journalism, some men who are willing to write of their findings of corruption in American Government. Drew Pearson has been doing it in recent days, in regard to this conflict of interest matter involving Mr. Adams and others.

Therefore, Mr. President, I now ask unanimous consent to have printed at this point in the RECORD a series of articles by Drew Pearson. In having the articles printed, I shall again follow my practice of deleting any statement which would violate the rules of the Senate. It is important that the facts which Mr. Pearson has brought out in regard to the conflict of interest activities of one Sherman Adams and of others be spread on the CONGRESSIONAL RECORD, for the reading of the general public; and I ask unanimous consent that this be done.

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

CALL BY ADAMS GETS FAST ACTION

(By Drew Pearson)

To understand the phone calls Sherman Adams made to the Federal Trade Commission regarding his friend, benefactor and hotel provider, you have to understand something about the Wool Products Labeling Act. It's a law requiring wool manufacturers to state whether their products is made of pure wool, reprocessed wool (wool scraps),

or reused wool, the latter being old clothes, sold as rags and rewoven. This labeling lets the public know just what it is buying. The terms of the law are strict, and if a woolen manufacturer continues to violate it, he can be prosecuted for a crime.

Adams' friend, Bernard Goldfine, owns the Northfield Mills at Northfield, Vt., the Lebanon Woolen Mill Corp. at Lebanon, N. H., and the Strathmore Woolen Co. at Boston. His political friends are as far flung as his business interests, and he has also been friendly with Jim Hagerty, the White House press secretary who has been so vigorous in defending Sherman Adams.

Early in the Eisenhower administration, November 1953, Goldfine's firms were charged with selling a product labeled 90 percent wool and 10 percent vicuna, though actually it contained a large percentage of nylon. Then, after Adams had called Chairman Ed Howrey of the Federal Trade Commission twice, the case against Goldfine's mills was closed as of February 5, 1954.

SIGNIFICANT CALL

Sherman Adams, in admitting that he called the Federal Trade Commission, minimized the importance of his intervention. To understand its true importance, you have to know first that a call from Adams is considered almost the equivalent of a call from the President.

You also have to know that Adams' assistant at that time was Charley Willis, son-in-law of Harvey Firestone of the Firestone Rubber Co., and that Ed Howrey of the Federal Trade Commission, long had been attorney for Firestone. His was a purely political appointment.

After he became Chairman of the Trade Commission, incidentally, an investigation of Firestone and other rubber companies evaporated. It just seemed to vanish.

Furthermore, Howrey's secretary, Clara Shumate, told House committee probers that her boss went to the White House every couple of weeks during the first part of the Eisenhower administration to confer with Sherman Adams. They enjoyed very close relations.

Most of those conferences, incidentally, were regarding the revamping of the Trade Commission so as to weed out antimonopoly personnel. Representative WRIGHT PATMAN, Democrat, of Texas, later accused Howrey of reorganizing FTC to favor big business and then resigning to practice before the friends he had appointed.

LATER ALLEGATIONS

Goldfine, however, apparently figured his political influence made him immune. Four woolen firms complained soon thereafter that he was violating the law again. The complainants were Hatch Textile Research, Einiger Mills, Wyandotte Worsted Co., and Broadmoor Fabrics, all of New York.

As a result, Charles Canavan, FTC project attorney, received a report on August 10, 1954, from Robert Scott, FTC investigator in New York, that Goldfine once again was mislabeling.

Finally, a year and a half later, March 13, 1956, a full report was made, and Canavan recommended that the case be sent to the Justice Department for criminal prosecution.

He said: "It is further recommended that the Commission certify all of the pertinent facts to the Attorney General for appropriate proceedings. * * * This action is recommended because the facts in this case indicate that the acts of Northfield Mills, Lebanon Mills, Strathmore Wool Corp., Bernard and Horace Goldfine were premeditated and the violations of the Wool Products Labeling Act were willful."

In the interim, however, Sherman Adams had arranged for Goldfine and his son to meet personally with FTC Chairman Howrey in the latter's office. Afterward, Goldfine called Adams and, in front of FTC officials, ostentatiously said: "I am over at the Trade Commission. I have been treated very well over here. Thanks for arranging the appointment."

He was treated very well. Canavan was only a career officer. His advice for criminal prosecution was ignored. Higher officials overruled him. The case against Goldfine was dropped.

ODDS AGAINST ADAMS STAYING

(By Drew Pearson)

The betting odds in Washington are that Sherman Adams, for 5 years guardian of the Presidential gate, correlator of White House decisions, the man who requires Cabinet members to check with him as to what they have discussed with the President, will have to retire as "Assistant President."

The secret evidence piled up in the House Legislative Oversight Committee is too embarrassing.

It includes the fact that Bernard Goldfine paid other hotel bills for Sherman Adams. The $2,000 tab he picked up at the Sheraton-Plaza in Boston was just one case. There is also the case of a $1,300 hotel bill paid for the Assistant President at Plymouth, Mass.

Then there is the case of Adam's clothes. Committee probers have checked with the tailor who fits both Goldfine, the millionaire textile manufacturer, and Adams, the immaculate Presidential assistant. It develops that Goldfine paid for most of Adam's clothes.

He even presented Adams with a vicuna coat.

This has caused Democrats to see shades of the Truman mink-coat era. They remember the "cloth Republican coat" speech of Vice President NIXON when he was defending his $18,000 personal expense fund and threw mink coats at the Democrats. They remember Ike's "clean as a hound's tooth" speech. And they remember the sanctimonious criticism of the Democrats by Adams himself.

When Sam Faber of the Faber tailoring firm in Boston was asked by this column how much money Goldfine had paid for Adam's clothes, he replied: "It's a very delicate matter. I can't discuss it."

MRS. ADAMS' CLOTHES

There is also evidence that Goldfine paid for some of Mrs. Sherman Adams' clothing at Jordan-Marsh, Boston's most exclusive store. On some occasions Goldfine and Sherman Adams came along on these shopping trips.

There is also evidence that Adams intervened at the Federal Trade Commission where Goldfine faced a criminal case. It was dropped.

All this follows so much Republican castigation of Democrats that it's believed Mr. Eisenhower cannot let Adams remain. It was in Des Moines, September 19, 1952, that the presidential candidate promised: "When it comes to casting out the crooks and their cronies, I can promise you that we won't wait for Congressional prodding and investigation. The prodding, this time, will start from the top."

WHITE HOUSE AIDES

Significantly, Adams' close relationship with Berny Goldfine broke just before Matt Connelly, who occupied the same White House position in the Truman administration, will go to jail for accepting 1 overcoat and 2 suits of clothes from Irving Sachs, operator of Shu-Styles in St. Louis. A criminal tax case against Sachs was also involved. Connelly's crime was to phone Lamar Caudle at the Justice Department.

Caudle sent Sachs before United States District Judge Roy Harder, who fined him but, because he was an epileptic, did not sentence him to jail. For this Caudle and Connelly were prosecuted with dogged relentlessness by the Eisenhower administration and finally convicted of "depriving the United States of their best services." The Justice Department did not charge that they received monetary reward.

In the Goldfine case, he too faced a criminal charge—before the Federal Trade Commission. Adams, like Connelly, put in some phone calls in his behalf. The case against him was dropped. The case against Connelly's friend, Sachs, was not dropped. He entered a plea of guilty in Federal court and was fined. Connelly got two suits of clothes and a topcoat from Sachs. Adams got $2,000 in free hotels in Boston plus $1,300 in free hotels in Plymouth, plus a vicuna coat, plus various other clothes from Goldfine.

Connelly and Caudle go to jail 1 week hence, June 22, which is Caudle's birthday.

ADAMS-GO-ROUND

The alibi put forward by Roger Robb, counsel for Goldfine (actually Adams' counsel) is that the two are friends of many years standing. Significantly, this is the same alibi made by the latest administration conflict-of-interest case, ex-FCC Commissioner Richard Mack, also defended by Robb. Because Mack was an old friend of Thurman Whiteside, the Miami attorney, he felt it was all right to borrow money from him. * * * Mack got fired from the FCC. It is illegal for a Government official to take money from a party who has a case before him, and Mack has been summoned before a grand jury. This writer has predicted he will not be indicted. Neither will Sherman Adams. They didn't work for Harry Truman. Not many Washington tears are being shed for the predicament of Sherman Adams, even in Republican circles. He's been too sanctimonious. The two New Hampshire Senators, BRIDGES and COTTON, have never liked him, though both have received favors from Goldfine. According to one New Hampshirite, "BRIDGES views Adams' predicament like that of your mother-in-law going over a cliff in your new Cadillac." Members of the Harris committee had mixed feelings about the Adams-Goldfine probe. Berny Schwartz, the counsel who was fired for suggesting earlier that Adams, Mack et al., were involved in possible conflicts of interest, had wanted to send probers to Boston a long time ago, but was stopped. When Congressman JOHN BELL WILLIAMS, of Mississippi, finally took a subcommittee to Boston last week, the Herald Traveler published a charge that he was guilty of "Bilboism." This made WILLIAMS see red. It will now be difficult to stop him.

SHERM'S PAL KEPT IKE WAITING

(By Drew Pearson)

The Legislative Oversight Committee has now disclosed unrefuted evidence that Sherman Adams, the man who really runs the machinery of the White House, received $2,000 of free hotel hospitality at the famous Copley-Plaza, now the Sheraton Plaza, in Boston. But what the committee has not yet revealed is that Adams was so brazen in his use of the hotel that he registered there at the same time committee probers were in the hotel checking on him.

The committee also has not revealed the amazing number of favors Adams did for Bernard Goldfine, the big textile manufacturer who picked up the hotel tab for Adams.

The chief favor involved the dropping of a criminal case against Goldfine at the Federal Trade Commission. But he also did a lot of little favors, one of them having been appointments to see President Eisenhower. Interviews with Mr. Eisenhower are not easy to get.

But when Sherman Adams arranged an appointment for his friend and benefactor, Bernard Goldfine, Goldfine was late. This is

unforgiveable. You do not keep the President of the United States waiting. When Adams upbraided him, the New England textile manufacturer replied, rather nonchalantly: "But I had a very important business engagement."

FAVORS IN RETURN

On November 12, 1953, a probe of Goldfine was started by FTC investigator Robert Scott. Eighteen days later, Adams called Chairman Ed Howrey about the case. Adams asked for a full report, which was submitted to him the same day—remarkable speed for a bureaucrat.

On February 5, 1954, Adams called Howrey's office again, and asked David Murchison, Howrey's assistant, for another memo on the case. This memo, signed by Harvey Hannah, Chief of the Wool Branch, declared: "It is felt that the matter pertaining to (Goldfine's) failure to disclose small percentage of nylon in certain fabrics may be closed."

The case was closed. But on October 6, 1954, despite a pledge from Goldfine not to mislabel his textiles, complaints were received that he was still doing it. Joseph Klein, manager of the FTC's New York office, reported on Goldfine's alleged violations on March 30, 1955. But again Adams intervened. On April 14, 1955, he arranged an appointment for Goldfine to see Chairman Howrey himself.

Later, March 13, 1956, FTC Attorney Charles Canavan recommended criminal proceedings against Goldfine despite Adams' intervention. However, on July 20, 1956, the full Commission decided not to press criminal charges.

RULING ON POINT OF ORDER THAT A SENATOR NOT IN HIS SEAT SHOULD NOT BE ACCORDED RECOGNITION OVER A SENATOR WHO ADDRESSED THE CHAIR FROM HIS SEAT

Mr. MORSE. Mr. President, I speak now on a question pertaining to procedure in the Senate.

It will be recalled that some days ago the senior Senator from Oregon was addressing the Senate from a seat other than his own, and a question was raised as to whether he was out of order. On that occasion, the Parliamentarian properly ruled that under the circumstances there was no precedent which would sustain the point of order. I believe it is obvious why that is so.

Mr. President, before I read certain material into the RECORD, I wish to point out the type of parliamentary situations which could cause any Senator to speak from a desk in the Senate other than his own.

Suppose a Senator were the acting majority leader. In that event he would be using a desk which was not his own.

Suppose a Senator were a member of a committee, which had reported a bill which was the pending business, as I am a member of the Labor Subcommittee, under the chairmanship of the Senator from Massachusetts [Mr. KENNEDY]; and suppose under those circumstances the Senator from Massachusetts asked me to sit beside him and advise him about the bill then pending in the Senate; and suppose that in the course of the debate, I rose from the seat beside the seat of the Senator from Massachusetts—from a seat not my own seat in the Senate—and addressed the Senate.

Of course, Mr. President, any rule which would prevent a Senator from addressing the Senate under those circumstances would interfere with the efficient operation of the Senate.

In order to have this matter settled, and so that a very clear statement regarding it would appear in the RECORD, I discussed the matter with the Parliamentarian. I asked him to supply me with a memorandum in regard to existing precedents; and there is one. So I shall now state what the records would seem to show on this point of order.

The memorandum has been prepared under the heading: "A Point of Order That a Senator Not in His Seat Should Not Have Been Accorded Recognition Over a Senator Addressing the Chair From His Seat Having Been Overruled, an Appeal From the Ruling Was Laid on the Table."

Mr. President, that situation raised the issue very clearly, as will be seen. The case occurred in 1908, and I shall now read into the RECORD the memorandum on it:

A POINT OF ORDER THAT A SENATOR NOT IN HIS SEAT SHOULD NOT HAVE BEEN ACCORDED RECOGNITION OVER A SENATOR ADDRESSING THE CHAIR FROM HIS SEAT HAVING BEEN OVERRULED, AN APPEAL FROM THE RULING WAS LAID ON THE TABLE

On May 30, 1908 (60th Cong., 1st sess., RECORD, p. 7260), immediately after the conference report on the bill (H. R. 21871) to amend the national banking laws was agreed to, Mr. Nelson W. Aldrich, of Rhode Island, moved to reconsider the vote by which the report was adopted. Mr. Robert M. La Follette, of Wisconsin, addressed the Chair, but Mr. Aldrich declining to yield, Mr. La Follette made a point of order, as follows:

"I rise to a point of order. It does not require any Senator to yield when a point of order is raised."

Mr. La Follette, at the request of the Vice President (Mr. Charles W. Fairbanks, of Indiana) then stated his point of order, as follows:

"It is this: That when the Senator from Rhode Island addressed the Senate he was not in his place at his seat and was not entitled to recognition. I was in my place and in my seat at my desk when I addressed the Chair and asked for recognition. I submit that under the rule, two Senators addressing the Chair at the same time, one of them being in order and the other out of order, I was entitled to recognition."

The Vice President said:

"The Chair is of the opinion that the Senator from Rhode Island was in order."

Mr. Aldrich then yielded to Mr. Joseph B. Foraker, of Ohio, who moved to lay the motion to reconsider on the table, when Mr. La Follette appealed from the ruling of the Chair. Mr. Eugene Hale, of Maine, then moved to lay Mr. La Follette's appeal on the table, which was agreed to: yeas 53, nays 9. The motion to reconsider the vote on the conference report was then laid on the table: yeas 45, nays 17.

Mr. President, in the excellent work which has been published by our two Parliamentarians, there appears on page 470 the following:

A point of order that a Senator was not in his seat and should not have been accorded recognition over a Senator addressing the Chair from his seat having been overruled, an appeal from the ruling was laid on the table.

The footnote to that paragraph is "May 30, 1908, 60-1, RECORD, page 7260."

Mr. President, I have taken the time to make this statement about the procedure in the Senate because we are coming to the closing days of the session, in which there necessarily has to be great movement of Senators on the floor of the Senate as we work with each other in the handling of bills. I thought we should have the RECORD set forth the only precedent we have been able to find to date on this question.

Mr. DIRKSEN. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. DIRKSEN. I would simply say that if the rule is strictly construed, I should have to call the attention of the Senator from Oregon to the fact that on Saturday night, from the desk next to mine, the Senator did propound a parliamentary inquiry, which he could not rightly have done under the rule unless he was in his own seat. It will cause some inconvenience to the Senate if strict observance of the rule is insisted upon from time to time.

Mr. MORSE. Mr. President, I think the Senator from Illinois has misunderstood my argument. It is that I do not have to be in my seat, in order to address the Chair. The precedent I have cited means, in effect, just that—namely, that a Senator does not have to be in his seat, in order to address the Chair.

Mr. DIRKSEN. However, was it not only last week that the distinguished Senator from Oregon took the obverse view in regard to this matter?

Mr. MORSE. No, not at all, but quite the contrary. I addressed the Chair from a seat in the center of the Chamber; and the point of order for addressing the Senate while not at my seat was raised against me by the Senator from Maryland. The ruling then handed down was that there was no precedent—as I understood the statement of the Chair—and, thus, no basis for the objection on the point of order that a Senator had to be in his seat when he addressed the Chair.

But in order to make this matter perfectly clear—which is why I have raised the issue today—I should like, with unanimous consent of the Senate to propound a parliamentary inquiry at this time, now that the Parliamentarian is here.

Mr. President, my parliamentary inquiry is whether I am correct in my interpretation of the La Follette precedent of 1908 and the action taken by the Senate at that time, namely, that it would appear to support the proposition that a Senator need not be at his desk in order to address the Chair and make a speech or participate in the debate or in any other business in the Senate. That is my parliamentary inquiry.

Mr. DIRKSEN. Mr. President, if the Senator from Oregon will yield 30 seconds to me at this time, let me say that I am glad to be corrected, as against the impression I had that it was the Senator from Oregon who raised the point of order.

Mr. MORSE. No; I was the object of the point of order.

Mr. DIRKSEN. I thank the Senator from Oregon.

Mr. MORSE. Mr. President, I request an answer to my parliamentary inquiry.

The PRESIDING OFFICER (Mr. THURMOND in the chair). The precedent set forth in the book written by the Parliamentarians is correct, and is upheld by the Chair.

Mr. MORSE. Mr. President, I thought it important to have this matter tied down today. I thank the Chair.

SUPREME COURT: DECISION TIME

Mr. HUMPHREY. Mr. President, recently I had the honor of participating in a televised program for WTOP here in Washington on the subject "Supreme Court: Decision Time." The program grew out of the considerable public discussion which has been provided by S. 2646, the so-called Jenner-Butler bill.

Contributing separate interviews to the program were the distinguished senior Senator from North Carolina [Mr. ERVIN], the distinguished president of the American Bar Association, Mr. Charles Rhyne, and myself.

Associate Justice William O. Douglas, of the Supreme Court, discussed the processes and methods of operation of the Supreme Court, without, of course, commenting on the legislation itself.

Mr. President, I think this program was a helpful contribution to wider public understanding of both sides of the controversy over S. 2646. Consequently, I ask unanimous consent that the transcript of this telecast be printed at this point in the RECORD.

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

SUPREME COURT: DECISION TIME

Here, within this marble temple, the Supreme Court of the United States, preside nine judges charged with the protection and interpretation of the Constitution.

These 9 men, or more properly, 5 out of these 9, have the last word in all legal disputes which involve a constitutional question. In this respect, the Court is indeed supreme over Presidents, Congresses, mayors, schoolteachers, police, prosecutors, and other judges, responsible solely to their own consciences. But down through the history of our country, the Court has come into conflict, through its exercise of judicial review, with Presidents, Congresses, and individuals. Through the years of its growth, ever since John Marshall, speaking for the Court in 1803, first held an act of Congress unconstitutional, the Court has resisted all attempts to check or change its powers and functions.

Today an old cry has been raised anew against the Court—that the Court has exercised too wide a power over the content of legislation, that the Court is not interpreting laws, but making laws in usurpation of a right reserved to Congress. One critic summed it up by saying the judicial camel has gotten too far into the legislative tent. While the complaint is old, it has brought forth several proposals in Congress designed in one way or another to limit the Court's power. The most notable among these has come from the United States Senate just across the plaza from our highest legal sanctuary.

Senator WILLIAM JENNER, Republican, of Indiana, introduced a bill designed to limit the appellate jurisdiction of the Court in five areas in which the Court had made controversial decisions.

As the measure was originally proposed, it would have removed from the Court's review cases arising out of Congressional investigations, the Federal loyalty-security program, State subversive laws, public and private regulation of schoolteachers, and State bar examinations for lawyers.

The Jenner bill was aimed specifically at the Court's recent decisions in those areas. Some Members of Congress were irked at the Court for its decision in the Watkins case, holding that a Congressional committee must inform a subpena witness why information sought from him is pertinent to its investigation, and a witness need answer only those questions which are pertinent. Others were disgruntled over the Cole and Service cases in which the Court said the Federal loyalty-security program applies only to persons in sensitive jobs, not to janitors; the Nelson and Sweezy cases, in which the Court held that State subversive laws are invalid because they conflict with Federal law in that field; and the Slochower case where the Court said a teacher may not be fired solely for taking the fifth amendment. Controversy also arose over the Schware and Koenigsburg decisions by the Court, holding that a man should not arbitrarily be deprived of the right to practice his chosen profession.

The most bitter criticism directed against the Court began with the school desegregation decision. The Court has also been attacked for the Jencks case in which it held that an accused witness has the right to confidential FBI reports pertinent to the subject matter on which he is questioned. And the Mallory decision stirred protests from local law-enforcement officers when the Court said confessions cannot be used against a suspect if there is an unreasonable delay between the time of arrest and arraignment. Critics say these decisions threaten the security of the country, impede the work of the police, the FBI, and the military.

For these decisions, the Court has been flayed for intruding too far into the role of Congress, and some charge that the Justices are trying to impose their own personal ideas and notions of what the law is upon the Nation. Others claim the Court has violated a principle of constitutional law by refusing to observe precedent, by overruling its previous decisions. Some assail the Court as a foe of States' rights and attack the justices as irresponsible. The high tribunal has been characterized by some as free-wheeling, without direction, and composed of legally inexperienced judges. One group even alleged the Court has become a subversive instrument for global conquest by the Communist Party.

Among the more moderate critics of the Court is Representative KENNETH B. KEATING, of New York, ranking Republican on the House Judiciary Committee. He agrees with some Court decisions; he objects to others. There are still others where he feels the ruling was probably right, but Congress was not clear in its intent, so the result was wrong.

In the following interview, KEATING states one of the dangers of the Jenner proposal as it was originally presented. This was one reason for amendments introduced by Maryland Republican Senator JOHN MARSHALL BUTLER:

"Mr. SUTTON. There have been several proposals, the Jenner bill being one, designed to restrict certain legislative areas from the Court's appellate jurisdiction. What about the Jenner bill and what would be the effect if it were enacted?

"Mr. KEATING. The effect of that would be this. You've got now one Court which is the final word on interpretation of the Constitution. And the decisions of that Court, if they are felt by Congress to be erroneous, can be corrected. If you deprive them of the right to pass on these questions, you would have the highest courts of all 48 States, plus the 11 courts of appeal in the Federal jurisprudence—you'd have 59 different interpretations, or could have, of what the Constitution says on those subjects where the Supreme Court was prevented from acting on it. You would have a chaotic condition and the controlling law would be as apt to depend on where you live as on what the actual law was. So I don't think that that proposal is carefully thought out."

* * * * *

Also in the House, the chairman of the Judiciary Committee, Democrat EMANUEL CELLER, of New York, while disagreeing with some decisions, takes a strong position against any tampering with the Federal judicial system:

"Mr. SUTTON. The Jenner bill has been designed to limit certain areas from the Court's appellate jurisdiction. What about that? What would be the effect of the Jenner bill?

"Mr. CELLER. That would be a fine kettle of fish and you'd make confusion worse confounded. The Jenner bill to my mind would undoubtedly violate the fundamental constitutional provision of the balance of power between the three independent branches of Government, the judiciary, the legislative and the executive. And for these reasons and many others I could take time to relate to you, I am opposed to the Jenner bill. Of course, the Senator, the distinguished Senator from Indiana, has brought to bear upon this bill all his forces in an endeavor to push the bill through the Judiciary Committee, and I think he has as allies those who are disgruntled as a result of the desegregation decision that emanated from the Supreme Court, although I take it that even many of the southern Senators and southern Congressmen couldn't very well swallow even the Jenner provisions."

* * * * *

The Jenner bill as originally proposed, thus proved too strong a measure, even for some of the southern critics who didn't like the desegregation decision. The bill had to be made more palatable if it was to stand a change of passage, and this was undertaken by a series of provisions offered in the Senate Judiciary Committee by Senator JOHN MARSHALL BUTLER, Republican, of Maryland. The Butler amendment struck out the most criticized features of the original Jenner bill—those denying the Court jurisdiction in cases arising out of the five controversial categories.

Thus the Butler amendment, by restoring the Court's right to review in these areas, sought to remove the biggest impediment to the bill as a serious proposal and enhance its chances of passage in Congress.

Senators JENNER, BUTLER, and JAMES O. EASTLAND, leading southern proponent of the measure and chairman of the Senate Judiciary Committee, declined to have their comments recorded for this program. From their public statements, their main argument is that the measure will restore States rights, save the country from unbridled rule by the Court, and return to Congress its broad powers of Congressional investigation. The Butler amendment to the Jenner bill would accomplish this by reestablishing the laws declared unconstitutional by the Court. For instance, the amendment called for extension of the loyalty-security program to all Government employees, whether in sensitive or nonsensitive jobs, but this provision failed to win committee approval.

However, three other provisions were approved. One permits Congress to determine whether questions asked in investigations are pertinent, where that is now a question for the courts. Another says that all acts passed by Congress in the antisubversive field

will supersede State laws only to the extent that they specifically say they will. And the third declared that not only advocating and teaching violent overthrow of the Government is a crime, but mere teaching of the abstract doctrine is a crime as well.

The measure was approved in the Judiciary Committee by a surprising 2 to 1 maority, suggesting that it could conceivably be pushed through the Senate.

"Mr. SUTTON. While the authors of the bill refused to speak publicly at this time, North Carolina Democratic Senator SAM ERVIN, voting with the majority, consented to explain the modified Jenner measure.

"Mr. ERVIN. The Jenner bill attempted to curb the inordinate exercise of power of the Supreme Court by denying it appellate jurisdiction in the cases covered by the bill. The Butler bill abandons this concept, except in the first provision, and adopts a method of amending laws.

"Mr. SUTTON. Why was the Butler amendment necessary?

"Mr. ERVIN. Well, I think there were some people who felt that something should be done in this field, people who did not like the concept of the Jenner bill—that you would allow lower Federal courts to try and convict a man of a crime and then deny him the right of appeal.

"Mr. SUTTON. Doesn't the Butler amendment, however, in effect, accomplish the same thing since what it proposes, in its last three provisions, is to change the law in those decisions by the Court which are controversial?

"Mr. ERVIN. Well, no; it does not in the last provisions, because the last provisions only represent an attempt by the Congress, at least by the proponents of this bill, to make those acts conform to the recent Congressional intent and to circumvent the erroneous interpretation put on them by the Court. In other words, the Court said Congress intended so and so, and this bill merely says Congress didn't intend that at all; it intended this other thing. And that is something which has been done times without number in our history.

"Mr. SUTTON. Well, why do you object to these controversial decisions of the Court which the Jenner-Butler bill is designed to get around?

"Mr. ERVIN. Well, I think that the power of the Court—that the Court, as one of the great authorities on constitutional law in the United States, Prof. Edwin S. Corwin, of Princeton University, said, the Court's been sticking its judicial nose into areas where it has no business, that are beyond its competence.

"Mr. SUTTON. Well, Senator, what do you object to specifically about these decisions? Would you take some of these cases and outline wherein you object to the Court's decision?

"Mr. ERVIN. Well, let me do this first and refer to an old decision of the Supreme Court that was very sound, in which the Court said it is a fundamental principle of our institutions, indispensable to the preservation of public liberty, that one of the separate departments of the Government shall not usurp powers committed by the Constitution to another department. Now, my objections to some of these decisions, such as in the *Yates* case, is that the Court has taken and misconstrued the acts of Congress, either consciously or unconsciously, because those acts did not reflect what the Supreme Court—the majority of the Supreme Court—would have enacted if they had been Congressmen instead of judges. And therefore, under the guise of construction, they take and substitute their personal notions as to what kind of laws that Congress ought to enact for the laws which Congress has actually enacted.

"Mr. SUTTON. In the Koenigsburg decision, didn't the Court say that you can't deny——

"Mr. ERVIN. Well, just one other thing before that. Then, in the Watkins case, the Supreme Court was doing just exactly what is contrary (as this excerpt I read), to our fundamental institutions—it is usurping the power of Congress to perscribe how a Congressional investigation is to be made. Now, in the Koenigsburg case: I object to it because the Court invaded the powers of the State of California, and, under our Constitution, the State is just as important as the Federal Government. As Chief Justice Chase said in the celebrated case of Texas against White, our Constitution in all of its provisions looks to an indestructible union composed of indestructible States. And decisions like the Koenigsburg case tend to destroy the States. Now, that case, in effect, holds that the 14th amendment—that, the due process clause of the 14th amendment—precludes the State bar examiners of California from asking questions of an applicant for a law license which were very relevant to show whether or not he possessed the qualifications prescribed by California law for obtaining a law license to practice law in the courts of California.

"Mr. SUTTON. Well now, Senator, is that what the Court said, or did the Court say this: that a man cannot be denied the right to practice his chosen profession by a regulation which will be in violation of the due process clause of the 14th amendment?

"Mr. ERVIN. Well, the Court—the majority opinion would attempt to put it on the ground you put it, but the effect of it was different. California law says that in order for a person to receive a license to practice law in California he must not believe in the overthrow of the Government by force and violence. This man, Koenigsburg, said he did not believe in the overthrow of the Government by force and violence at the time he applied for his law license. And he absolutely refused to answer questions put to him by the Board of Law Examiners of California as to his writings in the past, and as to his activities in the past, and as to his membership in organizations in the past, which were relevant to determine whether or not he had answered the first questions truthfully.

"Mr. SUTTON. Well, now, isn't one of the dangers of the Butler bill aimed at the Koenigsburg decision, that it makes not merely advocating and teaching violent overthrow of the Government a crime, but mere teaching of the abstract doctrine as well; so that it would seriously affect our colleges. For instance, a college professor would be impeded if he were doing nothing more than teaching, disinterestedly, a course in communism?

"Mr. ERVIN. Well, of course, that is an argument made by those who are believers in unlimited academic freedom. I don't like to put restraints on courts, fundamentally. I don't like to put restraints on teaching. I don't like to put restraints on anything. I think that judges and professors ought to have some self-restraint, but there are some objections to any kind of law of this nature; but, on the other hand, to my mind, there's a very much more fundamental objection. I mean, a more serious question is this: If judges are going to make laws, if judges are going to destroy the States, if judges are going to ignore the fundamentals of our constitutional system and attempt to limit the power of Congress to discharge its constitutional duties, then we are in danger of being ruled by a judicial oligarchy; and, I think that that danger is such a more transcendant danger than these other things, that we may have to put some restraints on judges if judges are not going to put restraints on themselves.

"Mr. SUTTON. Well, some of your opponents have said, Senator, that some of the Senators who are criticizing the Court are disgruntled over the desegregation decision, but you overlook the decisions of the Court which upheld States rights. They point out the recent decision by the courts granting the States the right to tax a Federal facility. What is your answer to that?

"Mr. ERVIN. The only thing I can explain: I do not know any decision of this Court in recent years that has contributed anything to States rights, except that one that apparently favors States being allowed to tax people. There has been a constant whittling away and a judicial erosion of States rights during latter years, and I can't think of a single decision offhand which protects any right on the part of the State, except the right of the State to tax. And I believe the Court once said that the power to tax is the power to destroy, and maybe they think that by taxation the States would be more effectively destroyed than any other way, I don't know.

"Mr. SUTTON: Well, I'm still wondering what's going to happen to the bill, Senator?

"Mr. ERVIN. Well, I think that if the bill reaches the floor, that regardless of its ultimate fate, if the bill is adequately debated on both sides, I think that the American people will understand better than they do now our system of government and will understand that under our Constitution that legislative powers belong to Congress and that the States have functions in local matters, and that it is not proper for the Supreme Court of the United States to make itself a judicial oligarchy."

* * * * *

The leading opponent of the bill, Senator THOMAS C. HENNINGS, a Missouri Democrat, declined for now to discuss the bill for this program. He and other members of the Judiciary Committee minority who voted against the bill have filed a sharply worded report in the Senate saying the measure reflects a kill-the-umpire philosophy. They charge the measure would in fact frustrate efforts to combat Communist subversion in this country. One of the group, Senator ALEXANDER WILEY, a Wisconsin Republican, said flatly that the bill would rob individuals of important civil rights, and undermine and unbalance the constitutional separation of governmental powers. If and when the Senate does debate the bill, one of the leaders in the fight to kill the measure will be Senator HUBERT H. HUMPHREY, Democrat, of Minnesota. These are his views:

"Mr. SUTTON. Senator HUMPHREY, what are the dangers of the Jenner-Butler bill?

"Mr. HUMPHREY. Well, first of all this bill is a legislative hodgepodge that attempts to reverse several Supreme Court decisions that are unpopular with one group or another. The Butler bill, for example, would deny the jurisdiction of the Supreme Court in a particular type of case, that dealing with admissions to the State bar, the right of lawyers to practice. The consequences, it seems to me, of that particular provision of the legislation would be rather severe. It could leave a lawyer defenseless against arbitrary denial of his rights under the United States Constitution—denial of due process. States might very well exclude without a remedy whole groups of lawyers from practicing because of their race. The legal profession, mind you, would be singled out for this special consideration—no other profession is so treated. It seems to me that this legislation would establish the practice here of the Congress of the United States literally picking and choosing what cases it wished the Supreme Court to handle or to have jurisdiction over. In this way you would destroy the so-called separation of powers and the balance of power in your constitutional system. I think that's the chief danger implicit in the bill.

"Mr. SUTTON. To your knowledge, Senator, is this the first time in our political history

that such an attempt has been made to limit the powers of the Court?

"Mr. HUMPHREY. No; it is not the first time. It's the second time, I believe, if my memory serves me accurately. There was another instance which historians cite with shame. Following the War Between the States, the radicals in the Congress snatched jurisdiction away from the Court in the particular area of habeas corpus. The lower courts were denying such rights, the Supreme Court was reviewing these decisions, and the Congress of the United States decided otherwise, limiting the jurisdiction of the Supreme Court. It's fair to say this was one of the examples in American history of irresponsibility, of a lack of fairness and decency in our constitutional processes.

"Mr. SUTTON. Senator HUMPHREY, you're an old political science professor and have taught American government to students before. What is the proper relationship of the Court to the other branches of our Government?

"Mr. HUMPHREY. Well, the more I serve in Government the more I respect the Founding Fathers. They really were inspired men, and they possessed a rare genius when it came to government. They knew what tyranny was; they had to live under it. They saw authoritarian government at work. They witnessed people's rights being denied. Therefore, they set up a constitutional system based not on theory but upon explicit practice.

"They tried to devise a constitutional system in which there was a separation of powers—the legislative, the executive, and the judicial—each having a precise function to perform, and each of these powers balancing off the others. Actually our Government is not only a government of the majority but it is a government of the minority. A majority can be as tyrannical as a minority of one with dictatorship. But our governmental process is set up so that the majority must at all times respect the minority, and at times the Court has been the protector of minority rights. We remember the decisions of Cardozo, Holmes, and Brandeis, which later on came to be a majority; but for a while those were the voices of the minority. Now the legislative branch, at times, has been the protector of minority rights, and there have been times when the executive branch has had to take the courageous position and the unpopular position of being the protector against a current hysteria that would have overridden the rights of the minority. So as I see it, what we had designed here in our Constitution was a system that not only made possible government but made possible government with justice—government that protected human rights, civil rights, civil liberties. In fact that's the whole purpose of the Bill of Rights. It's the whole purpose of due process of law in the amendments to the Constitution and in the basic Constitution itself.

"Mr. SUTTON. Well, in your view, Senator, is there any one case or group of cases which has motivated the current criticism directed at the Court?

"Mr. HUMPHREY. Well, I think all of us know that in recent years there has been grave concern in our country over subversion and over the activities of those who would undermine our Government. The Congress has engaged in all kinds of investigations. There have been cases that have come to the Supreme Court as a result of these Congressional investigations where individuals felt that their rights had been denied, their rights as defined in the fundamental law of our country, the Constitution of the United States. That's what we call civil-liberties cases.

"Then there has been the other, the civil-rights issue, the human-rights issue, the race issue. It's become involved in the Court's decisions relating to school desegregation and integration and a host of other cases, the bus cases, the interstate transportation cases. Now, there've been some that have resented the ruling of the Court under the 14th amendment, and, therefore, they would like to overrule the Court's jurisdiction in these matters by denying the Court jurisdiction through Congressional action. But may I point out that one of the reasons that people went to court was because they couldn't get any relief for their rights in the Congress or in the executive, so they appealed to the third branch, namely, the judiciary. Lately in the field of civil liberties in our country the courts have been the protector of minority rights.

"So you have two groups of cases, the civil-liberties cases and the civil-rights cases, in which the Supreme Court has had to exercise jurisdiction, jurisdiction which it has under the Constitution, jurisdiction which belongs to it under the doctrine of the separation of powers, jurisdiction which belongs to it by the very nature of the article of the Constitution setting up the judicial system. Now there are those who don't like these Supreme Court rulings, and I would appeal to them by saying: Let's not burn down the Constitution just to get at a specific case. It's perfectly true that some of us may not like these decisions in particular cases. But if we're going to argue constitutional law and constitutional principles on the basis of a particular case or an individual act, I'm afraid we're going to lose the substance of our Constitution. The Constitution was made for the ages; it was made for the enduring Nation as well as for the current moment."

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The Jenner-Butler measure has been strongly condemned by the American Bar Association. Lawyers have their reasons for objecting to the measure, as explained by Washington Attorney Charles Rhyne, president of the American Bar Association:

"Mr. RHYNE. The American Bar Association has voted through its house of delegates, which represents some 200,000 American lawyers, almost unanimously to oppose the Jenner bill, which would curb in part the jurisdiction of the Supreme Court of the United States. Senator JENNER makes no secret of the fact that his proposal to take jurisdiction from the Supreme Court stems from disagreement with, and would reverse, in effect, certain of its recent decisions. My personal reasons for supporting the American Bar Association's resolution is that the institution of the Supreme Court as the ultimate resolver of all judicial controversies in our Nation is sound. Even though that institution might not always provide decisions with which all of our people, or even a majority of our people, would agree, and that no American in any case can be denied access to that institution without imperiling his constitutional rights, our independent judiciary is the envy of other peoples throughout the whole world. They look upon it as the institution which insures the greatest thing we have in our Nation, individual liberty under law."

* * * * *

As the debate grows hotter, the Court itself remains, as is its tradition, aloof and silent, impervious to its critics. Justices do not as a rule speak off the bench on controversial matters, and never on a case or measure pending before Congress. Most decline all public comment for fear that their statements will be misconstrued so as to endanger the Court's traditional objectivity. Yet to understand more fully the criticisms aimed at the Court, it's important to know something of the Court's inner workings, its procedures for deciding cases, its principles of judicial review, its internal application of judicial self-restraint. These processes, of course, are challenged by the Jenner-Butler bill. For an explanation of these Supreme Court processes, we talked to Associate Justice William O. Douglas:

"Mr. SUTTON. Mr. Justice, many regard the Court with something akin to religious awe and think that the nine Justices sitting in secrecy arrive at the final decision as to what kind of Government ours will be through a process of lonely contemplation. I wonder, sir, if you would explain for us the day-to-day operation of the Court—the routine, the schedule, the workload.

"Mr. DOUGLAS. Well, usually the Court sits for 2 weeks and then recesses for 2 weeks, beginning from October down through June until all the business is taken care of. When we sit, we sit from 12 to 2 and 2:30 to 4:30. We have our conferences every week on a Friday, and we convene on Friday at 11 o'clock and we sit most of the day, sometimes the entire day on Friday discussing the cases that have been argued that week, and considering the petitions for certiorari and the applications to be heard that have come in during the week.

"Mr. SUTTON. When you consider a petition for certiorari how do you decide, or how does the Court decide to accept a case for review?

"Mr. DOUGLAS. Well, the standards are prescribed in an act of Congress, the Jurisdictional Act of 1925. Those standards are of necessity somewhat general. They give the Court discretion to grant or deny the petition in light of certain circumstances. For example, if the court in San Francisco, the court of appeals there, has decided one question one way and the court of appeals in Boston has decided it another way, then there's a conflict and we automatically take that case. If it's a case on which dozens or hundreds of other cases are awaiting decision, in which there is great public interest or monetary interest to the Government or taxpayers involved, then we usually take that kind of a case. It takes, as a matter of practice—this is custom, it's not written into law—it takes 4 votes out of 9 judges to bring a case up on certiorari. That's what we call our discretionary jurisdiction. There are other groups of cases that come up under different headings. The appeal cases are here as a matter of right. They come largely from the State courts. Then we have the cases of original jurisdiction, controversies between States over water rights and boundaries and so on, that start here and end here.

"Mr. SUTTON. Is there much discussion or argument in your conferences or do you generally accept the views of the man who was assigned to the case?

"Mr. DOUGLAS. Well, at the beginning of the conference, there is no opinion of anybody that has been written and that is submitted. There's no division of labor until after the conference is over and the vote has been taken and all the discussion had. It's very free discussion, informal, just the nine of us present and we discuss it pro and con. Sometimes various views are exchanged back and forth and when the Court members are finished discussing it, we take a vote. And then the senior judge in the majority assigns the opinion, that's usually the Chief Justice, and then the opinion is sent to a branch of the Government Printing Office that's in the building and we get printed copies and circulate them among the entire Court.

"Mr. SUTTON. Well, why does——

"Mr. DOUGLAS. It is only at the end of the conference discussion and perhaps some weeks later that there is an opinion circulated.

"Mr. SUTTON. And that opinion is assigned to a specific judge to write.

"Mr. DOUGLAS. Yes, that is the first division of labor in our court.

"Mr. SUTTON. Why does the court speak as a body? Why does one man write the opinion for the entire court? Why not separate opinions?

"Mr. DOUGLAS. The British system is a little different. The British have developed throughout the centuries a system of each judge handing down his own opinions. The seriatim opinion is in vogue in England. And when we started as a country years ago, Jefferson had the idea that every one of our judges should hand down his own opinion. But Marshall, another strong-minded man, was of another view, and he thought it would be better if they had one opinion announcing the views of the entire court. So Marshall really started that custom and it has been a custom that has been adhered to, and in every case we try to get a majority of the nine agreed on one opinion.

"Mr. SUTTON. I think Jefferson said that by not writing seriatim opinions that it is difficult to fix responsibility and it was one of his objections, I think, to Marshall's custom.

"Mr. DOUGLAS. I think so. I think he once said, "Let every man on the Court state his opinion and stand before God and man unashamed," or something like that.

"Mr. SUTTON. I take it you feel that writing the opinion as a body is a better procedure.

"Mr. DOUGLAS. Well, it is a better guide to the community and to the Congress and to the members of the bar as to exactly where the Court stands.

"Mr. SUTTON. Well, do split decisions indicate a serious doubt as to what the law is?

"Mr. DOUGLAS. Well, it indicates that you are dealing with a problem that is in the penumbra of the law that is not settled, on which reasonable men can differ, that it is not as clear as black and white, there are intermediate shades in between and those doubts have historically been the prerogative of the members of our Court to express.

"Mr. SUTTON. What was the role of the Court as envisaged by the Founding Fathers? Did they intend that the Court have the power to invalidate acts of Congress?

"Mr. DOUGLAS. Well, there is nothing in the Constitution that speaks directly upon that and specifically. That step was taken in 1803 in a unanimous opinion of the Court in *Marbury* v. *Madison*, very early in our history, in which the Court said that if it was asked to apply an act of Congress and enforce an act of Congress against the citizens that it would first examine the question as to whether or not that law was constitutional; and that practice has continued down to this date. The Court has not in its history declared many acts of Congress unconstitutional but the power has been used.

"Mr. SUTTON. As I understand it, it was another 50 years after *Marbury* v. *Madison* before another act of Congress was declared unconstitutional.

"Mr. DOUGLAS. It was quite a while. I think it is probably pretty clear that the Founding Fathers intended that there be some referee over the Federal system. Holmes once said, I think, that he didn't believe the Union would come to an end if the Court did not have the power to declare an act of Congress unconstitutional but that it would be somewhat in jeopardy if somebody did not have the power to declare acts of the States unconstitutional.

"Mr. SUTTON. Was that not really one of the worries of the Founding Fathers; that the doctrine of judicial review was really well known and though it was not specifically spelled out in the Constitution that perhaps they really did intend the Court to have that power?

"Mr. DOUGLAS. Certainly that was the assumption of the Court in 1803 and that has been the assumption ever since. And of course one of the very important roles that the Court performs is the referee in the Federal system; otherwise the students of this branch of government have felt that over the years we would probably tend to a Balkanization in the country if. * * *

"Mr. SUTTON. That would be the effect if the Court did not have that power?

"Mr. DOUGLAS. * * * If there was not some referee in the Federal system, whether it is the Court or some other agency.

"Mr. SUTTON. Sir, what are the doctrines or principles of judicial review used in deciding a question which comes before the Court? What about the doctrine of stare decisis law? Does the Court follow that in constitutional matters?

"Mr. DOUGLAS. Well, stare decisis is a Latin expression meaning to stand by a previous decision or to observe a precedent which was established years ago. And in the field of private law, that is a custom that is still largely adhered to. The law is not a changing thing from day to day so far as court decisions. We make a decision on construction of a statute and abide by it. That usually stands, although very often if you go back in the last 10 or 20 years you'll find many of the Court decisions construing acts of Congress have been changed by Congress, by an amendment to the statute in question.

"Mr. SUTTON. In other words, all the law is not written and on constitutional matters you don't follow the doctrine of stare decisis.

"Mr. DOUGLAS. Well, now, I wasn't speaking of constitutional questions when I was talking about stare decisis; I was talking merely in the field of statutory law or so-called common law. In the field of constitutional law, the Court has never in its history accepted the principle that stare decisis should control. It has always assumed, and I think quite properly, that every constitutional question is always open for reconsideration and review. That is due to the fact in the first place that the provisions and clauses of the Constitution are written in large generalities for the most part, not always, but there are many large generalities like due process of law in the Constitution; and furthermore that the times change, the problems change and each oncoming generation should be able to breathe its own views and life into the basic charter, and it shouldn't become frozen to reflect a political philosophy of the 1850's or hereafter of the 1950's.

"Mr. SUTTON. What about the principle of judicial self-restraint which we hear mentioned quite frequently? What is that and how actually is it employed?

"Mr. DOUGLAS. Well, the judges sit to construe the law as written and not to rewrite it, and one of the foremost tasks of a judge is to be truthful and conscientious in adhering to the Congressional scheme in the case of a statute. And furthermore, every Member of Congress, every State court judge, every official throughout our country, also takes an oath to support the Constitution, and so the Court naturally owes deference to other officials who are trying to enforce the law—the President, and the Senate, and all the rest of them—and thus should not and does not take into its own hands the settlement of all constitutional questions as if it and it alone knew what the answer was. That's it—it gives deference to the other branch of the Government, that's what it means.

"Mr. SUTTON. Thank you very much, sir."

* * * * *

There is nothing new about the current arguments swirling about the Court. The Court has always been criticized whenever it took a clear-cut stand on a controversial issue and told Congress, the administration, or others that they couldn't do something that they wanted to do.

When President Thomas Jefferson ran into political conflict with Federalist Chief Justice John Marshall, he castigated the Federal judges as a subtle corps of sappers and miners constantly working underground to undermine the foundations of our society.

When the Northern Securities case was decided against him, President Theodore Roosevelt said of Justice Oliver Wendell Holmes, "Why, I could make a man with a better backbone out of a banana."

Now, the Jenner-Butler bill appears, and presents, incidentally, a direct challenge for the Supreme Court to declare the measure unconstitutional should it be enacted. Sponsors, of course, hope to stir up a great debate and arouse public indignation against the Court.

We hope that Senator HENNINGS and his supporters will succeed in the Senate in burying the bill, and in blocking the threat it presents to the continued effectiveness of the Supreme Court. It would be a national tragedy for the Congress to erase the Court's power to defend our civil liberties as it has done so well in the decisions for which it is most criticized.

SOVIET ECONOMIC OFFENSIVE

Mr. HUMPHREY. Mr. President, during the past several months I have sought to emphasize that the tragedy of this recession lies not only in its domestic repercussions, but also in its effects on the worldwide level.

I have called attention to the warnings of respected authorities who tell us of the growing economic offensive of the Soviet Union. As Mr. Dulles, Director of the CIA, has stated, we cannot afford the luxury of a recession in a time of such peril to the Free World.

I am most pleased to see that greater attention is being given to this Soviet economic offensive. I add, regrettably, it comes late, but at least it is beginning to come.

In the current issue of Newsweek magazine, for example, there appears an excellent article warning of the Soviet's steady advances on the global economic front.

I call to my colleagues' attention the fact that fully 4 years ago the junior Senator from Minnesota addressed the Senate time after time on the danger of the Soviet economic offensive. I remember placing in the RECORD more than 40 trade agreements the Soviet Union had entered into with other states throughout the world. I pointed out that with the death of Stalin and with the new party line laid down by the 19th and 20th Soviet Party Congresses the Soviet Union was beginning to place additional emphasis on its economic activity, its economic offensive, its economic and political offensive, even over and beyond its military power. Events since that time vindicate the position taken by the junior Senator from Minnesota.

Newsweek states that the Soviet bloc is currently "outproducing the recession-slowed United States" in steel, coal, and machine tools, and its industrial production in 15 years may equal that of the Western World. "Americans are wakening to the fact that the Reds not only are catching up, but actually threaten to surpass the United States as the world's mightiest industrial power."

That is the report from Newsweek. In the meantime our so-called leadership tells the American people that all is well. All is well, according to the leadership here in Washington, from the President on down through his Cabinet, and, indeed, through some high officials in the Congress.

The people of the country are told all is well, despite the fact that the evidence indicates the Soviet Union is galloping ahead while we are slowly slipping behind.

I ask unanimous consent, Mr. President, that this article, entitled "The War Without Shots," from the June 16 issue of Newsweek, along with a newspaper account of the article from the June 12 Washington Post, be inserted at this point in the RECORD.

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

THE WAR WITHOUT SHOTS

"Which country in the world will be the strongest 10 years from now?"

Answering this question in a Gallup poll last week, most Britons, French, Belgians, and Indians named Russia.

Most Americans polled (73 percent) disagreed, expressing confidence that the United States would stay ahead—recession or no recession.

Commenting on America's attitude, one top British Foreign Office man told Newsweek: "It is a legend, an American myth, that the Russians cannot catch up. And it's another complacent myth that Soviet leaders are only managing to make a show of it by grinding down the faces of their wretched people."

This description of American complacency may have been true—before sputnik. But it no longer applies to all Americans. Like other Free World people, Americans are awakening to the fact that the Reds not only are catching up, but actually threaten to surpass the United States as the world's mightiest industrial power. Allen W. Dulles, head of the Central Intelligence Agency, calls Russia's buildup "the most serious challenge" this country has ever faced.

The challenge also was implicit in recent speeches by President Eisenhower and top administration leaders and by such prominent businessmen as James M. Symes, president of the Pennsylvania Railroad, who warned that Russia's rail system is growing swiftly while America's is dangerously declining. And it would be made even clearer soon in a 111-page State Department white paper on Russia's economic offensive.

Stark, cold figures tell the story of Russia's upsurge since Premier Nikita S. Khrushchev declared economic war against the West 3 years ago.

Expanding at the rate of 7 percent a year (almost double the current United States rate), the Soviet Union's gross national product now is substantially larger than that of Britain and West Germany combined. Its Texas-size Ukrainian Republic alone claims to grow more wheat than Canada and more sugar beets than the United States, and to dig more coal than France and Belgium put together. It also boasts it rolls almost as much steel as Britain.

In 40 years, the Communists have transformed a nation that built none of its own machine tools into a colossus that last year launched the first sputnik and the first nuclear-powered surface vessel (a 16,000-ton icebreaker).

During the same period, the Kremlin also pitched mightily into Russia's farm problem. More than 90 million acres of new land were cultivated. Soviet livestock increased by 4 million cattle, 8 million sheep and goats, 6 million hogs.

Describing his country's achievements, Khrushchev tells the world, "Soviet industrial output in the first quarter of 1958 was 11 percent above the corresponding quarter in 1957. In the United States it was 11 percent down." The contrast in annual production since 1950:

Steel: Russian output nearly doubled; from 27.3 million to 51 million metric tons; United States capacity rose from 90 million to 128 million, though current production has slumped to 74 million tons.

Coal: Russian output more than doubled, from 185.2 million to 379.6 million metric tons; that of the United States fell from 505.3 million to 469 million tons.

Electric power: Russian output more than doubled, from 91.2 billion to 209.5 billion kilowatt hours; that of the United States rose from 388.6 billion to 715 billion kilowatt-hours.

Crude oil: Russian outflow more than doubled, from 37.9 million to 98.3 million metric tons; that of the United States rose from 266.7 million to 390 million tons.

Counting everything from toothpaste to tanks, the United States still outproduces Russia by more than 2 to 1. The Russians, for example, turn out only 1 automobile for every 52.5 cars that roll off American assembly lines. But Russia already is exporting some models at prices lower than their American counterparts.

Within Russia consumer goods are subordinated to a furious drive for more and more heavy industrial production—communism's main weapon in its economic war against the West. And in steel, coal, and machine tools the combined Soviet bloc now actually is outproducing the recession-slowed United States.

British economists believe that Russia is growing so fast that it can go on expanding heavy industry and still make improvements in its standard of living. The Russian people remain abjectly poor by western standards, but in 1957 they bought 3.3 times as much meat as they did in 1940, 3.5 times as many dairy products, 9 times as many stockings. They also possess 2.5 million TV sets (as many as Western Europe) and last year made more housing starts (1.2 million) than the United States (900,000), though the average Soviet house hardly meets United States standards. And, proving that life is not all work, Leningrad produced 1 million tennis balls.

The Red tide of business is flowing strongly in the satellites, too, despite Hungary and the Kremlin's squabble with Tito. The United Nations Economic Commission for Europe reports: "The rate of expansion for Western Europe is below that of 1955 for the second year running. * * * By contrast the position in Eastern Europe is very much better."

Even more impressive is the progress of industry in Communist China. At great cost in blood and bone, the Reds have jacked up steel production from 740,000 metric tons in 1950 to 5.2 million tons this year, coal from 13.8 million to 122.4 million tons. With overall industrial output increasing 10 percent per year, Red China has dashed the hopes of many westerners that democratic India would stay ahead in the race for Asian industrialization and thus serve as an inspiration for other Asians. Faced by a severe financial crisis, India is cutting back its own 5-year plan and will not reach even half Red China's current steel output before 1961. By then the Chinese expect to produce at least 10 million tons, outstripping Japan. Peiping hopes to catch up with Britain in 10 years.

Taken together, the total output of the Soviet bloc may equal that of the Western World in 15 years—when today's first-graders finish college.

THE OBJECTIVE

Were it not for communism's avowed aim of world conquest, Americans and their allies might look on this Soviet upsurge with awe and admiration. But the Kremlin makes little attempt to disguise its objective. Khrushchev himself once blurted: "We value trade least for economic reasons, and most for political purposes."

The brisk business done by Moscow and its allies last week alone gave ample proof of their potential.

In Yemen, a Russian airliner swooped down on a desert airstrip (newly built by the Soviets) and dropped off 20 Communist Chinese engineers. They were the vanguard of a larger force arriving soon to build roads for the feudal Arab kingdom—suddenly important because it is fighting to grab neighboring Aden, a key link in Britain's Commonwealth lifeline to the Far East.

In Rio de Janeiro, Russia sought to barter $9 million worth of crude oil for surplus Brazilian coffee, cocoa, and cotton, while a Rumanian trade delegation offered the industrial-minded Brazilians oil-producing equipment at bargain rates.

In Moscow, the big West German firm of Krupp, successor to the industrial empire that built Hitler's war machine, confirmed a $12 million order for synthetic-fiber machinery and prospects for the sale of cement-making equipment.

In Finland, which strained for years to pay off huge war debts imposed by Russia, the Government signed up for $125 million more in Soviet long-term loans.

In Washington, Premier Khrushchev's latest letter to President Eisenhower offered to increase Soviet-United States trade by "several billion dollars" (Soviet raw materials plus "the most modern iron-ore-mining machinery" in exchange for quantities of United States consumer goods and equipment). Russia, Khrushchev suggested, would make up any trade deficit in cash or with "installments and [United States] long-term loans."

In Asia, the Red approach often has been even more direct. Red China gave King Mahendra of Nepal a planeload of coronation presents and $4 million in cash. (The United States gift: A sheaf of bird-of-paradise plumes, salvaged from the basement of the New York Museum of Natural History.) The Reds also flattered President Sukarno of Indonesia by publishing a catalog of his private art collection and handing him $10,000 in "advance royalties." And in Cambodia recently, the Soviet Red Cross was on the scene with $34,000 in relief for victims of a disastrous fire.

SOVIET STRATEGY

The weight and direction of Moscow's economic offensive were determined in 1955 after a calculating look at American foreign-aid figures. United States economic aid, though only a fraction of the amount Americans spend on liquor and tobacco, still outranked Soviet-bloc aid (by 2 to 1). But the bulk of American assistance—$60 billion to more than 60 countries since 1945—had gone to bolster the United States military allies (example: South Korea, which received $735 million in the past 3 years) and to supplement military aid, currently nearly double economic aid.

The Russians accordingly made their strongest effort in an area largely neglected by the United States—the uncommitted third of the world where grinding poverty, memories of Western colonialism, and political immaturity offered a pushover for communism. Here, the Red strategists decided, was the perfect battleground for Khrushchev's pitchmen—Egypt, Syria, Afghanistan, Ceylon, Nepal, India, Indonesia, Burma, Cambodia. In these 9 key neutral nations in the past 3 years, total Soviet-Red China aid has outdistanced total United States aid by $1.1 billion to $763 million. In the first 5 of these countries, Communist aid actually is 10 times greater. And most of the Communist aid is in the form of long-term, cut-rate loans (2.5 percent as against the standard Western rate of 4.5 to 5 percent).

In the 3 years since Khrushchev launched the big drive in a swing through Asia, the Communists have built up an elaborate "super-agency" for foreign aid. Strategy and

administration is directed in Moscow by the State Committee for External Economic Relations of the Soviet Council of Ministers with special geographic sections for Europe, for "the East," and for "underdeveloped capitalist countries."

Unhampered by debates in press or parliament, SCEER can wheel and deal as it pleases, buying up surpluses here, "dumping" there. Its emphasis is on showy aid projects, ranging from highways, bakeries, and buses (15) in Afghanistan to a nuclear reactor in Egypt and a sports stadium in Burma. India has wangled a 1 million-ton steel mill as part of its $295 million in Soviet aid, and Indonesia is getting a sugar mill and a tire factory.

The Communists also push trade deals. Soviet-bloc trade agreements with the less developed countries jumped from 49 in 1953 to 147 in 1957, and trade with them shot up 50 percent last year. In Southeast Asia, the Reds offer a remarkable variety of goods, ranging from bicycles, sewing machines, and canned bamboo shoots to steel girders and diesel engines, at prices that undercut the Japanese by as much as 40 percent.

In recent months, the Communist offensive has leaped into Latin America, where a drastic fall in raw-materials prices has reduced export earnings, closed down mines and plantations, and halted ambitious industrialization plans. Russia already has displaced Britain as the world's largest buyer of Uruguay's wool, that country's main export. It now is buying Chilean copper, Colombian coffee, Argentine meat and hides.

The Reds are stepping up their own "point 4" program, too. More than 2,300 Communist technicians now are on the job in underdeveloped countries, twice the United States number. Most are fluent in the languages of their 19 target countries. And last year 2,000 technicians and students were brought to Moscow, Prague, Peking, and other Communist capitals. Seven hundred came from India alone.

UPS AND DOWNS

Obviously, the Red offensive doesn't always run smoothly. There have been complaints about the poor quality of Communist crude oil, trucks, and automobile equipment. And Moscow's recent suspension of $285 million in credits to Yugoslavia, following Tito's refusal to accept Soviet political primacy, has brought tut-tuts from the Indians and misgivings in Egypt and Syria.

In terms of total economic war, however, dictatorship has the advantage of flexibility. The Kremlin can act swiftly and on its own; the democracies must legislate. Recent examples:

In Washington, it took the State Department 6 months to get an aid program to Communist Poland through Congress.[1] Moscow didn't hold back a ruble to the U. A. R.'s Gamal Abdel Nasser, when he cracked down on his home-grown Reds.

In Colombo, Ceylonese authorities urgently needed technical assistance on an irrigation project. On the same day, identical requests were made to the Soviet and United States embassies. Ten days later, a Russian irrigation specialist stepped off the plane at Colombo. A high State Department official later explained: "If we had got a man there within 12 months we'd be breaking all records."

But Russia's most telling selling point is its astounding rate of industrial advance. The uncommitted nations frequently are less impressed by the air-conditioned homes of United States aid officials than they are by the knowledge that Russia has almost become a technological equal of the United States in 13 years—given the fact much of its industry was destroyed in World War II—and that peasant China, 9 years after the revolution, has its own foreign-aid program. They are impressed, too, by the fact the Soviets manage their economy as they wish, bothered by no free trade unions agitating for higher wages, by no free-enterprise economy resisting state controls.

Recognizing this, Secretary of State Dulles once commented: "The cruel Communist system does have a certain fascination for people who feel their economies are standing still."

The State Department's Dillon last month stated the case squarely: "In my judgment," he said, "the most important economic question facing the United States is: What economic system will these 1 billion people of the less developed countries ultimately choose in their struggle against poverty? Will they succumb to communism? Or will they find the way to economic well-being through the principles of individual liberty and economic democracy?" And in a memo to the White House, the United States delegation to the United Nations warned: "Defeat in this [economic] race could be as disastrous as defeat in the armaments race."

The question was: What could the Western World do to avoid being "buried," as Khrushchev puts it.

Obviously, the West possessed powerful means of meeting the Red challenge.

WESTERN PRIORITIES

Economists and statesmen agree that priority No. 1 is for the United States to resume its economic growth. There are signs that the long-awaited upturn is at last in sight. Yet in the long run, economists believe, the United States economy no longer can develop along purely internal lines. United States business, they argue, must find expanding markets in the rest of the world.

The heads of NATO governments agree that the Free World must henceforth organize its economics, as well as its defense, along the lines of interdependence. Western experts have been searching for ways and means of translating this word into deeds.

Ever since World War II, Free-World commerce has been straitjacketed by tariff barriers, unconvertible currencies, and above all, the dollar shortage. Europe's recovery has done much to ease these restrictions but, in the end, the main initiative lies squarely with the United States.

With heavy unemployment in many areas, it won't be easy to persuade Congress to open United States markets to more foreign goods. Yet the United States depends on the outside world for 100 percent of its tin, mica, asbestos, and chrome, for 99 percent of its nickel, 95 percent of its manganese, 93 percent of its cobalt. And dependence on foreign raw materials is steadily growing. Equally important, 4.5 million Americans work directly for overseas customers, and the farm products of 1 acre out of 5 go to foreign countries.

But if overseas customers are to buy more United States goods they must obtain the dollars to pay for them. This means that America must buy more goods from abroad. This, in turn, implies that the United States' own prosperity is linked with lower tariffs.

Western Europe, which makes most of the goods Americans buy abroad, would be the main beneficiary of a more liberal tariff policy. But what about Afro-Asia, where the Reds are pressing hardest?

Economic strategists in Washington and London are convinced that if the West fails to help improve Afro-Asia's standards of living, a Communist victory is inevitable. A common Afro-Asian complaint is that, while the wealthy nations have become wealthier during the postwar boom, the poor have remained poor.

The State Department's Dillon suggests that the United States earmark $1 billion a year to be used for constructive projects in the underdeveloped nations, and that other western industrial nations (notably West Germany) help out, too.

Dillon also proposes that the United States increase its investments in the International Monetary Fund to help stabilize the economies of other Free World nations. And he suggests a larger volume of private American investment abroad, which last year leveled off at about $3 billion. (In its pre-World War I heyday, Britain invested abroad the equivalent of two Marshall plans a year.)

Whether Congress would accept such a plan is debatable. But it could revive world trade and spur the United States economy to greater heights. It certainly would demonstrate that the United States still is true to its ideals of freedom—both political and economic. Russia's challenge also was America's opportunity.

[From the Washington Post and Times Herald of June 12, 1958]

MAGAZINE CLAIMS REDS OUTPRODUCE UNITED STATES IN STEEL, COAL, AND TOOLS

NEW YORK, June 11.—The Soviet bloc is now outproducing the recession-slowed United States steel, coal, and machine tool industries, and may match the total Free World's industrial output in 15 years, Newsweek magazine said today.

Noting that Russia's annual gross national product is expanding at the rate of 7 percent—almost double the current United States rate—the magazine said, "Americans are awakening to the fact that the Reds not only are catching up, but actually threaten to surpass the United States as the world's mightiest industrial power."

In meeting the Soviet economic challenge, the publication said, "Economists believe the United States economy can no longer develop along purely internal lines. United States business, they argue, must find expanding markets in the rest of the world."

But Newsweek said "With heavy unemployment in many areas, it won't be easy to persuade Congress to open United States markets to more foreign goods," in order that overseas nations can earn dollars with which to buy United States goods.

However, the magazine pointed out that the United States still has a big jump on Russia. Counting everything from toothpaste to tanks, this country outproduces the Soviets by better than 2 to 1.

It noted that Russia turns out only one car for every 52.5 autos that roll off American assembly lines. "But," it added, "Russia already is exporting some models at prices lower than their American counterparts."

Mr. HUMPHREY. Mr. President, I invite special attention to the most recent report of the Rockefeller Brothers Fund, entitled "Foreign Economic Policy for the 20th Century." I wish to commend the highly esteemed authors of this report for their constructive and positive recommendations as to ways in which we can step up our efforts to aid in the economic growth and development of the poorer countries of the world. In this report the economic offense of the Soviet Union is noted and while warning that Soviet trade competition probably will be intensified, the panel states:

The Free World can withstand the impact of the Soviet geopolitical trade offense, if it organizes itself to do so.

I call to the attention of the Senate that this splendid report says that we can win; it says that we can outstrip the Soviet Union if we organize ourselves to do so. There is no lack of resources,

[1] Last week, an amendment to give the administration a freer hand in aiding restive Soviet satellites was defeated in the Senate by 1 vote.

there is no lack of scientists, there is no lack of capital on our part, there is no lack of productive capacity or technical know-how. There is only one thing wrong, and only one thing we lack. We lack leadership—leadership with the will to get the job done. Such leadership has been sorely lacking for several years, while the people have been hoodwinked into believing all is well.

The panel expresses concern, however, over the lack of awareness on the part of the American people in our stake in world economic and social progress, and the failure—listen to this—

and the failure of the leadership in our Government to emphasize its importance.

Here we see the Rockefeller report of the Brothers Fund putting its finger right on the heart of the problem—the failure of the leadership in our Government to emphasize the importance of the Soviet economic offensive, and the failure of the leadership in our Government to mobilize the American people to win the struggle.

This Rockefeller report stresses the vital importance of continued growth of our economy. It does not say anything about our recovery from the recession, which seems to be the favorite theme of some persons. Some are of the mind that all we have to do is be content that the recession has stopped. It has stopped by leaving 5 million persons unemployed. It has slowed down until the loss of annual production is around $18 billion. This is no way to win the struggle against a powerful, cunning, and adroit enemy such as the Soviet Union.

The Rockefeller report stresses the vital importance of continued growth of our economy—not of its stagnant condition, not merely that we arrest the recession, but that we arrest it and move on to higher ground. This is a point which I have emphasized in speaking on the recession. Here is what the report states on this point:

Because of the weight of the United States economy, perhaps the major contribution we can make to world growth is the maintenance of the vitality, growth, and stability of our economy. * * *

Basic to world economic growth is an expanding and vital United States economy. The importance of the United States as a market and as a source of supply is fundamental.

I ask unanimous consent, Mr. President, that a text of the summary of this report, which was published in the New York Times of June 16, along with newspaper articles about it of the same date from the New York Times and the Wall Street Journal, be printed at this point in the RECORD.

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

[From the New York Times of June 16, 1958]

TEXT OF SUMMARY OF ROCKEFELLER BROTHERS FUND REPORT ON FOREIGN ECONOMIC POLICY

I. CHALLENGE

All over the world, social and economic conditions taken for granted for centuries have come to seem intolerable. Economic and social growth has become a matter of primary concern everywhere. These aspirations for growth, if they are based on respect for national and human dignity, can become the basis of a new and more enduring world community.

No country—not even the United States—can meet the expectations of its people or continue to grow merely by developing and using its own resources alone. The Free World must devise the institutions for a world community in which free societies may flourish and free men have the opportunity to realize their potentialities as human beings. The challenge, therefore, to our foreign economic policy is to develop a concept for an international structure within which basic human objectives can be realized, to understand our responsibilities with respect to it, and then work steadily toward achieving it.

II. THE NATURE OF THE PROBLEM

(a) Disintegration of the 19th century political system—(b) Worldwide social revolution

There came about by the end of World War II an almost universal demand for a better standard of living to be achieved through political action, if purely economic efforts proved insufficient. In the United States, where the gap between aspirations and reality was smallest, this demand was at its mildest. In other nations, where the gap between reality and aspirations was larger, demands took on increasingly revolutionary overtones—the revolution of rising expectations became a dominant current in contemporary affairs.

(c) Less developed regions: Rising expectations and population growth

The regions most in need of capital also are often handicapped by the absence of a tradition of enterprise, a trained labor force or an adequate market system. The worldwide social and economic revolution is made even more acute by the explosive increase of the world's population. If the rate of growth between 1900 and 1950 is maintained the world's population will increase by at least a third in the next generation or by about 1 billion.

The restlessness produced in a rapidly growing population is magnified by the predominance of youth. In Algeria, for example, the age group under 25 represents 61 percent of the population and in Burma 55 percent, as compared with 43 percent in the United States and 38 percent in France.

(d) The industrial nations of the Free World

Once catalyzed by Marshall plan aid, the European economy has moved from strength to strength. Nevertheless, the economic situation of the industrialized states remains precarious. A great deal depends on developing an international structure which reflects the interdependence of countries, large and small, industrialized and less developed. An essential component will be an increasingly liberal United States trade policy, which will permit other nations to sell in American markets.

(e) The Communist threat

1. Soviet aid: Sino-Soviet aid promised (only a small part has been delivered) to the less-developed countries from January 1, 1954, to February 1, 1958, amounted to $1,952 million of which $378 million is military. Forty-four percent of the total Soviet assistance to the middle eastern countries was for military equipment.

2. Communist bloc trade: The question of United States policy toward Soviet bloc trade is a very real one and must be faced realistically. It is important for us to recognize that trade competition from the Soviet bloc is essentially political. It is probable that this competition will be intensified. The Free World can withstand the impact of the Soviet geopolitical trade offensive, if it organizes itself to do so. By building appropriate international institutions on the solid basis of existing mutual interest, the Free World can perpetuate an advantage that lies overwhelmingly on its side.

3. Exchange of leaders: During 1957, 2,000 Soviet bloc technicians were working for periods of 1 month or more in 19 less-developed countries in Asia and Africa. Roughly one-third were military technicians. At the same time, over 2,000 technicians, professional people and students went to Soviet bloc countries for study and indoctrination.

4. Conclusion: The Soviet effort is impressive primarily because the Free World has failed to develop a workable structure within which the industrialized and newly developing regions can cooperate in fulfilling the aspirations of their peoples.

(f) United States ties with the world economy

We have been particularly negligent in giving proper weight to the constructive role played by private capital flows. These are running at a rate that is more than twice the volume of United States Government economic assistance, and in the newly developing economies it is of comparable magnitude to the United States Government effort. Furthermore, in recent years private foreign investment has been expanding rapidly and broadening its base both geographically and in industrial diversity. Yet it is too often written off as having only secondary importance as an instrument in forwarding economic development in the less industrialized economies. It is our conviction that private investment can carry abroad the dynamism that has characterized the United States economy more effectively than any other means at our command. We should give far more effort than we have in the past to finding ways of encouraging its maximum use for achieving world economic and social development.

The effort of the Free World industrialized countries and particularly of the United States in the less developed regions has clearly been of major significance.

Nevertheless, the fact must be faced that the present level of total private and Government capital that flows from the industrialized Free World is not nearly enough. Since the rate of capital accumulation for the less developed areas is only about $17 billion annually, the additional amount needed to provide a margin between static and genuinely dynamic progress is well within the resources of the industrial Free World.

III. A 20TH CENTURY ECONOMIC STRUCTURE FOR THE FREE WORLD

(a) Interdependence of nations

The cardinal feature of the contemporary world is the ever growing interdependence of nations. The less-developed nations need the industrial equipment and consumer items of technologically advanced nations and markets for their primary products. The industrialized nations depend on these sources of raw materials and food, and they require markets abroad for their manufactured products. Both require markets larger than any individual nation can provide. Because of the weight of the United States economy, perhaps the major contribution we can make to world growth is the maintenance of the vitality, growth, and stability of our economy.

Since World War II, a number of institutions have been developed, many of them representing an effort to create communities which permit the Nation-State to enjoy the benefits and assume the responsibilities of participation in a larger complex:

1. The European Coal and Steel Community and the European Atomic Energy Community.

2. Communities based on a common market, for example, Benelux and European Common Market.

3. Market and commodity agreements.

4. Monetary and credit arrangements.

5. Corporations whose operations extend through many nations.

However, a structure adequate to the aspirations and opportunities of the 20th century requires a more comprehensive outlook and a longer-range purpose.

(b) *The United States and world economic growth*

Basic to world economic growth is an expanding and vital United States economy. The importance of the United States as a market and as a source of supply is fundamental.

(c) *Regional arrangements*

The most natural multinational arrangements are frequently regional. In many parts of the world, geography combines with common history to provide the basis for common objectives and fruitful cooperative efforts.

We have had a special experience with regional arrangements, both domestically and within the Western Hemisphere. Domestically, we have benefited from the stimulus of a large trading area.

The United States should encourage the formation of regional arrangements if they are designed—as they should be—with due regard to the general growth, cohesion and interdependence of the entire Free World. Regional arrangements of the kind here considered do not imply regional autarky. Their aim is the progressive elimination of trade barriers within groups, not the erection of new barriers between groups. Regional arrangements should be considered a step in the direction of freeing world trade. We should encourage not only regional economic groupings but strive for increasingly free relations among these groupings.

We believe that this regional approach has worldwide validity. Because the particular adaptation will be different for each region, the structure will have to be worked out by each region through consultation. We feel the United States should encourage the development of such regional structures in all areas of the Free World. We have tried to develop the outline for Western Hemisphere unity in chapter V, as an illustrative case.

(d) *Functional arrangements*

1. The special problem of primary products: Most of the countries in the less-industrialized areas of the world derive the bulk of their foreign-exchange earnings from primary-products exports: agricultural food products; petroleum and other fuels; and industrial raw materials, either agricultural or mineral. In 1957, the prices of most export foodstuffs fell and prices of industrial raw materials declined even more sharply. The situation in a number of countries is now so acute due to downward fluctuations in prices on these products that immediate action is required to avert crises and to deal with these problems on a long-term basis. We suggest consideration of the following two procedures:

(a) An agreement for commodities, where there are no practical means for controlling supply, might be worked out by producing and consuming countries to deal with surplus stock and to limit the fluctuations within a given year to a stated percentage, say 10 percent, above or below the average price for the given product in the previous year.

(b) Use of international credits to cushion the impact of necessary adjustments in commodity markets on producing nations.

2. The vistas of science and technology: In fields like the following, international agreements and cooperation are essential if significant progress is to be made, because the problems are broader than national boundaries: oceanography, development of an agriculture using irrigation by sea water, meteorology, medical research, and peaceful uses of nuclear energy.

3. The role of international institutions: The world possesses a most impressive array of international institutions, concerned in one way or another with economic and social problems. The very multiplicity of these institutions calls for coordination. Coordination is required on the level of individual country development plans. One of the most important forms of assistance to the newly developing lands can be in helping them take the maximum advantage of the complex of opportunities available. Regional development banks and organizations may prove a most fruitful method of relating regional needs to the various forms of international assistance available.

Some of our aid can be most effectively channeled through the existing institutions of the United Nations. In addition, consideration could be profitably given to the establishment of an International Development Authority to provide added impetus to worldwide economic growth.

(e) *Trade policy*

Within the Free World trading system, United States exports account for 20 percent of all exports, and its imports for 14 percent of total imports. But in terms of our domestic economy, combined imports and exports represent only about 8 percent of annual output. This relatively small proportion often leads us to underestimate the importance of that trade to other nations. What is a small item on our import list may be a major source of revenue for an exporting nation, for example our imports of Swiss watches, Scotch whisky, or Latin American coffee and copper.

Between 9 and 10 percent of all the durable goods produced in the United States is sold abroad. Significantly enough, these sales provide the margin between profit and loss for a large segment of American industries. About 4,500,000 workers, or 7 percent of the entire United States labor force, are directly dependent upon foreign trade for their livelihoods. Foreign trade provides more direct employment in the United States than the automobile, steel, chemical, and textile industries combined. One of the most important arguments in favor of trade liberalization is that it will broaden competition and thus increase the competitive discipline that is a major safeguard against inflation. Especially when consumer demand in the United States is pressing against our capacity output, the free access of foreign producers to our market will help to keep prices from rising.

We believe it essential that the reciprocal trade-agreements program be made a permanent part of our national policy. There should also be a broadening of Presidential discretion to allow for consideration of broad domestic and foreign-policy interests. Escape clauses, peril-point provisions, and even defense-essentiality procedures should be reconsidered.

IV. SPECIAL PROBLEMS OF THE ECONOMIC DEVELOPMENT OF LESS DEVELOPED COUNTRIES

The interdependence of nations implies that any lagging part of the world economy holds back every other. Conversely, to the extent that the less-developed regions participate fully in world economic growth, the entire Free World will benefit. Markets will expand, both for raw materials and industrial products, and an increasing range of human aspirations will be satisfied. We cannot achieve a community of free nations if the disparities of opportunity for their peoples are so vast as to preclude any common experience. The ultimate objective of all economic development is the well-being and happiness of the individual and the basic unit of society which is the family. The future peace of the world and the achievement of some of our deepest values depend on the sustained advance of the less developed regions in cooperation with the industrialized nations.

(a) *General characteristics*

While colonialism exacted a human and political toll, it also represented one of the greatest conversions in history. The more successful the teachings of the colonial powers, the more untenable grew their position. The disintegration of the colonial systems is thus fraught with both promise and peril. Its promise resides in the community of values which produced it. Its danger resides in the fact that anticolonialism may turn out to be the only shared objective of a people. The result may be nationalism impelled more by resentment than by positive aspirations.

(b) *Essential elements in economic development*

1. Governmental structure and services: Essential elements to the rate of advance will be law and order with justice, the development of a sound structure for taxes, customs, and budgets, plus an efficient, loyal, and trained civil service.

2. Education and trained manpower: Attention must be given to the advancement of education at all levels. Well-developed plans for universal primary education are essential if people are to develop and preserve their own democratic institutions and well-being.

(a) An appraisal should be made of the problems and needs of development of high-level manpower in Free World, less-developed countries.

(b) There should be a general assessment, in terms of impact and cost, of all present United States activities which are related to human resources development.

(c) The United States should cooperate with the region or country concerned in the development of educational institutions of all kinds, particularly in the field of higher education.

(d) There is need to develop specially trained personnel in the United States Government, as well as educational, philanthropic, and industrial institutions serving abroad.

3. Public health and sanitation: A major contribution to well-being and development can be made by more effective planning and the coordination of existing services.

4. Agriculture: To achieve a balanced agriculture, a major expansion of Government services in the fields of agricultural extension service, home demonstration, and supervised credit is required.

5. Basic public works: Fields such as transportation, power, irrigation, and port facilities require intelligent long-range planning both nationally and regionally. The financing of such projects must be a major concern for the Free World.

(c) *Financing capital needs*

The capital needs of the less-developed countries can be grouped roughly into three categories; Basic services (public health and sanitation, education, agricultural extension, public administration), public works (roads, railways, harbors, irrigation works), and the production and distribution of goods and services. As a general rule, the provision of basic services and public works in less-developed areas has been financed from Government sources while production and distribution are private enterprise functions in a free economy.

It was to fill gaps in the existing international credit structure that the Development Loan Fund was conceived as part of the United States program. It began operations in November 1957 with a modest appropriation of only $300 million. By the end of January 1958 it had received 161 applications from 27 countries totaling $1,300 million.

The Development Loan Fund should be incorporated as a permanent Government

institution and we recommend it be specifically authorized to make grants and that at least a portion of the United States grant and aid program should be handled through it. It should be authorized to contract with American companies to produce goods and services abroad in areas where private capital will not go on its own initiative because of the risks involved. We believe that a considerable increase in its capital may be thoroughly warranted.

(d) The significance of private enterprise

1. The encouragement of private enterprise: The driving force in a free country comes from the initiative, imagination, and willingness to assume responsibility on the part of innumerable individuals. The success and effectiveness of the totality of their efforts depend importantly on the climate, the framework, and the conditions under which they are able to operate.

Recognition must be given to two factors that work against their achievement—the lack of a tradition of the value of individual initiative which together with the pressures of rising expectations tend to result in centralization in government of economic and social forces. Therefore, a major conscious effort must be made to encourage the development of systems which permit the flourishing of these values within structures not necessarily identical with ours but which are compatible and make possible a common effort.

Two general approaches to the encouragement of private enterprise by national governments should be emphasized. The first relates to domestic policies to encourage initative and enterprise and promote domestic saving and investment. Among the most important of such policies are those designed to check inflation and stabilize currencies. In many of the less-developed countries, domestic inflation has been the chief enemy of growth. An end to inflation would encourage savings, assure that savings would be channeled into the most efficient form of investment and make possible the removal of the maze of direct controls that inhibit initiative and enterprise.

Taxation is another field where national governments might take action to promote the growth of private enterprises. Tax structures should be reviewed to minimize impediments to growth.

2. The role of private foreign investment: United States capital has played an increasingly significant role in the economy and social development of other nations, particularly in the Western Hemisphere. It should be the policy of the United States to encourage private overseas investment as a complement to programs of economic aid and technical assistance. However, private investment—with the exception of private philanthropic capital—will flow into foreign fields only if there is the prospect of a return commensurate with the risks involved. If the risks or uncertainties are too great, private enterprise will not enter many areas where it could make a great contribution. One of the preconditions for the fullest use of private enterprise is the development of the regional political and economic structures described in chapter III, a framework, which permits men, money, and goods to move freely to where they can play the most important role in world economic growth.

We recommend that the United States Government take direct action to encourage the flow of private funds into international investment by providing appropriate tax incentives for investment abroad.

3. Coordination of private and public activities:

(a) Facts should be collected covering all substantial private American capital investment presently taking place abroad to make possible the coordination of private and public activities.

(b) The handling of intergovernmental loans, such as those made by the Export-Import Bank, could be made less time consuming and more productive.

(c) In areas of high risk it might be practicable and useful to make long-term, low-interest-rate loans to private enterprise as a special inducement to go into such areas. Where even this type of loan will not induce private enterprise to go into these areas, the newly incorporated Development Loan Fund should be given authority to contract with American private enterprises to render certain services of a technical or managerial character abroad.

4. The framework for investment and enterprise: In collaboration with other nations, the United States must continuously seek to establish legal institutions and arrangements, national and international, which serve as the foundation for a dependable and productive flow of investment and trade in international economic life.

(e) Liberalizing international trade

The less-developed nations, if they are to achieve maximum industrial and general economic development, need broader markets than can be provided within national boundaries.

V. WESTERN HEMISPHERE—A TEST CASE

It is imperative for the United States to cooperate closely with its Western Hemisphere neighbors in the solution of problems that necessarily are of common concern. A sober review and consideration of our longer term economic and social objectives and relationships have been too long deferred.

Any serious reformulation of United States foreign economic policy must include as a major element careful consideration of our common objectives with respect to and our impact upon the neighbors to whom we are so closely bound. Even in Canada, where the development record of the economy has been outstanding, there have been recent rumblings. These reflect at least a sharp questioning of certain of our economic interrelationships and deserve immediate and serious attention.

For the United States, for Canada on our north and for the 20 Latin American republics to our south, interhemisphere economic ties are the predominant factor in their respective foreign trade interests. About half of all the United States trade flow is within the hemisphere, almost equally divided between Canada and Latin America.

(a) Current emergencies

We face a situation of serious economic deterioration—one that could lead to crises in a number of Latin American nations. Such developments are of the utmost concern to the United States. Perhaps the most acute problem is coffee.

(b) An inter-American conference

The United States should participate in calling as soon as possible an Inter-American Economic Conference in which Canada would be invited. The Conference should be called for the joint consideration of an action to—

Find workable procedures for moderating extreme price fluctuations in commodity trades.

Devise ways for the cooperative promotion of general economic growth and development, including consideration of an Inter-American Development Authority.

Work toward international agreement to set up a common market of hemispherewide scope or of regional common markets with merger as an eventual goal.

Establish an Inter-American Payments Union to provide for the full convertibility of currencies among all nations subscribing to a common market arrangement.

Facilitate other inter-American arrangements for cooperation upon common purposes and social objectives in such fields as education, low-cost housing, health and technical assistance.

Assure that such arrangements shall be so conceived and executed as to promote high levels of multilateral world trade and the general economic growth of the entire Free World.

VI. THE SIGNIFICANCE OF ECONOMIC GROWTH FOR ATTAINING WORLDWIDE OBJECTIVES

Economic growth is not automatic and it always poses the problems of choice. A growing economy can absorb adjustments of a social, political and economic nature which would prove intractable in a stagnant economy.

(a) Past growth trends

The economy of the Free World has experienced a considerable growth since 1948. To use exceedingly rough estimates, the total production of the economies of the industrialized Free World may have moved ahead at an annual rate of 4 to 5 percent in the past decade as compared with an annual advance of 2 to 3 percent in the 1870–1913 period.

(b) Projections based on past economic growth trends

If recent trends in the world economy should continue, we would see growth rates in total production of goods and services of:

Four percent in the United States.

Five percent in other free industrial countries, including Western Europe, Canada, and Japan.

Three percent in Latin America and perhaps 2 percent in other less developed areas.

Six percent in the Soviet Union, 3 percent in the satellites and 2 percent in Red China.

If these growth rates are regrouped by broader categories, we get these results:

Four and one-half percent in Free World industrial nations.

Four and one-half percent in the Communist bloc.

Two and one-half percent in less-developed nations.

The broad conclusion that emerges from these projections is that existing economic disparties among nations would widen. It is also significant that the same rate of growth seems to characterize the Communist bloc as a whole and free industrial nations as a whole. If these trends continue, the relative economic strength of the two groups will not change significantly.

(c) Needs and possibilities for future growth

When a society develops the institutional arrangements which make it possible to devote a large part of gross national product to investment, a high average annual growth rate is achieved.

Consequently, one of the important tasks is to create conditions under which the rate of investment in the less-developed areas can be increased from its present level of about 13 percent of gross national product as rapidly as possible. If total output in the less-developed areas were to increase at an average annual rate of 6 percent, per capita production in the less-developed areas could rise 59 percent in 10 years and 151 percent in 20 years—as against only 29 percent in 20 years under recent trends.

(d) Increasing the level of investment

Even a poor economy faces the choice of consuming all of the increase in its output (an increase which may run to 2 to 3 percent per year) or devoting some of it to investment. If it is consumed, growth ceases. But if part of it is invested, the flow of goods and services is thereby increased for the indefinite future.

An attempt to double the rate of investment in less-developed areas in a short period would result in major economic and

social changes. In the long run, however, there is no reason why this cannot be accomplished. An increasing flow of international capital—private and public—can assist in the development progress. The main and continuing impetus to investment must come through the encouragement throughout the Free World of saving and investment together with initiative and enterprise, high levels of multilateral trade and through the development of a broader understanding of our common purpose.

(e) *The uses of growth*

Seventy-two percent of the output of the Free World industrialized output is devoted to the current welfare of the citizen, while the Soviet bloc makes available only 60 percent and the Soviet Union only 47 percent.

Economic growth is not an end in itself. Individual fulfillment must be the ultimate impetus behind our effort.

VII. CONCLUSION

Our final concern deals with an intangible problem: The attitudes of the American people and the vision of its leadership. For the Free World structure will not be meaningful unless there is an informed and concerned public opinion. One of the chief obstacles to an effective United States foreign economic policy has been the absence of such an attitude. There does not exist an adequate public awareness of our stake in world economic and social progress, nor has our leadership been effective in bringing it about.

Every individual has a personal stake in the solution of the problems and the realization of the aspirations of his fellow men in ways that will preserve the great traditions of initiative and freedom.

Nothing is more important than to bring about a conviction that a sustained and imaginative foreign economic policy is crucial from the point of view of our self-interest and from the point of view of the peace and well-being of the entire world.

[From the New York Times of June 16, 1958]

ROCKEFELLER UNIT ASKS NEW SYSTEM FOR WORLD TRADE—BROTHERS FUND WOULD FORM REGIONAL GROUPS WITHOUT ECONOMIC BARRIERS—UNITED STATES LEADERSHIP URGED—STUDY SEES RETARDED AREAS AT MERCY OF SOVIET—CALLS JOINT ACTION MANDATORY

(By Homer Bigart)

A new international system founded on regional political and economic groupings was recommended yesterday in a report of the Rockefeller Brothers Fund.

These regional arrangements, designed primarily to spur economic development, would provide cohesive trading areas of a sort that vanished with the disintegration of colonial systems.

The Rockefeller report made clear that the regional structures would be free associations of nations. It expressed the hope that these groupings would reconcile the conflicting interests of nationalism and economic efficiency.

It suggested that the Western Hemisphere be taken as a test case for cooperative action. Declaring that many Latin American nations faced grave economic crises the report asked the United States to call an Inter-American Economic Conference as soon as possible to consider a six-point program of economic integration.

SOVIET OFFENSIVE CITED

Without regional organizations, the less-developed areas of the Free World will become increasingly vulnerable to the Soviet trade offensive, the report warned.

At present, weak countries have to face the Soviet economy alone. If these countries are part of a larger grouping, they will be able to resist Soviet pressure more easily and negotiate on a more nearly equal basis, the report said.

These regional arrangements are no longer a matter of choice but are imposed by the requirements of technology, science, and economics, it was said. Unless the United States takes the lead in fostering the new groupings, they will come into being "in opposition to us," the report maintained.

The report, prepared by a panel of 10 economists, educators, and businessmen, said it was impossible for the United States to deal creatively with 80 sovereign nations on a bilateral basis.

OTHER RECOMMENDATIONS

Other major recommendations of the panel included:

The reciprocal trade agreements program should be a permanent part of our national policy. Discretionary powers of the President should be broadened to permit an increasingly liberal trade policy.

An International Development Authority should be established to give added impetus to worldwide economic growth.

An increase in capital flow to the less developed part of the Free World is advisable.

The newly organized Development Loan Fund should be incorporated as a permanent Government corporate institution. The fund should handle at least a part of the United States grant-and-aid program. It should be empowered to contract with American companies to produce goods and services abroad in high-risk areas where private capital will not venture on its own initiative.

FOREIGN-AID RISK SEEN

The panel set forth as a fundamental principle that the 19th century political system, which dominated world affairs almost until World War II, had been destroyed without replacement.

Unless the United States develops a clear vision of a new Free-World system designed for greater political and economic interdependence, the panel said, its foreign-aid program will remain fitful, inadequate, unbalanced and lacking a coherent purpose.

The report blamed national leadership for failing to create "an adequate public awareness of our stake in world economic and social progress."

As a result, it continued, foreign economic policy is too often "simply a response to a series of separate crises." Measures to meet each crisis were found limited to a particular issue, which accentuates the difficulties of each situation and obscures the overall relationships.

Instead of trying to shore up individual nations, the United States was urged to undertake the bold and visionary move of sponsoring a new world order.

The panel said it was impossible to give a precise blueprint for the proposed regional groupings—the adaptation would be different for each region. Initially the groupings might involve common markets or free-trade areas or functional arrangements like the European Coal and Steeel Community, the panel suggested.

COMMON CURRENCY SUGGESTED

But the groupings, when fully developed, would go much further than the market and commodity arrangements now in effect in Western Europe. They would imply a common currency and free movement of capital and labor.

In effect, each nation within a grouping would maintain its own foreign and defense policies, but trade and commerce within the area would flow as though no national boundaries existed.

For the Western Hemisphere test case, the panel suggested that the United States, Canada, and the Latin American nations work toward a common market embracing the hemisphere.

It proposed a timetable of 10 to 15 years for attainment of the common-market goal. That would permit time for adjustment to conditions of freer trade and exchange.

Two general lines of approach were suggested. One was to move first to the development of regional trade arrangements among three groups: the Central American nations, the northern tier countries of South America, and the nations of southern South America. The other was to move directly toward the ultimate and bolder concept.

The panel anticipated protests that the common market ideal might retard the industrialization of Latin America. It cited the experience of Puerto Rico as proof that tariff barriers were not required to stimulate economic development. It observed that Puerto Rico was part of a common market with the United States and that this had encouraged a greater degree of industrialization in Puerto Rico than anywhere in the Caribbean.

DEVELOPMENT AUTHORITY URGED

Creation of an Inter-American Development Authority was proposed as a vital instrument of regional cooperation. With capital contributions from all Western Hemisphere nations, this authority would finance projects of broad regional significance.

The panel recognized that the Inter-American Economic Conference would have to deal quickly with acute current emergencies.

It noted that in the last 2 years Latin America's economic growth had been slowed by sharp declines in the prices of coffee, copper, lead, and cotton. The most acute problem was coffee, with current production running considerably above indicated demand. Continuing effort by the producing countries to support coffee prices is a heavy burden on national treasuries, the panel noted.

The report said the recession in the United States had intensified drops in demand and price for copper, tin, lead, and zinc, creating problems that demanded emergency action.

TWO PROCEDURES ADVISED

The report suggested these procedures:

Long-term agreements between producing and consuming countries to limit the annual price fluctuations for such commodities as coffee and cacao to a percentage above or below the average price in the previous year. If demand were greater than supply, most of the year's shipment would move at the ceiling price, and prices for the following year would be set at a 10-percent range above or below the given year's ceiling. If supply exceeded demand, the base on which the range was set would move gradually downward.

The use of international credits to cushion adjustments in commodity markets on producing nations. This would involve longer term balance of payments credits than are presently granted by the International Monetary Fund. The objective would be to enable nations producing raw materials to maintain imports of machinery, equipment, and materials for development in periods when export earnings were low.

As an essential complement to the proposed Common Market, the panel proposed an Inter-American Payments Union to provide full convertibility of currencies of all participants.

UNITED STATES LEADERSHIP ASKED

The report said that United States should assume constructive leadership by providing the major part of the capital. Members would have drawing rights along the lines of the European Payments Union.

Other cooperative functions of the Western Hemisphere group would involve the interchange of teachers and students, programs to combat disease, and procedures for dealing with urban housing problems.

The proposed Western Hemisphere group would serve as a model for similar regional associations in other parts of the world.

The panel believed that these groupings would permit the fullest use of private enterprise by providing a framework in which men, money, and goods could move freely.

It complained that this country had been particularly negligent in giving proper weight to the constructive role of private capital. It said that overall private foreign investment was more than twice the volume of United States Government economic aid.

The panel said: "It is our conviction that private investment can carry abroad the dynamism that has characterized the United States economy more effectively than any other means at our command."

TAX INCENTIVES SOUGHT

To encourage private overseas investment, the panel asked for tax incentives. It proposed that at the very least the advantage now provided to Western Hemisphere corporations of a 14-point reduction in corporate income tax should be extended to the rest of the world.

As for the Soviet trade offensive, the report said that while it was a powerful weapon to achieve economic domination and political penetration, the Soviet bloc did not have the capacity to supply a substantial portion of the import needs and export outlets of the less developed countries.

Consequently, the report said, the Soviet program is dangerous primarily because the Free World has failed to develop a cohesive organization.

While warning that Soviet trade competition probably would be intensified, the panel said:

"The Free World can withstand the impact of the Soviet geopolitical trade offensive, if it organizes itself to do so.

"The more highly industrialized nations of the Free World are linked to the less developed nations by a two-way trade of goods that totals more than $35 billion annually, or almost 30 times the amount of trade between the less developed countries and the Communist bloc.

"By building appropriate international institutions on the solid basis of existing mutual interest, the Free World can perpetuate an advantage that lies overwhelmingly on its side."

[From the Wall Street Journal of June 16, 1958]

ROCKEFELLER GROUP ASKS COMMODITY PACTS, HIKE IN LOANS TO HELP POORER NATIONS

WASHINGTON.—A blue-ribbon private panel called for a vast step-up in Uncle Sam's efforts to help cure poorer countries' economic troubles.

The call came in a report on foreign economic policy for the 20th century by a special studies group under the Rockefeller Brothers Fund, Inc.

It recommended:

Immediate action to help raw-materials-producing countries avert financial crises caused by price declines. The United States and other countries should consider setting up commodity agreements which would limit commodity price fluctuations. They should also consider larger international loans to producing nations.

More aid should be funneled through international organizations. Regional development banks might serve this purpose. So might some vaguely defined international development authority, presumably designed to plan and push economic expansion throughout underdeveloped regions.

Uncle Sam's Development Loan Fund, which makes easy-term economic-aid loans, probably needs more funds. It should be able to make grants. It should get authority to contract with United States companies to produce goods in areas where private capital won't go on its own because of high risks.

TAX INCENTIVES URGED

The United States should provide greater tax incentives to encourage private American investment abroad. In addition, the Government should look into making long-term, low-interest loans to private enterprise as an inducement for it to go into high-risk countries.

A Western Hemisphere economic conference should be called as soon as possible. It should deal with ways of easing extreme commodity price fluctuations, organization of an Inter-American Common Market (in which duties among members are eliminated and duties on trade with other countries are set at the same levels) and an Inter-American Payments Union. The Payments Union would provide for full convertibility of currencies among member countries.

The Reciprocal Trade Act now before Congress should be made a permanent program and should give the President more authority.

Uncle Sam should press for organization of regional economic units throughout the world. The units would try to reduce trade barriers among countries. There should be more coordination among existing international economic agencies.

This wide-ranging group of recommendations as well as the rest of the report added up to a plea for more multination action among Free World countries. This was the theme preached by British Prime Minister Harold Macmillan to President Eisenhower during their talks last week.

NEW PROPOSALS IN WORKS

State Department and other administration officials are already at work on a far-reaching series of aid proposals in this field. One such proposal is for increasing the capital of the World Bank and the International Monetary Fund, enabling these agencies to make larger loans abroad.

Secretary of State Dulles yesterday said such a scheme may well be embraced. In an interview with Representative KEATING, Republican, of New York, the Secretary declared: "Probably the capital of the World Bank (now $10 billion) will need to be enlarged. It's being used up more rapidly than loans had been anticipated." He said he believes existing aid agencies "are sufficient but there will be need of a normal replenishment of funds."

Behind all this international economic talk lies an attempt to combat Russia's increase in trade and aid maneuvers in underdeveloped countries. The United States, Mr. Macmillan and the Rockefeller group all want to strengthen the economies of the poorer countries so they won't have to turn to the Soviet bloc for aid and political alliances.

The measure of the threat that Russia poses in the aid and trade fields was stated by the State Department in a new study of Soviet economic aid offers and trade deals with the newly emerging countries of Asia, Africa and Latin America. The Soviet bloc, the study said, has extended some $1.9 billion of intermediate and long-term economic credit to underdeveloped countries from 1954 through the early part of this year.

"Basic to world economic growth," the Rockefeller panel declared, "is an expanding and vital United States economy. The importance of the United States as a market and as a source of supply is fundamental."

CONTINUED GROWTH STRESSED

The group added: "Because of the weight of the United States economy, perhaps the major contribution we can make to world growth is the maintenance of the vitality, growth and stability of our economy."

"An essential component," the group said at another point, "will be an increasingly liberal United States trade policy, which will permit other nations to sell in American markets."

Emphasizing the importance of private enterprise both here and abroad in the development task, the Rockefeller report called for moves in this field. "A major conscious effort must be made to encourage the development of systems which permit the flourishing of these values (of individual initiative) within structures not necessarily identical with ours but which are compatible, and make possible a common effort," the report said.

It urged that underdeveloped countries adopt policies designed to check inflation and stabilize currencies as a means of encouraging private enterprise. It also said countries abroad should review their tax structures "to minimize impediments to growth."

Mr. HUMPHREY. Another report calling attention to the Soviet Union's economic drive has just been made by the State Department, which states that such a challenge is "the most dangerous of all" to the Free World, more dangerous even than the threat of war.

That is the comment of our State Department, at long last, stating what is the obvious truth; that the most serious threat to the United States of America today and to the Free World is the threat of economic strangulation, the threat of the Soviet economic offensive, and the threat of the Soviet economic competition. As one United States Senator, I say we can win such competition if we have the will to win, but we cannot win it with a halfhearted effort and a lack of direction and sense of purpose, which has characterized American leadership thus far.

This State Department report notes that in recent years the Soviet Union has "achieved an average increase of possibly as much as 7 percent yearly in gross national product and 9 to 10 percent in industrial growth." By comparison the United States gross national product has been expanding at only 3 percent a year. And I may add that in this current recession our gross national product has dropped by 4 percent and our industrial production has declined by more than 13 percent.

I ask unanimous consent that an article from the New York Times of June 16 on this State Department report be printed at this point in the RECORD.

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

MOSCOW'S ECONOMIC DRIVE HELD CHIEF DANGER BY UNITED STATES

(By Dana Adams Schmidt)

WASHINGTON, June 15.—The State Department published a 111-page account today of swiftly expanding Soviet trade and aid activities based on a massively developing Soviet economy. In less than 5 years; it said, the Soviet bloc has extended about $1,900,000,000 in military and economic aid to 14 less developed countries while its trade with such countries expanded 70 percent.

The Department published these figures in a document on The Sino-Soviet Economic Offensive in the Less Developed Countries. It was prepared, according to a foreword by C. Douglas Dillon, Deputy Under Secretary for Economic Affairs, "on the the basis of a careful study of material available from a great many different sources."

Quantitatively, the Soviet bloc's grants and credits under the general heading of

foreign aid and Soviet international trade are still small compared with those of the United States. United States foreign aid is running at a rate of about $4 billion a year, of which about $1,700,000,000 is under nonmilitary headings.

ECONOMIC CHALLENGE STRESSED

But the State Department's document emphasized that the Soviet Union was moving fast in its economic challenge, which it termed "the most dangerous of all," more dangerous even than the threat of war.

In recent years the Soviet Union has achieved an average increase of possibly as much as 7 percent yearly in gross national product and 9 to 10 percent in industrial growth.

"This will probably decline somewhat in the coming few years, though the industrial product 5 years hence may be 50 to 60 percent above that of 1957," the report added.

By comparison the United States' gross national product is estimated to be expanding at a rate of only 3 percent a year.

In this document the State Department made no comparisons and offered no solutions. But Secretary of State Dulles on a television program today observed that the Soviet Union, having been blocked on the military front, was shifting now to economic offensives.

Mr. Dulles' remarks were contained in an interview with Representative KENNETH B. KEATING, Republican, of New York, filmed for television some days ago.

Since Soviet economic power is growing, he said, "we have to be better prepared than we have been."

To this end, he said, "it is very important to get more money for the Economic Development Fund which was established by Congress last year but which is very, very short of money."

Mr. Dulles said that the administration's Development Loan Fund had only $300 million with which to deal with $1,500,000,000 in loan applications. In addition, he said, the International Bank of Reconstruction and Development would need to be enlarged, and Congress had appropriated additional capital for the Export-Import Bank.

OBJECTIVES ANALYZED

The State Department's document on the Soviet economic offensive analyzed Soviet bloc objectives, capabilities, and methods and described its activities in 18 countries. It included these points:

As the State Department sees it, all these activities are a new approach toward the Soviet objective of world domination.

The Soviet Union is capable of substantially increasing its politically motivated trade and aid deals even though they may in some cases prove a burden to the people of the Soviet bloc. The size of these deals is deliberately concealed in the bloc.

The Soviet economic offensive is limited by its military effort, the need for domestic investment, the growing demands of the neglected consumer sector and the requirements of countries within the bloc.

"The earlier pattern of economic exploitation of the satellites has been alleviated, so that by 1957 they may have become a net drain on the U. S. S. R." In 1956–57 the Soviet Union extended about $1,500,000,000 in long-term credits and grants to other members of the bloc and canceled debts of more than $1,500,000,000.

"In the U. S. S. R. official figures show that at the end of 1956, 720,900 engineers, 179,500 agronomists, veterinarians, and foresters, and 130,200 economists, statisticians, and commodity experts were employed in nonteaching jobs. To this group of 1,020,600 trained in higher educational institutions may be added 1,550,000 persons with secondary education in the same categories."

"In some key categories the Soviet pool of specialists exceeds that of the United States and is growing at a much faster rate."

Mr. HUMPHREY. This is a matter of the utmost importance for the security of this Republic. I hope when we consider matters of an economic nature in the Senate, we shall feel the same sense of urgency about economic problems that we feel about what we call national defense, which we have characterized thus far primarily in terms of bombers, rockets, missiles, and atomic energy. In fact, the real strength of our country is the strength of our industrial economy, the strength of our agriculture, and the sense of purpose and will for leadership which the Nation ought to have.

ALEXANDER HAMILTON'S PHANTOM — ADDRESS BY SENATOR ERVIN

Mr. RUSSELL. Mr. President, the Nation owes a debt of gratitude to the distinguished senior Senator from North Carolina [Mr. ERVIN] for his continued exposure of the usurpation by the Supreme Court of the United States of the legislative power, and of the invasion and infringement upon the rights of the several States. The most recent of the Senator's notable addresses is one which he prepared for delivery to the Midwest regional meeting of the American Bar Association in St. Louis, Mo., on June 13, 1958. Unfortunately, because the Senate was engaged in discussion and action on the pending bill at the time the address was to be delivered, the distinguished Senator was unable personally to deliver the address. However, the address is so noteworthy it should be available to a much wider audience than would have heard it had the Senator been permitted to deliver it in person.

I ask unanimous consent, Mr. President, that the address be printed in the body of the RECORD. I can refer it to any student of law or to any teacher of law as a fine guide and standard for the proper relationships between the branches of our Government and as between the Federal power and that exercised by the States.

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

ALEXANDER HAMILTON'S PHANTOM

(Address by Senator ERVIN to the Midwest regional meeting of the American Bar Association at St. Louis, Mo., on June 13, 1958)

Ladies and gentlemen, the program committee has accorded me complete freedom of speech, and in consequence is not chargeable with responsibility for anything I may say.

For reasons which will become obvious, I entitle my remarks to you "Alexander Hamilton's Phantom."

Some years ago, Jim's administrator was seeking to hold a railroad company civilly liable for Jim's death on circumstantial evidence. The administrator called to the stand a witness who testified that he walked along the railroad track just after the train passed and observed Jim's severed head lying on one side of the track and the remainder of Jim's body on the other. The counsel for the administrator then put this question to the witness:

"What did you do after discovering these gruesome relics?"

The witness replied, "I said to myself, something serious must have happened to Jim."

Something serious has been happening to the law of the land. I propose to talk to you about this. In so doing, I am activated by motives as lofty as those which resulted in the conviction of Job Hicks in the Superior Court of Burke County, N. C., a half century ago on the charge of disturbing religious worship.

John Watts took a notion that he was called to preach. John was skilled in the science of a bricklayer, but was sadly deficient in the art of an exhorter. He was nevertheless expounding the Gospel in a rural church one Sunday, when Job Hicks, who had partaken too freely of Burke County corn, happened to stagger by. Upon observing John in the pulpit, Job Hicks entered the church, dragged John to the door and threw him out upon the ground. When Job Hicks was called to the bar to be sentenced for his offense, Judge Robinson, the presiding judge, remarked to him in stern tone of voice: "Mr. Hicks, when you were guilty of this unseemly conduct on the Sabbath Day, you must have been so intoxicated as not to realize what you were doing."

Job made this response to His Honor: "Well, Judge, I had had several drinks. But I wouldn't want your Honor to think I was so drunk I could stand by and see the Word of the Lord being mummicked up like that without doing something about it."

If I am to talk to you about what is happening to the law of the land, I must tell you the truth about the Supreme Court of the United States.

I know it is not popular in some quarters to tell the truth about the Supreme Court. Admonitions of this character come to us daily from such quarters: "When the Supreme Court speaks, its decisions must be accepted as sacrosanct by the bench, the bar, and the people of America, even though they constitute encroachments on the constitutional domain of the President or the Congress, or tend to reduce the States to meaningless zeros on the Nation's map. Indeed, the bench, the bar, and the people must do more than this. They must speak of the Supreme Court at all times with a reverence akin to that which inspired Job to speak thus of Jehovah: 'Though He slay me, yet will I trust Him.'"

Such admonitions are intellectual rubbish. Americans are not required to believe in the infallibility of judges, or to make obeisance to judicial aberrations. They have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities. It is well this is so because the late Chief Justice Harlan F. Stone spoke truly when he said: "Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment upon it."

The endeavor to tell the truth about the Supreme Court must start with the Constitutional Convention which assembled at Philadelphia in 1787 and drafted a written constitution for the United States.

It is not amiss to pause for a moment and ponder the nature and objective of a written constitution. This is true because far too many people nowadays accept as valid this astounding notion: The Constitution of the United States automatically amends itself from time to time to meet changing conditions without any change being made in its wording and without any action being taken by the Congress and the States as required by article V, and the scope and times of the

automatic amendments are determinable by the Supreme Court alone.

This notion is utterly repugnant to the nature and objective of a written constitution. Moreover, it is utterly repugnant to everything ever said on the subject by those who fashioned the Constitution of the United States. Let me quote two of them: James Madison, "the father of the Constitution," and George Washington, the President of the Convention.

James Madison said that the Convention knew "that useful alterations will be suggested by experience"; that consequently the Convention provided the mode for amending the Constitution set out in article V; and that the Convention preferred such mode for amending the Constitution because "it guards equally against that extreme facility, which would render the Constitution too mutable, and that extreme difficulty, which might perpetuate its discovered faults."

George Washington had this to say on the subject in his Farewell Address: "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."

What is the nature and objective of a written constitution? The answer to this inquiry appears in the writings of Judge Thomas M. Cooley, of Michigan, one of the greatest authorities of all time on the American Constitution.

Judge Cooley declared that written constitutions are framed "with a view to putting the fundamentals of government" beyond the control of "the varying moods of public opinion"; that the meaning of a written constitution "is fixed when it is adopted and * * * is not different at any subsequent time when a court has occasion to pass upon it"; that "a court * * * which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty"; and that if such a course should become a precedent, a written constitution "would be of little avail."

The men who composed the Constitutional Convention of 1787 comprehended in full measure the everlasting political truth that no man or set of men can be safely trusted with governmental power of an unlimited nature. In consequence, they were determined, above all things, to establish a Government of laws and not of men.

To prevent the exercise of arbitrary power by the Federal Government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers. In so doing, they utilized the doctrine of the separation of powers in a twofold way. They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as a central Government, and they left to each State the power to regulate its own internal affairs. It was this use of the doctrine of the separation of powers which promted Chief Justice Salmon P. Chase to make these memorable remarks in his opinion in *Texas v. White*:

"Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the perservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the national Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."

In their other utilization of the doctrine of the separation of powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court of the United States and such inferior courts as the Congress might establish. Moreover, they declared, in essence, that the legislative, the executive, and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

The members of the Convention of 1787 did not put their sole reliance upon the doctrine of the separation of governmental powers in their effort to forestall the exercise of arbitrary power by the Federal Government. They balanced the President's power to veto the acts of Congress against the power of Congress to legislate, and they balanced the power of Congress over the purse against the President's power as Commander in Chief of the Army and Navy. They made the Supreme Court of the United States independent of the President and the Congress by giving its judges life tenure during good behavior and by providing that their compensation should not be diminished during their continuance in office. They failed, however, to place in the Constitution any provisions to restrain any abuse of its judicial power by the Supreme Court of the United States.

This significant omission was not overlooked at the time. Elbridge Gerry, a delegate from Massachusetts, asserted:

"There are no well defined limits of the judiciary powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, thus far shalt thou go and no further, and as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be an hurculean labour to attempt to describe the dangers with which they are replete."

George Mason, a delegate from Virginia, made this more specific objection:

"The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States. * * *"

Others declared, in substance, that under the Constitution the decisions of the Supreme Court of the United States would "not be in any manner subject to * * * revision or correction;" that "the power of construing the laws" would enable the Supreme Court of the United States "to mould them into whatever shape it" should "think proper;" that the Supreme Court of the United States could "substitute" its "own pleasure" for the law of the land; and that the "errors and usurpations of the Supreme Court of the United States" would "be uncontrollable and remediless."

Alexander Hamilton rejected these arguments with this emphatic assertion: "The supposed danger of judiciary encroachments * * * is, in reality, a phantom." He declared, in essence, that this assertion was true because men selected to sit on the Supreme Court of the United States would "be chosen with a view to those qualifications which fit men for the stations of Judges," and that they would give "that inflexible and uniform adherence" to legal rules "which we perceive to be indispensable in the courts of justice."

In elaborating this thesis, Alexander Hamilton said: "It has been frequently remarked with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived, from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence, it is that there can be but few men in * * * society, who will have sufficient skill in the laws to qualify them for the station of judges."

By these remarks, Hamilton assured the several States that men selected to sit upon the Supreme Court of the United States would be able and willing to subject themselves to the restraint inherent in the judicial process. Experience makes this proposition indisputable: Although one may possess a brilliant intellect and be actuated by lofty motives, he is not qualified for the station of a judge in a government of laws unless he is able and willing to subject himself to the restraint inherent in the judicial process.

What is the restraint inherent in the judicial process? The answer to this query appears in the statements of Hamilton. The restraint inherent in the judicial process is the mental discipline which prompts a qualified occupant of a judicial office to lay aside his personal notion of what the law ought to be, and to base his decision on established legal precedents and rules.

How is this mental discipline acquired? The answer to this question likewise appears in the statements of Hamilton. This mental discipline is ordinarily the product of long and laborious legal work as a practicing lawyer, or long and laborious judicial work as a judge of an appellate court or a trial court of general jurisdiction. It is sometimes the product of long and laborious work as a teacher of law. It cannot be acquired by the occupancy of an executive or legislative office. And, unhappily, it can hardly be acquired by those who come or return to the law in late life after spending most of their mature years in other fields of endeavor.

The reasons why the mental discipline required to qualify one for a judicial office is ordinarily the product of long and laborious work as a practicing lawyer, or as an appellate judge, or as a judge of a court of general jurisdiction, are rather obvious. Practicing lawyers and judges of courts of general jurisdiction perform their functions in the workaday world where men and women live, move, and have their being. To them law is destitute of social value unless it has sufficient stability to afford reliable rules to govern the conduct of people and unless it can be found with reasonable certainty in established legal precedents. An additional consideration implants respect for established legal precedents in the minds of judges in courts of general jurisdiction and all appellate judges other than those who sit upon the Supreme Court of the United States. These judges are accustomed to have their decisions reviewed by higher courts and are certain to be reminded by reversals that they are subject to what Chief Justice Bleckley, of the Supreme Court of Georgia, called "the fallibility which is inherent in all courts except those of last resort," if they attempt to substitute their personal notions of what they think the law ought to be for the law as it is laid down in established legal precedents.

The States accepted as valid Alexander Hamilton's positive assurance that men chosen to serve on the Supreme Court of the United States would subject themselves to the restraint inherent in the judicial process and were thereby induced to ratify the Constitution, notwithstanding the omission from that instrument of any express provision protecting the other branches of

the Federal Government, the States, or the people against the arbitrary exercise of its judicial power by the Supreme Court.

For several generations next succeeding its utterance the people of America had no reason to doubt the accuracy of Alexander Hamilton's assurance. With rare exceptions, the Presidents selected for membership upon the Supreme Court of the United States men who had long and laboriously participated in the administration of justice either as practicing lawyers or as judges of State courts or as judges of the Federal courts inferior to the Supreme Court. As a consequence, the overwhelming majority of the men called to service upon the Supreme Court were able and willing to subject themselves to the restraint inherent in the judicial process and to perform their tasks in the light of the principle that it is the duty of the judge to interpret the law, not to make it.

I was taught in my youth to repose an absolute confidence in the Supreme Court by my father, an active practitioner of law in North Carolina for 65 years, who was accustomed to refer to the Supreme Court with reverential awe. He used to say that this tribunal would administer justice according to law even though the heavens fell.

I regret to say, however, that the course of the Supreme Court of the United States in recent years has been such as to cause me to ponder the question whether fidelity to fact ought not to compel us to remove from the portal of the building which houses it the majestic words, "Equal justice under law," and to substitute for them the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

I find corroboration for this view in these observations made by the late Justice Robert H. Jackson in his concurring opinion in *Brown* v. *Allen:* "Rightly or wrongfully, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law, but is guided in these matters by personal impressions which from time to time may be shared by a majority of Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles. * * * I know of no way we can have equal justice under law except we have some law."

Candor compels the confession that on many occasions during recent years the Supreme Court has to all intents and purposes usurped the power of the Congress and the States to amend the Constitution. This abuse of power was made manifest before the decision in *Brown* v. *Board of Education,* which repudiates solely upon the basis of psychology and sociology the interpretation placed upon the 14th amendment in respect to racial segregation by Federal and State courts, the Congress, and the executive branches of Federal and State governments throughout the preceding 86 years. Time does not permit me to cite all the other cases supporting my present contention. I mention only two of them, namely, *Williams* v. *North Carolina,* and the Girard College case. In the Williams case, the majority of the Court altered the meaning of the full faith and credit clause of the Constitution by overruling the holding of *Haddock* vs. *Haddock* to the effect that a State Court, even of the plaintiff's domicile, could not render a judgment of divorce that would be entitled to Federal enforcement in other States against a nonresident who did not appear and was not personally served with process. In so doing, the majority of the Court held, as the late Justice Jackson asserted in his dissenting opinion, that "settled family relationships may be destroyed by a procedure that we would not recognize if the suit were one to collect a grocery bill." In the Girard College case, the Court, in substance, wrote a post-mortem codicil to the will of Stephen Girard who had slumbered "in the tongueless silence of the dreamless dust" for 126 years, and who had obviously entertained the belief while he walked earth's surface that the making of a testamentary disposition of private property is for its owner rather than judges.

Recent decisions make it manifest that the Supreme Court has usurped the power of Congress to legislate. Perhaps the most glaring of these decisions is *Girouard* v. *United States,* where the Court overruled three previous decisions and a subsequent confirming act of Congress simply because a majority of its members did not believe that Congress had exercised its legislative power wisely in denying the privilege of citizenship to aliens who were unwilling to bear arms in defense of this country. To be sure, the majority of the Court did not say that it thought that Congress had legislated unwisely. But a statement to this effect would have been a far better reason for its decision than any of those it gave.

The Court went a bow shot beyond its previous encroachments upon the constitutional powers of the Congress in *Watkins* v. *United States,* where it assumed the power to prescribe procedures to govern Congressional committees in the conduct of investigations. The Congressional committee involved in the Watkins case, namely, the House Un-American Activities Committee had unquestionable authority to investigate Communist infiltration in labor under a bill referred to it by its parent body. The majority of the Court held, in essence, that the committee was not investigating communism in labor and for that reason had no jurisdiction to interrogate Watkins concerning his knowledge of the past communistic affiliations of certain named persons. The majority of the Court based its conclusion that the committee was not investigating communism in labor upon the baffling mathematical premise that only 77 percent of the named persons were connected with labor.

In addition to its revolutionary decisions on these subjects, the Supreme Court has substantially impaired the doctrine of stare decisis and the stability of the law of the land which this doctrine formerly insured by overruling, repudiating, or ignoring its established precedents of earlier years. The late Justice Owen J. Roberts, a comparatively recent member of the Court, made this comment in this connection in his dissenting opinion in *Smith* v. *Allwright.* "The reason for my concern is that the instant decision, overruling that announced about 9 years ago, tends to bring adjudications of this Tribunal into the same class as a restricted railroad ticket, good for this day and train only.

It must be added, moreover, that the Supreme Court has handed down numerous decisions of late wholly incompatible with the view that the States are either indestructible or sovereign. Indeed, these decisions compel the suspicion that some Supreme Court judges now deem themselves supervisors of the desirability or wisdom of State action and legislation.

Time permits the citation of these four cases only:

1. *Pennsylvania* v. *Nelson,* a 6 to 3 decision, where the majority struck down under the doctrine of preemption antisedition statutes of 42 States, notwithstanding 41 of them were not parties to the proceeding and, unlike John Alden, had no opportunity to speak for themselves.

2. *Slochower* v. *Board of Higher Education,* a 5 to 4 decision, where the majority invalidated under the due process clause of the 14th amendment a section of the charter of New York City providing that whenever an employee of the city utilized the privilege against self-incrimination to avoid answering a question relating to his official conduct his employment ceased.

3. *Konigsberg* v. *State Bar of California,* a 5 to 3 decision, where the majority held, in essence, that the due process and equal protection clauses of the 14th amendment precluded the California Bar Examiners from making inquiry of an applicant for a California law license concerning matters relevant to whether he possessed the qualifications prescribed by California law for admission to the California bar.

4. *Lambert* v. *California,* a 5 to 4 decision, where the majority reversed a criminal conviction under a Los Angeles ordinance on the amazing ground that the due process clause of the 14th amendment made ignorance of the law a defense to a criminal charge.

The Supreme Court has repeatedly overruled State courts in criminal cases during recent years simply because it disliked their appraisal of facts on conflicting evidence. In so doing, it has ignored these simple truths: The best judges of the trustworthiness of testimony are those who see the witnesses, and the evidence of a George Washington and that of an Ananias look exactly alike when reduced to cold print.

Other decisions of the Supreme Court sanction a practice by which the lowest court in the Federal judicial system, to wit, the United States district court, can set at naught the decisions of the highest court of a State. This practice seems particularly ironic and indefensible in the light of Alexander Hamilton's explanation as to why the Supreme Court was invested with original jurisdiction in cases "in which a State shall be a party." His explanation was as follows: "In cases in which a State might happen to be a party, it would ill suit its dignity to be turned over to an inferior tribunal."

Under this practice, the doctrine of res adjudicata is virtually abolished, and States find it extremely difficult to enforce their criminal laws. To minimize the chaos which this practice threatens, the States have been compelled to enact statutes providing for postconviction hearings which, in plain English, permit the accused to try the State court after the State court has tried the accused.

In protesting this practice, I am not a lone voice crying in a legal wilderness. On several occasions the Chief Justices of the 48 States in meeting assembled have adopted resolutions condemning it, and proposing that the Congress enact legislation to curtail the power of lower Federal courts to interfere with the administration of criminal justice in the States.

Let us weigh a moment the argument of those who seek to justify these actions of the Court. When all is said, the argument comes to this: These actions are necessary because the Constitution and the laws must change from time to time to meet new conditions.

The argument lacks validity. To be sure, the Constitution and the laws must change from time to time to meet new conditions. The Founding Fathers knew this and provided for it. But they did not repose the power to change either the Constitution or the laws in the Court. They vested the power to change the Constitution in the Congress and the States, and the power to change the laws in the Congress.

Thomas Riley Marshall once observed that "it is as easy to amend the Constitution of the United States as it used to be to draw a cork." While this statement is not literally true, it is substantially true in instances where the Congress and the States believe a constitutional amendment to be advisable. In addition, the Congress, as the repository of all the legislative power of the United States, can change any law at any time in

any area in which the Constitution authorizes the Federal Government to act. Surely this changeability ought to satisfy all persons save those who are wedded to the belief that all law ought to be as unstable at all times as quicksilver.

The question naturally arises: Why does the Supreme Court of the United States prefer to make constitutions and laws rather than to interpret them?

The answer to this question appears in the assurance which Alexander Hamilton gave to the States when he was urging them to ratify the Constitution. It is simply this: The majority of the members of the Supreme Court during recent years have been either unable or unwilling to subject themselves to the restraint inherent in the judicial process.

When all is said, it is not surprising that this is so. The custom of past generations of appointing to membership upon the Supreme Court men who had worked long and laboriously in the administration of justice either as practicing lawyers or as State judges, or as judges of Federal courts inferior to the Supreme Court, has been more honored of late in its breach than in its observance.

Recent appointees to the Supreme Court have been genial gentlemen of high attainments and significant accomplishments. But the majority of them did not work either long or laboriously as practicing lawyers, or as State judges, or as judges of Federal courts inferior to the Supreme Court before their appointments. As a consequence, the majority of them took their seats on the Supreme Court without having undergone the mental discipline which enables a qualified occupant of a judicial office to lay aside his personal notions of what the law ought to be and to base his decisions on what the law has been declared to be in legal precedents.

The writer of the Book of Proverbs said: "There be three things which are too wonderful for me, yea, four which I know not: The way of an eagle in the air; the way of the serpent upon a rock; the way of a ship in the midst of the sea; and the way of a man with a maid."

Experience is undoubtedly the most efficient teacher of all things. This being true, there is one thing more amazing and more incomprehensible than the four mysteries enumerated by the writer of the Book of Proverbs. It is this: Why do Presidents of the United States ignore the numerous servants of the law who have performed years of devoted judicial service on State Courts and on Federal Courts inferior to the Supreme Court when they are called upon to make appointments to the Supreme Court of the United States?

These facts are astounding:

1. Only 6 of the last 16 appointees to the Supreme Court ever served for as much as a single day as judges of appellate courts or courts of general jurisdiction before their appointments to the Supreme Court.

2. The periods of judicial service of the six appointees having prior service as judges were extremely limited in duration, ranging from a minimum of 1 year to a maximum 8.

3. At least 10 of the last 16 appointees to the Supreme Court abandoned the practice of law for politics or other pursuits at comparatively early ages, and for that reason never had any substantial experience as practicing lawyers.

No one is licensed to practice medicine or surgery until he demonstrates his capacity to do so. A like precaution should be exercised in the selection of Supreme Court Judges. The task of interpreting the Constitution and laws of our country demands the services of our best legal and judicial craftsmen. It ought not to be entrusted to men who are unable to carry with them to the Supreme Court "those qualifications which fit men for the stations of judges" in a government of laws.

Presidents should refrain from using Supreme Court judgships to reward the political faithful or to satisfy the ambitions of personal friends. They should select men for such judgships solely because of their possession of "those qualifications which fit men for the stations of judges" in a government of laws. The American Bar and the Senate can render service of the highest value to our country by insisting that in the future appointments to the Supreme Court shall be restricted to those who have given ample proof of their legal and judicial craftsmanship.

It may be that in making these remarks, I enact the role of the fool who rushes in where discreet angels fear to tread. If so, I can plead in extenuation of my folly that I love the Constitution and know that an indestructible Union composed of indestructible States cannot endure if our government of laws is destroyed by judicial usurpation.

THE ADMINISTRATION'S POSITION ON THE LABOR BILL

Mr. KENNEDY. Mr. President, we—or at least I—when we are about to have a decisive vote in the Senate become somewhat accustomed to some reversals on the part of the administration almost overnight with respect to policies which the administration has supported. At least two such instances are with reference to the Battle Act, and in the case of the labor bill the statement of Mr. Mitchell of a week ago.

Yesterday the Senate voted on the question of whether we should continue the non-Communist affidavits for labor, or whether labor should be exempted, as the committee recommended. I noticed in this morning's newspaper a source from the Justice Department expressed the opinion it was wise the Senate did not eliminate the non-Communist affidavit because the Department had been able to secure effective results. This statement is directly contrary to the statement of the Secretary of Labor, who came before our committee as the spokesman for the President.

At the beginning of the hearings, on page 5, there is shown the summary and breakdown of the administration's legislative proposals in this field. At the bottom of page 5 it is stated:

> In view of the enactment of the Communist Control Act of 1954, amend the act to eliminate the provision requiring the filing of non-Communist affidavits by officers of unions seeking to use the act's processes.

I also refer Senators to page 22 of the hearings, to the "Explanation of a Bill To Amend the Labor-Management Relations Act, 1947, as Amended, and for Other Purposes."

The first statement is:

> As recommended by the President, the bill would—

The bill referred to is the Smith bill, the administration bill.

Recommendation No. 6 states:

> 6. Amend the National Labor Relations Act to eliminate the requirement that union officers file non-Communist affidavits.

I mention this because it was clear, up to yesterday, that the administration position in regard to the matter was the same as the position the committee took. The release from the source in the Department of Justice this morning, which would indicate that such provision is a valuable weapon in the struggle against the Communists, appears to me to have been a political rather than a judicial release.

THE EISENHOWER DOCTRINE AND THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, the wire services are full of news this morning about the appearance of Sherman Adams before the Committee on Legislative Oversight in the House of Representatives. However, hidden among all the news dispatches concerning what is going on in the committee is a statement carried by the press services, as follows:

> Secretary Dulles said today the United States would use military action under certain conditions to preserve Lebanon's independence.

I think that is a very significant statement by the Secretary of State; and while I do not agree with his statement, I certainly admire his candor and honesty. I should like once again to say that if it is a question of using the 6th Fleet and the marines in the Middle East, and especially in Lebanon, that will not be the answer to the difficulties there. There are ways and means, I believe, which could be used to bring about an alleviation of the situation in the most pro-Western of the Arab countries, a country which, since its independence, has proved itself friendly toward the West.

One way is to take the case to the United Nations, if necessary, and call a special meeting of that worldwide organization. I think the United Nations should consider the possibility of an embargo against countries which are carrying on aggressive activities against the Republic of Lebanon.

I think the United Nations should consider the possibility of imposing diplomatic sanctions against those same countries.

Most important, I hope that under the leadership of this country the United Nations will consider the expansion of the United Nations Emergency Force to the area of Lebanon's borders.

For some time now the United Nations Emergency Force has been doing outstanding work in the region of the Gulf of Aqaba and the Gaza strip. It would be much cheaper and far more productive in the long run if we were to pursue a policy of policing Lebanon's borders and guaranteeing its security through the United Nations Emergency Force than it would be to issue statements which would seem to indicate that under certain conditions this country might become involved in that particular area of the world.

So I hope that all the alternatives will be looked into closely before any really serious consideration is given to the possibility that the United States, unilaterally, would use military forces in that area, under certain considerations, to preserve Lebanon's independence.

There are alternatives. There are embargoes; there are diplomatic sanctions; and very serious consideration should be given to the possibility of expanding the

United Nations Emergency Force so that it might do on the Lebanese frontiers what it has done, and proved itself capable of doing, in connection with maintaining the peace in the area of the Gulf of Aqaba and in the region of the Gaza strip.

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

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. I appreciate what the able Senator from Montana has said, and I particularly wish to comment with reference to the United Nations Emergency Force.

The Senator will recall that last year the Senate, by a unanimous vote, expressed itself as being in favor of a permanent police force for the use of the United Nations.

Mr. MANSFIELD. If the Senator from Alabama will indulge me, I will say that he is correct. That was the result of a resolution submitted by the Senator from Alabama, who is now addressing himself to this subject.

Mr. SPARKMAN. I appreciate the Senator's reminder. The subject matter involves a principle in which I am primarily interested, because I believe so strongly in it.

During the last session of the United Nations, I wrote to every delegate of the United States, calling attention to the adoption of that resolution by the Senate of the United States. I also wrote to the State Department, urging that our delegation in the United Nations should actively promulgate, advocate, and work for such a program.

I received courteous and thoughtful replies from all the delegates, but there was one thing which was most disconcerting to me. I received quite a lengthy letter from Ambassador Lodge, our chief delegate, and also talked personally with him. I was told that the practical difficulty was the cost involved. The Senator from Montana has just pointed out that the cost of maintaining this force is infinitestimal as compared with the cost of a single day of actual warfare. Is that true?

Mr. MANSFIELD. The Senator is absolutely correct; and so far as our contributions are concerned, they represent a small price, indeed, to pay if it means that by so doing we can prevent an internal struggle from becoming a war, limited or otherwise; and certainly it is cheap in comparison with the possible shedding of American blood.

Mr. SPARKMAN. Soon we shall be sending a new delegation to the United Nations. I presume that within the next month or so we shall be called upon to confirm appointments to the Eleventh General Assembly. Does not the Senator believe that the delegation representing the United States ought to take aggressive leadership in favor of establishing such a United Nations peace-maintaining force?

Mr. MANSFIELD. I am in wholehearted accord with what the Senator from Alabama has just said. The Senate, by unanimous vote, is also in full accord with the Senator's views. I hope that the Senator's resolution seeking to bring about the creation of a permanent United Nations Army or Police Force will be given serious consideration soon in the House, and that the House will follow the example set by the Senate. On that basis, the next United States delegation to the United Nations General Assembly can use such a resolution as a means of pressing the claims which the Senator from Alabama has so ably advanced.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. Before I ask the Senator two or three questions, I commend him for the statement he has made, and associate myself both with his remarks and with the remarks of the Senator from Alabama, two of my colleagues on the Senate Foreign Relations Committee.

Turning to the statement of the Secretary of State with regard to the Middle East situation, if the Secretary of State were to implement that statement, he would necessarily have to do it, would he not, under his interpretation that the so-called Eisenhower doctrine applies to the Middle East?

Mr. MANSFIELD. Yes, indeed. Up to the present time the Eisenhower doctrine has been applicable nowhere, in any situation in the entire Middle East.

Mr. MORSE. Am I correct in understanding that the Senator from Montana, both today and recently on the floor of the Senate, questioned the breadth of the interpretation which the Secretary of State intimated he was giving to the Eisenhower doctrine?

Mr. MANSFIELD. The Senator is correct. The Secretary of State and others, in referring to the so-called Mansfield amendment—which was not the Mansfield amendment—put an interpretation upon it which was not the intent of the author; nor was it the intent of the Congress in its consideration of the Eisenhower proposal.

Mr. MORSE. The Senator from Montana spoke on this subject some time ago in the Senate, and also, as I recall, either delivered an address or issued a press release off the floor of the Senate, in which he raised doubts as to the soundness of the Secretary's interpretation of the scope of the Middle East doctrine. Am I correct in that observation?

Mr. MANSFIELD. The Senator is correct. I made such a statement on the floor of the Senate, and it appears in the CONGRESSIONAL RECORD.

Mr. MORSE. I remember the statement on the floor of the Senate. I also read another statement which the Senator made elsewhere.

Mr. MANSFIELD. I did make statements elsewhere.

Mr. MORSE. The Senator will recall that at the time of the statement on the floor of the Senate he and I were engaged in a colloquy similar to the one in which we are now engaged, in which I stated that I shared his view with respect to the Eisenhower doctrine and the reservations with regard to the statements the Secretary of State was making.

Mr. MANSFIELD. The Senator is correct.

Mr. MORSE. Does the Senator recall that when the Eisenhower doctrine was before the Foreign Relations Committee—and I was one of those who strenuously opposed the doctrine—I sought an amendment which would impose upon the President the obligation of coming to the Congress and obtaining approval in advance, when time permitted, of any plan to use American military forces in the Middle East; or, in the case of a dire emergency, if time did not permit, the obligation on the part of the administration forthwith thereafter to come to the Congress of the United States and seek approval of the action which had been taken?

Mr. MANSFIELD. I do; that is my recollection.

Mr. MORSE. Does the Senator recall that, in opposition to my amendment, the Secretary of State referred to a telecast of a speech made by the President of the United States to the Nation, in which he said, in effect, that he would keep in constant touch with Congress? I asked the Secretary of State if he would be willing to embody the gist of that speech into the doctrine, if he did not wish to accept my amendment, and he refused. Does the Senator recall the discussion I had with the Secretary of State in regard to that point?

Mr. MANSFIELD. I recall it, but, I must admit that in some aspects it is not too clear in my mind. However, the RECORD will bear out what the Senator has said.

Mr. MORSE. The point I seek to make is the basis for my next question, namely, that there were those of us on the Committee on Foreign Relations who felt that the administration should pledge, by way of an amendment to the Eisenhower doctrine, that they would come to us in advance and get Congressional approval for the use of American Armed Forces in the Middle East; and that if time did not permit, they would come immediately afterward and ask for a ratification of the action they had taken. That was my position, which, as the Senator says, will be borne out by the RECORD. The Secretary of State replied that the President had already told the American people that he would keep in constant touch with Congress.

Does the Senator from Montana know of any situation in the Middle East, at least with regard to which the Foreign Relations Committee has been apprised by the Secretary of State, which is so necessitous from the standpoint of the time factor that if the Secretary of State now contemplates or feels that there is a reasonable possibility that we may use Armed Forces in the Middle East in the Lebanon crisis, he will be prevented from coming to the Committee on Foreign Relations or to Congress to set forth the problem and ask for approval of the use of Armed Forces if the developments actually demand such use?

Mr. MANSFIELD. There is nothing to prevent him from doing so. I believe it would be a wise procedure to follow. However, in all fairness, I must point out that as soon as the Secretary of State returned from the meeting of foreign ministers at Copenhagen last

month he did meet with the continuing group of the Committee on Foreign Relations and the leadership, to bring them up to date on the meeting; and at the same time he went into some detail—not too much—concerning the situation in Lebanon, which was quite worrisome at that time.

Mr. MORSE. The Senator from Oregon realizes that, and appreciates the report the Secretary of State made at that time. However, I must say, most respectfully, that I do not believe it bears upon the present crisis which confronts us in the Middle East, with regard to which there are apparently some trial balloons going up from the Department of State as to the possibility, or even the probability, of using American Armed Forces in the Middle East. It is to that particular crisis that I address my remarks, and invite an observation from the Senator from Montana, if he cares to make any.

If it be true that the clouds are darkening in the Middle East and the probability or the possibility of the use of the Eisenhower doctrine in the Middle East is increasing, does the Senator from Montana believe I am unreasonable in the position I take, that now is the time for the Secretary of State to make this situation known to Congress, so that there can be a public reaction in America in respect to the possible use of American Armed Forces in the Middle East in connection with the Lebanonese crisis?

Mr. MANSFIELD. I believe that would be a good policy to pursue and a sound procedure to follow. I recognize the difficulties faced by the President and the Secretary of State in connection with the situation in which Lebanon finds itself at the present time. I realize that, of all the Arab States, Lebanon is the most friendly to the West. However, I most respectfully point out that there are other ways, besides the use of American troops from the Sixth Fleet, by means of which the difficulty could perhaps be settled.

I go back again to the Eisenhower resolution, to which the Senator from Oregon refers, and point out that, because of the activities of the Senator from Alabama [Mr. SPARKMAN], the Senator from Oregon, and the majority leader, the senior Senator from Texas, we did incorporate in the resolution an amendment relative to the strengthening and the use of United Nations efforts and United Nations forces in the Middle East to bring about a solution of the difficulties.

I still think that is the answer to the problem. Certainly it is an answer which would prove itself capable of takink care of the situation, as it did on the Gulf of Aqaba and in the Gaza Strip, and could do just as good a job in Lebanon. I do not believe that the answer is a mere sending of U. N. observers or the Secretary General of the United Nations, Dag Hammarskjold, although I wish them both well and I hope they will be successful. The answer lies in getting behind the proposal which has already been adopted by the Senate, and which was initiated by the Senator from Alabama, to establish a permanent United Nations Police Force so that it could take over on a multilateral basis in these difficult times and that we would not be called upon on a unilateral basis to assume the burdens which seem to be springing up in various regions on the globe.

Mr. MORSE. The Senator has set forth in his remarks exactly the position the Senator from Oregon supports. What is happening in Lebanon bears out, in my judgment, the position which some of us took in opposition to the Eisenhower doctrine. We warned then that it was a unilateral doctrine; that it was a doctrine which went around the United Nations, rather than through it. I believe that that problem is also coming home to roost on the administration now. Yet it is not too late for us to change our position and proceed to get at least our friends in the United Nations to do as the Senator from Montana has suggested this morning, namely, to make this a problem on which the free nations should stand united within the United Nations, rather than increase the risk of the United States finding itself out on the end of a limb in trying to enforce the Eisenhower doctrine in the Middle East with the use of American forces.

I believe the American people will have a great deal to say if that latter course of action is followed. As I take soundings of American public opinion on this question, there has been quite a shift in American public opinion in regard to our Middle East policy since the time when some of us warned against the use of the Eisenhower doctrine.

Mr. MANSFIELD. The Senator did a service at that time.

Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point an editorial entitled "Where Is the United Nations?" published in the Memphis Press-Scimitar of June 14, 1958.

I should like to read the concluding two paragraphs of the editorial:

As the biggest military and naval power in the Mediterranean, the United States is holding the bag in Lebanon, Cyprus, and Tunisia. Every day that Washington fails to use U. N. facilities to the full increases the danger of the United States being pushed into emergency action alone.

Yet nothing could be more profitable for Russia in the Mediterranean-Mideast, and more disastrous for us, than for the United States to try to police that area alone.

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

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

WHERE IS THE UNITED NATIONS?

The United Nations cannot be killed by its enemies—Russia has tried and failed. But it can become a corpse through neglect by its few friends—the United States being the strongest.

Washington played a courageous role in supporting the U. N. against our British and French allies in the Suez case, but at the same time muted U. N. action against Russia in the Hungarian case—even allowing the Red Hungarian puppet to retain its U. N. seat.

Aside from the Algerian war, which France insists is solely a domestic issue, there are now three serious threats to international peace, all clearly within U. N. jurisdiction. They are: the Tunisian-French military dispute, and the fighting in Cyprus and in Lebanon.

All 3 have been before the U. N. in 1 form or another, but the U. N. has been allowed to function effectively in none. This despite the fact that the disputants in each case are U. N. members, sworn to abide by its covenant.

In the Tunisian dispute, the U. N. stepped aside to allow the United States and Britain to mediate Tunisia's demand for withdrawal of French troops. The Paris government was overthrown by Gaullists because it was about to accept the proposed compromise. The Tunisian pro-Western statesman, Bourguiba, at the risk of being unseated by Nasserites and Reds, is waiting for General De Gaulle to settle—but can't hold out much longer. The U. N. is looking the other way.

In Cyprus the bloody three-way strike, among Greek and Turk Cypriotes and the British, has been renewed after a lull in which the U. N. had a chance—but did nothing. At first there was some excuse in waiting for the three parties, or for NATO of which they are all members, to reach a settlement. But after all these years there is no justification for the U. N. to ignore that explosive crisis.

In Lebanon, after a month of craven and costly delay, the U. N. Security Council has moved only an ineffectual inch. It has sent in a few observers, who cannot possibly watch all the roads and mountain passes through which Nasser's Syrians are infiltrating and arming the Lebanese revolution.

Why hasn't the United States Government fought for a resolution to send a U. N. police force to Lebanon, following the Suez precedent? Why hasn't Washington urged U. N. condemnation of daily Nasser radio demands that Lebanese revolt against their legal government? Neither Soviet sabotage of such moves, nor Washington's apparent policy of wooing Nasser, is an acceptable alibi.

More than the weakening of the U. N., through disuse, is involved.

As the biggest military and naval power in the Mediterranean, the United States is holding the bag in Lebanon, Cyprus, and Tunisia. Every day that Washington fails to use U. N. facilities to the full increases the danger of the United States being pushed into emergency action alone.

Yet nothing could be more profitable for Russia in the Mediterranean-Mideast, and more disastrous for us, than for the United States to try to police that area alone.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD, following the remarks I made earlier today, a statement I made on the 12th of this month, in stating my approval of the measures taken in the United Nations Security Council, by a vote of 10 to 0, with the representative of the Soviet Union abstaining, in regard to the sending of a group representing the United Nations Security Council to look into, and to report on, the situation relative to infiltrations of personnel or supplies of arms or other materials across the Lebanese frontiers.

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

STATEMENT OF SENATOR MANSFIELD

Mr. President, I note that the United Nations Security Council voted two days ago to set up an observation group on an urgent basis "to insure that there is no illegal infiltration of personnel or supply of arms or

other material across Lebanese Frontiers." The vote on this measure was 10 to 0 with the Soviet Union abstaining. The United States took a position in support of this action.

It seems to me that this action of the Security Council and the position of the United States with respect to it is a step in the right direction. It is an important initiative for stability in the highly volatile situation in the Middle East.

In a statement in the Senate on May 22, I made the following observation:

"What the United States can support, indeed, what we must support are international efforts to put at rest any genuine fears of aggression, Arab of Israeli or Israeli of Arab or indeed, Arab of Arab. To that end, Mr. President, it seems to me high time for this country to take an initiative for peace. It seems to me high time to propose in the United Nations the extension of the United Nations Emergency Force to the borders of any country in the Middle East which is concerned with aggression from a neighbor and which asks for that safeguard. It is time, in short, to determine who is really afraid of war and who is really afraid of peace in the Middle East."

The action of the executive branch in clearly supporting the resolution of the Security Council on the Lebanon situation, is a step in accord with that observation and I am fully in accord with it.

Mr. DIRKSEN. Mr. President, the Founding Fathers were a wise group, indeed. They gave no operational responsibility to the Senate of the United States in the field of foreign relations, and prudently so.

I have often commented, and I have done so in all kindliness, that we have not 1 Secretary of State, but 97. There are 96 in the Senate, and 1 besides. If we were to conduct foreign relations, particularly at the intimate, diplomatic level, on the Senate floor, I sometimes wonder what the ultimate result would be. There is so much that has to be played by ear. There are so many occasions when the utmost in finesse must be exercised.

It can hardly be said that the Secretary of State, or the President of the United States, is insensible of the fact that the United Nations Charter provides for an international police force. If the United States provides it, however, it will be a national police force. Involved in the whole picture is the cooperation of other countries. It is a delicate matter indeed. I would rather see it left in the hands where it lodges today, rather than to see it become the product of so many minds of men here who are not fully informed of the hour-by-hour and day-by-day activities and developments which take place in the foreign field.

The distinguished Senator from Minnesota [Mr. HUMPHREY] has observed that there is no leadership today. That reminds me of the father who filled out a questionnaire and the necessary blanks to send his daughter to Wellesley. At one place in the blank was the question: "Is she a leader?" The father puzzled over the question for quite a while. Finally he wrote: "She is not particularly a leader, but she is a good follower." When the class to which the daughter had been admitted was about to be graduated, an official of the college wrote to the father, "We are delighted with her. In a class of 200, we have 199 leaders and 1 follower. We are very happy."

I think what is needed today is a little followship rather than captious criticism about leadership, because I believe the leadership has been all to the good and has been prudent and restrained.

When the so-called Eisenhower resolution was before the Senate, oh, what concern there was that there might be precipitate action and that the President might, in an unguarded moment, lead us into difficulties. Now comes the great hue and cry that the President is not moving fast enough and is not moving far enough.

I once heard a definition of an old scow as given by a riverman. He said it is one of those old vessels or old boats which does not move very fast and does not move very far, but it never sinks.

So by restrained action—and I think we have to have restrained action—we are on top ground. The Nation is still at peace, and our relationships with the world are still quite stable and felicitous, notwithstanding the things which are dished up under rather stark headlines from day to day.

I think the Secretary of State and the President of the United States deserve a salute from the country for the restraint with which they have conducted our diplomatic relations.

FALSE IMPRESSION REGARDING VOLUNTARY IMPORTS OF OIL

Mr. YARBOROUGH. Mr. President, much of the economic distress which has plagued the southwestern part of the Nation since the present administration has been in office has been caused by the foreign oil import body blows dealt one of our most basic industries the oil industry.

Although Texas normally accounts for about 48 percent of the United States production in districts 1 through 4, this State has had to absorb about 87 percent of the cut in production in the United States, because of the excessive imports of foreign oil.

During this time of great stress in Texas—with stacked rigs and unemployment numbers swelling each day—we are fortunate to have an organization which has done much to point out the truth about the menace of excessive imports of foreign oil.

This organization represents, not the giant oil combines and cartels, but the independent oilmen, the small-business men of the oil industry. This organization is the Texas Independent Producers and Royalty Owners Association, or TIPRO, as it is called. Eugene M. Locke, the president of TIPRO, has lead a courageous fight against staggering odds for the independents.

Mr. Locke has written me, under date of June 6, 1958, outlining TIPRO's views on the recent modification of the voluntary imports program. His statement is a concise and clear-sighted view of the program.

Mr. President, I ask unanimous consent to have Mr. Locke's letter outlining TIPRO's views, and the TIPRO statement to the press, printed at this point in the RECORD.

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

TEXAS INDEPENDENT PRODUCERS
AND ROYALTY OWNERS ASSOCIATION,
Austin, Tex., June 6, 1958.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR YARBOROUGH: Yesterday the President announced approval of a Cabinet Committee recommendation placing unfinished gasoline and other unfinished oils under the voluntary import control program.

The Commerce Department press announcement of this has given rise in some quarters to the false impression that oil products are now under effective import control. The truth is, they are not.

In the first place, the bulk of oil products, including gasoline, are completely unaffected by the new order. In reality unfinished gasoline and other unfinished oils are not products at all and are not usable by the consumer but are merely crude oil with one element removed by a very cheap process. Upon importation, this unfinished gasoline is refined or blended into gasoline like any other crude oil. Only after crude oil was placed under voluntary quotas did certain companies begin importing this unfinished gasoline as an obvious means of subverting the crude oil import controls. Furthermore, they obtained an Internal Revenue Department ruling that this unfinished gasoline would pay only the negligible duty on crude oil rather than the more substantial duty applicable to gasoline—thereby avoiding both the quantitative limit and the duty.

At most this new administration order serves merely to plug one gaping hole in the voluntary program. Also separate additional quotas apparently are being established for unfinished gasoline and other unfinished oil—rather than considering them as crude covered by the crude quotas. Moreover, no reduction whatever is made in current level of either these oils or crude and products generally, all of which vastly exceed the 1954 ratios recognized by Congress to be the maximum safe levels.

Of course this is a step in the right direction. The bad thing is that it not only fails to place products under control, but may leave the impression that it does so. Unfinished gasoline and other unfinished oils constitute a negligible part of product imports, with gasoline, residual fuel oil, asphalt, distillate fuel oil, and other miscellaneous products completely unaffected by the order.

We are not opposed to reciprocal trade. We believe that necessary help for our industry is entirely consistent with true reciprocal trade and is vital to the security and economic well-being of the Free World. Furthermore, most of the dollars lost to our State and industry from excessive imports of crude and products do not go to the people of foreign countries who trade with us.

Enclosed for your consideration are certain additional items in which we think you will be interested, including a press statement we have issued on this matter.

We deeply appreciate everything you have done, are doing and will do to help us in this urgent matter.

Respectfully yours,
EUGENE M. LOCKE,
President.

P. S.—Your attention is called to the attached press announcement of the conclusions reached in a meeting of official representatives of independent producer associations in Texas, Oklahoma, and New Mexico. With every section of Texas represented, the conclusion was reached that the

best interest of our State and Nation will not be served unless more adequate safeguards are written into the trade act before it is extended.

RELEASE BY TEXAS INDEPENDENT PRODUCERS AND ROYALTY OWNERS ASSOCIATION INFORMATION SERVICE

AUSTIN, June 5.—The new administration announcement modifying its voluntary program to include certain oil products was described as disappointing by Eugene M. Locke, president of Texas Independent Producers and Royalty Owners Association. He called it a "long overdue step which, although highly welcome, merely closes one gap in the voluntary program."

"We had expected that any announcement on this subject would recognize the need for a reduction in the importation of both crude and products. Instead the committee recommended no cutback whatever, stating only that unfinished gasoline and unfinished oils were possible problems in the future and should be held at present levels. This is based on the acknowledgment that these items are susceptible of being used for circumvention of the crude oil limitation program. Unaffected is the bulk of products, including gasoline.

"The fact is that both crude oil and products are well in excess of the ratios they bore to domestic production in the yardstick year 1954, which is the maximum level consistent with national security as intended by the Congress in providing authority for the current program.

"As for unfinished gasoline, restricting these imports to present levels would hardly be considered a concession. The only real concession was the Government decision not to include these in the quotas on crude oil while ruling that they were not to be subjected to the duty applicable to gasoline.

"It would be a mistake to say categorically that this amendment brings products under the voluntary restriction program. Still unanswered, also, is the question of whether the voluntary program is in response to authority provided in section 7 of the 1955 Trade Agreements Act or merely represents administration efforts to gain adequate voluntary compliance to avoid invoking this authority.

"The new directive, while it is a commendable move as far as it goes, cannot affect efforts of independent producers to obtain realistic import limitations through the pending Trade Agreements Act.

"Until the law itself is changed to provide a positive imports limit, the standard for determining whether crude and product imports are excessive can be changed daily or weekly by administrative decision. And, more significant, should Congress pass up the opportunity it now has to deal more directly with this acknowledged problem, we very much fear that the voluntary program will prove totally inadequate."

Mr. YARBOROUGH. Mr. President, in this letter from the able president of the organization, Mr. Eugene M. Locke, of Dallas, Tex., he points out that the recent approval by the President of the Cabinet Committee's recommendation that "unfinished gasoline and other unfinished oils" be placed under the voluntary import control program does not give the relief that the news releases said it would. For example, under the original voluntary oil import quota plan, quotas were placed only on crude oil, not on the finished products. Of course, the ultimate end result of such a policy would be to permit unlimited importations of gasoline, but to impose a limitation on importations of crude oil. The result of such a policy would be to stop the refining of gasoline in this country, and to encourage the refining of gasoline abroad, where cheaper labor is available.

Recently the President's Policy Committee said it was including unfinished gasoline under the quota system, but said nothing about the importation of other refined products of crude oil.

The letter from Mr. Locke points out that only a small step has been taken; only a small part of the imports are unfinished gasoline. Much finished gasoline and other products are imported.

Let me read a paragraph from the letter:

We are not opposed to reciprocal trade.

Mr. President, I point out that it is often said that the producers of oil are opposed to reciprocal trade.

I read further from the letter:

We believe that necessary help for our industry is entirely consistent with true reciprocal trade and is vital to the security and economic well-being of the Free World. Furthermore, most of the dollars lost to our State and industry from excessive imports of crude and products do not go to the people of foreign countries who trade with us.

Mr. President, that is a fact which should be borne in mind in connection with consideration of the problem of excessive imports of foreign oil and the reciprocal trade program, namely, that only a little of the profit from that operation goes to the countries which trade with us.

FOURTEEN DAYS UNTIL JULY 1

Mr. KEFAUVER. Mr. President, on July 1, 1957, when the steel companies raised their prices approximately $6 a ton, the consumer price index stood at a level of 120.2. It had risen more than one-fifth above the index for the base period 1947–49.

Today the consumer price index stands at 123.5. It has increased 3.3 percentage points in the short span of 12 months. In other words, the purchasing power of the dollar has in just 1 year shrunk to 97 cents.

No one knows just how much of this increase in living costs has been due to the $6 a ton increase in the price of steel of last year. Important components of the consumer price index are the prices of automobiles and household appliances. Unquestionably, the increase in steel prices contributed directly to higher prices for these items.

But the true importance of the price of steel is not to be seen as a direct component of any retail price index. Steel is a raw material—the most important raw material. As such, it enters directly or indirectly into the cost of nearly every commodity or service in the land. Consumers do not buy steel, as such. But in one way or another the price of steel affects the price of nearly everything that the consumer has to buy.

The importance of the increase in the price of steel to the increase in living costs is now being discounted in some quarters, on the ground that most of the recent advance in the Consumer Price Index is traceable to higher prices for food. But steel is an important cost item at each stage of the process of production and distribution of food. When the price of steel rises, so also do the prices of farm machinery, fencing, nails, roofing, and other farm supplies. Higher prices for steel mean higher prices for machinery and equipment used in procesing, freezing, canning, preserving, and storing. A price increase for steel, in itself, forms a justification for higher transportation charges, which of course represent an important element in the final price of food. Higher prices for steel mean higher prices for tin cans; and it is a fact that in the case of a number of important canned vegetables, the cost of the can is as much as, or even more than, the cost of its contents. The stainless steel used in the supermarket, the steel used in the wire baskets of the carts that housewives push in the supermarkets, the steel used in the delivery trucks—all these and many other items which affect the cost of food rise in price when the price of steel is raised.

I do not say that all of the increase in the Consumer Price Index directly flows from the increase in the price of steel last July. But by the same token, it is equally an exaggeration to focus attention only on the final end-products purchased by the ultimate consumer, and to ignore all of the lower and necessary levels of production and distribution.

Mr. President, the American public should be spared any further price rises. The administration must, and should, act quickly in order to prevent the projected steel price increase from taking place.

Mr. President, as I have stated frequently, this is a time for real statesmanship on the part of both the steel companies and labor, alike. There are only 14 days before July 1.

Mr. President, I turn now to another subject.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The Senator from Tennessee has the floor.

WASHINGTON, D. C., CONFERENCE OF THE 4-H CLUBS

Mr. KEFAUVER. Mr. President, I know that all Members of Congress are honored by the fact that boys and girls from their States are attending the 4-H Club conference, in Washington, for the year 1958.

These boys and girls, who are representatives of a large segment of the population, were chosen—as are other representatives of the people in a democratic society—on the basis of leadership, accomplishment, interest in others, and a desire to serve.

As leading 4-H Club members, they have come far in the young people's edu-

cational program carried on in all the counties by the Agricultural Extension Service. These young people are important citizens of tomorrow.

The 4-H Clubs are doing an excellent job in every State of the Union; and I believe it is a fine thing that the 4-H Clubs are having their national conference in Washington, so as to give the delegates to the conference an opportunity to see the Nation's Capital, because they will be our leading citizens in the days to come.

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

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1958

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3974) to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment lettered X, submitted by the Senator from South Dakota [Mr. MUNDT], to insert, on page 24, after line 24, a new section (f).

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Mundt amendment, which is now pending, be temporarily laid aside until called up by the Senator from South Dakota at a later time.

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

The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which my amendment "6-14-58-D" was agreed to. The amendment was on page 28, line 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado [Mr. ALLOTT] to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The vote having been reconsidered, the question now is on agreeing to the amendment offered by the Senator from Colorado.

Mr. ALLOTT. Mr. President, I offer an amendment to my amendment, in the nature of a substitute.

The PRESIDING OFFICER. The clerk will state the amendment offered in lieu of the amendment the vote on which has been reconsidered.

The CHIEF CLERK. It is proposed, on page 28, between lines 15 and 16, to insert the following section:

(e) For the purposes of this section any person who has been convicted of a violation of title I shall be deemed to have been "convicted" from the date of the verdict of the jury or the date the final sustaining of such verdict on review of his trial by any appellate court of competent jurisdiction, whichever is the later event.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Colorado [Mr. ALLOTT.]

Mr. ALLOTT. Mr. President, this is the matter about which the Senator from North Carolina [Mr. ERVIN] and I had a lengthy discussion the other night. After carefully considering the matter, we have decided this is the best approach to tighten up a very obvious loophole in the law. I think the amendment is satisfactory to the Senator from Massachusetts [Mr. KENNEDY], and the Senator from North Carolina is present on the floor.

Mr. KENNEDY. I yield 2 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I think the Senator from Colorado has made a real contribution, and I thank him for his efforts.

Mr. KENNEDY. Mr. President, I am glad to accept the amendment.

Mr. LANGER. Mr. President, will the Senator explain the amendment?

Mr. ALLOTT. Yes; I am glad to explain the amendment to the Senator from North Dakota. Under the language written into the bill, a person might very well prolong his appeal for 3 or 4 years, then serve 1 year in the penitentiary, come out, and go right back into the union. That is contrary to the section which provides he shall not be able to do it for a period of 5 years after conviction. So a person could defeat the purpose of the section by merely prolonging his appeal. The amendment is simply to make the section effective as of the date of his final conviction.

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

Mr. ALLOTT. Yes.

Mr. LANGER. What would the situation be when a man was convicted of a crime and then appealed his conviction? Would he be barred during the time of his appeal?

Mr. ALLOTT. This amendment does not bar him during his appeal. It bars him after confirmation of his conviction.

Mr. LANGER. I thank the Senator. I shall support the amendment.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time on the amendment.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. ALLOTT] in the nature of a substitute for the amendment on which the vote was reconsidered.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. Does the Senator from Massachusetts request unanimous consent that there be a quorum call without the time being charged to either side?

Mr. KENNEDY. Yes, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALLOTT. Mr. President, I call up my amendment "6-12-58-DD."

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 22, lines 15 and 16, it is proposed to strike out "Nothing contained in this title shall be deemed to authorize any suit in any court of the United States except upon complaint of the Secretary.", and insert in lieu thereof the following:

The Secretary or any member of a subordinate body of a labor organization upon which a trusteeship has been imposed in violation of the provisions of this title may bring a civil action in any district court of the United States having jurisdiction of the parent labor organization of such subordinate body to prevent and restrain such violation and for such other relief as may be appropriate. The provisions of subsections (b) and (c) of section 204 shall be applicable to any such suit.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Colorado yield to himself?

Mr. ALLOTT. Mr. President, I yield myself 5 minutes.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please desist from conversation. The Senate will be in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. The amendment is a perfecting amendment, applying to "Title II—Trusteeships," which commences on page 18 of the bill.

Under this particular title any national or international labor organization which assumes a trusteeship has to comply with certain requirements, which are set forth on page 18 of the bill. They must furnish a report containing the following information:

The name and address of the subordinate organization; the date of establishing the trusteeship; a detailed statement of the reason or reasons for establishing or continuing the trusteeship; the nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions or other policy-determining bodies and in the election of officers of such national or international labor organization.

In section 203 of the bill it is provided that during a period when a subordinate body of a labor organization is in trusteeship, it shall be unlawful to count the vote of delegates from such body or to transfer to such organization any current receipts or other funds of the subordinate body except normal taxes and assessments.

Section 204 (a) provides:

Upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated the provisions of section 202 or 203, the Secretary of Labor shall investigate the complaint and if the Secretary finds probable cause to believe that such violation has occurred and has not been remedied he shall, without disclosing the identity of the complainant, bring a civil action in any district court of the United States having jurisdiction of the labor organization to prevent and restrain such violation and for such other relief as may be appropriate.

On page 22 of the bill section 206 reads in part:

Nothing contained in this title shall be deemed to authorize any suit in any court of the United States except upon complaint of the Secretary.

Mr. President, my point is simply that under section 204 the Secretary must find probable cause. Coupled with section 206, on page 22, that means that a person cannot resort to the United States courts unless the Secretary decides to find probable cause and then decides to sue in the individual member's name.

It has been pointed out by the junior Senator from Massachusetts in prior discussions about the matter that the person would still have access to the State courts. The point I make is that in the very sensitive area of trusteeships such a person does not have a right to go into a Federal court. It does not seem to me to be good law to put an individual member in such a position that he is subject to the will or wish of the Secretary of Labor before he can go to a United States court to ask for relief.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield to himself?

Mr. KENNEDY. I yield myself 4 minutes, Mr. President.

If the Members of the Senate will look at page 18 of the bill they will see we have provided very elaborate procedures for the control of trusteeships. It is my judgment that, as a result of the work of the McClellan committee, trusteeships are going to be used very sparingly by labor organizations. In fact, only a few of the labor organizations have abused their trust in this regard in the past. I think, because of the spotlight the McClellan committee has put on trusteeships and the provision which is contained in the bill, trusteeships will not be abused in the future.

We provide very clearly that when an international labor organization takes a local into receivership or trusteeship the Secretary of Labor must be notified and there must be a detailed statement of the reasons for taking the local into trusteeship. We also provide for the conduct of the international in the trusteeship for the first 18 months. After 18 months we presume the trusteeship is invalid.

Suits can be filed in State courts, as is possible today, to protect the rights of members during that period of time.

The amendment proposed by the Senator would give the power to bring suits in a Federal court. It seems to me, since we have clearly applied a responsible and proper procedure for dealing with trusteeships, it would be a mistake to add the Senator's amendment to the bill, to provide that a person can also go into Federal court and therefore disturb the procedure the bill provides, particularly when there is not applied the doctrine of preemption which would prevent the person from taking an appeal to the State courts.

I hope the amendment offered by the Senator from Colorado will be defeated. I am prepared to yield back my time, if the Senator from Colorado is prepared to do so.

Mr. ALLOTT. Mr. President, I only wish to take about 2 minutes. I yield myself 2 minutes.

Much of what the Senator from Massachusetts says is correct. There is a very elaborate procedure provided. The fact is that the individual member has no real recourse, because paragraph (c), page 21, says:

In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified by the executive board of the labor organization after a fair hearing shall be presumed valid for a period of 18 months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established in good faith for a purpose allowable under section 202.

In my opinion, if we are to protect the rights of the individual—and I do not believe that this amendment would result in a multiplicity of suits—we should give the individual the right to sue also, as provided by the amendment.

Mr. President, if the Senator from Massachusetts is prepared to do likewise, I am ready to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been either exhausted or yielded back.

The question is on agreeing to the amendment designated as "DD" offered by the Senator from Colorado [Mr. ALLOTT]. [Putting the question.]

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. Whose time does the Senator desire to have the time for the quorum call charged against?

Mr. KNOWLAND. I ask unanimous consent that the time be not charged to either side.

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

The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1248. An act for the relief of Fred G. Clark;

S. 2064. An act for the relief of Marie Ethel Pavlovitch and her daughter, Dolly Hester Pavlovitch;

S. 2087. An act for the relief of Eva Lichtfuss;

S. 2099. An act for the relief of Irene B. Moss;

S. 2147. An act for the relief of Chong Sook Rhee;

S. 2196. An act for the relief of Annadore E. D. Haubold and Cynthia Edna Haubold;

S. 2245. An act for the relief of Moy Tong Poy;

S. 2256. An act for the relief of Luz Poblete and Robert Poblete Broaddus, Jr.;

S. 2301. An act for the relief of Genevieve M. Scott Bell.

S. 2346. An act for the relief of Lucy Hedwig Schultz;

S. 2499. An act for the relief of Ilona Agnes Ronay;

S. 2503. An act for the relief of Maria H. Aguas and Buena M. Castro;

S. 2538. An act for the relief of Florica Bogdan;

S. 2613. An act for the relief of Cedomilj Mihailo Ristic;

S. 2650. An act for the relief of Tokiyo Nakajima and her child, Megumi (Kathy) Nakajima;

S. 2657. An act for the relief of Jesus Romeo Sotelo-Lopez;

S. 2713. An act for the relief of Abbas Mohammad Awad;

S. 2718. An act for the relief of Haseep Milhem Esper;

S. 2849. An act for the relief of Moo Wah Jung;

S. 2940. An act for the relief of Joseph H. Choy; and

S. 3124. An act for the relief of Tommy Ilton Chatterton (Tommy Kim).

The message also announced that the House had agreed to the amend-

ments of the Senate numbered 1 and 4 to the bill (H. R. 10589) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, and for other purposes, and that the House had disagreed to the amendments of the Senate numbered 2 and 3 in the bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12540) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1959, and for other purposes, and that the House had receded from its disagreement to the amendments of the Senate numbered 5, 21, 23, 32, and 35 to the bill, and concurred therein.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 734. An act to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes; and

S. 3093. An act to extend for an additional period of 2 years the authority to regulate exports contained in the Export Control Act of 1949.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATION BILL, 1959—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12540) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1959, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CLARK in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of June 17, 1958, pp. 11510–11511, CONGRESSIONAL RECORD.)

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

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

Mr. HOLLAND. Mr. President, this conference report is unanimously approved by the conferees on the part of both the House of Representatives and the Senate.

When the bill was passed on the floor of the Senate on June 10, the Senate version of the bill was in agreement with the House version of the bill with respect to the item of $2,350,000,000 payable from the highway trust fund covering the interstate highway program and various other Federal-aid highway programs. The Senate version of the bill was also in agreement on 19 of the remaining 34 money items. The bill as passed by the Senate—with 2 amendments to the committee recommendations made on the floor—contained 39 amendments of the House version of the bill.

In the conference—the report being signed by all the conferees on the part of the House and all the conferees on the part of the Senate—the Senate prevailed in the case of 12 amendments, covering items as follows:

First. Amendment No. 1, increasing salaries and expenses, general administration, to provide $40,000 for a defense mobilization project relating to transportation.

Second. Amendments 3 and 4, Census Bureau language changes to permit piece price payments to production workers engaged in major periodic censuses.

Third. Amendment No. 7, providing $35,000 over the House bill to permit the Coast and Geodetic Survey to undertake preparatory work on charts for small-boat operations.

Fourth. Amendment No. 9, reducing the amount for the Office of Area Development from the House allowance of $395,000 to $200,000.

Fifth. Amendment No. 20, limiting War Shipping Administration fund balances to December 31, 1958, availability.

Sixth. Amendments Nos. 24 and 25, identifying general fund authorizations being financed by the appropriation for forest highways.

Seventh. Amendment No. 26, providing $50,000 over the House version of the bill for Plant and equipment, National Bureau of Standards.

Eighth. Amendment No. 31, language authorizing purchase of passenger motor vehicles for the Airways Modernization Board.

Ninth. Amendments Nos. 38 and 39, relating to hire of consultants at $100 per diem and limitation on total available for such hire for the St. Lawrence Seaway Development Corp.

In addition, as indicated by the message from the House, the House recedes from its disagreement to and concurs in amendments 5, 21, 23, 32, and 35.

Amendment 5 relates to the earmarking of 10 supergrades for the Civil Aeronautics Administration.

Amendment 21 provides for the rescission of the unexpended balances in the War Shipping Administration liquidation fund effective December 31, 1958.

Amendment 23 provides clarifying language relative to the administrative expenses limitation placed on the Bureau of Public Roads.

Amendment 32 provides language authorizing purchase, operation, and maintenance of aircraft for the Airways Modernization Board.

Amendment 35 provides for earmarking of 10 supergrades for the Civil Aeronautics Board.

The House prevailed in six amendments, covering items as follows:

First. Amendment No. 6, reduction of $16,500,000 for establishment of air-navigation facilities, will apparently be provided by transfer from the Air Force in H. R. 12738 as passed by the House on June 5, 1958.

Second. Amendment No. 16, striking representation language for the Maritime Administration.

Third. Amendment No. 22, provides $19 million for the Patent Office in lieu of the $21 million in the Senate version of the bill.

Fourth. Amendment No. 30, allowance of $7,900,000 for administrative expenses of the Panama Canal Co., instead of the $7,976,000 proposed in the Senate version of the bill.

Fifth. Amendments Nos. 36 and 37, provide $400,000 for administrative expenses of the St. Lawrence Seaway Development Corp. and hold entertainment expenses to $1,000, the current-year level.

Compromise agreements were reached in 16 other instances involving:

Funds for statistical activities in the current program under salaries and expenses, Bureau of the Census.

The Business and Defense Services Administration activities relating to establishment of a clearinghouse for foreign technical data.

Maritime Administration ship-construction program affecting limitations on research and development, ship-replacement program, and allowance for related expenses.

Voyage limitation on operating-differential subsidies and language relating to provision for new operators and Great Lakes operators.

Administrative expenses of the Maritime Administration, including also limitations relating to warehouses, and so forth, and reserve fleet expenses.

Weather Bureau operating expenses.

Canal Zone Government operating expenses and capital outlay items.

Airways Modernization Board project expenses.

Civil Aeronautics Board administrative expenses.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a summary of the proceedings on H. R. 12540, showing a comparison of the appropriations for 1958, the budget estimates for 1959, the House version of the bill, the Senate version of the bill, and the conference action.

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

Summary of proceedings on H. R. 12540, Commerce and related agencies appropriation bill for 1959

1958 appropriation	$717,728,625
Budget estimates (1959)	982,721,000
House version of bill	949,892,000
Senate version of bill	1,012,886,000
Conference action	971,214,000
Conference action is:	
Over 1958 by	253,485,375
Under budget estimates by	11,507,000
Over the House version by	21,322,000
Under the Senate version by	41,672,000

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a comparative statement on the Department of Commerce and related agencies appropriation bill for the fiscal year 1959.

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

Department of Commerce and related agencies appropriation bill 1959 (H. R. 12540)

Appropriation	1958 appropriation	1959 estimate	House bill	Senate bill	Conference action
TITLE I. DEPARTMENT OF COMMERCE					
GENERAL ADMINISTRATION					
Salaries and expenses	$2,695,200	$2,745,000	$2,690,000	$2,730,000	$2,730,000
Aviation war risk insurance revolving fund		Language	Language	Language	Language
Total, General Administration	2,695,200	2,745,000	2,690,000	2,730,000	2,730,000
BUREAU OF THE CENSUS					
Salaries and expenses	7,881,800	8,920,000	7,900,000	8,200,000	8,050,000
1958 censuses of business, manufactures, and mineral industries	1,000,000	7,300,000	7,000,000	7,000,000	7,000,000
18th decennial census	3,250,000	7,000,000	7,000,000	7,000,000	7,000,000
Census of governments		395,000	350,000	350,000	350,000
Total, Bureau of the Census	12,131,800	23,615,000	22,250,000	22,550,000	22,400,000
CIVIL AERONAUTICS ADMINISTRATION					
Operation and regulation	181,747,800	230,000,000	230,000,000	230,000,000	230,000,000
Establishment of air navigation facilities	[1] 124,603,525	175,000,000	[2] 158,500,000	175,000,000	[2] 158,500,000
Grants-in-aid for airports (liquidation of contract authorization)	25,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Washington National Airport:					
Operation and maintenance	1,566,000	2,500,000	2,400,000	2,400,000	2,400,000
Construction	250,000				
Operation and maintenance, Alaska airports	700,000	1,200,000	1,050,000	1,050,000	1,050,000
Air navigation development	1,500,000				
Construction and development, additional Washington airport	[3] 12,500,000				
Total, Civil Aeronautics Administration	347,867,325	438,700,000	421,950,000	438,450,000	421,950,000
COAST AND GEODETIC SURVEY					
Salaries and expenses	11,550,000	11,750,000	11,650,000	11,685,000	11,685,000
Construction of surveying ship	[3] 2,400,000				
Total, Coast and Geodetic Survey	13,950,000	11,750,000	11,650,000	11,685,000	11,685,000
BUSINESS AND DEFENSE SERVICES ADMINISTRATION					
Salaries and expenses	5,682,000	7,650,000	6,650,000	7,040,000	6,800,000
OFFICE OF AREA DEVELOPMENT					
Salaries and expenses	395,000	395,000	395,000	200,000	200,000
BUREAU OF FOREIGN COMMERCE					
Salaries and expenses	2,353,250	2,448,000	2,400,000	2,400,000	2,400,000
Export control	3,060,000	(4)			
Total, Bureau of Foreign Commerce	5,413,250	2,448,000	2,400,000	2,400,000	2,400,000
OFFICE OF BUSINESS ECONOMICS					
Salaries and expenses	1,035,000	1,317,000	1,150,000	1,150,000	1,150,000
MARITIME ACTIVITIES					
Ship construction	3,000,000	160,000,000	122,950,000	160,000,000	141,475,000
Operating-differential subsidies	[5] 35,000,000	120,000,000	120,000,000	120,000,000	120,000,000
Salaries and expenses	15,425,000	15,050,000	14,200,000	14,850,000	14,525,000
Maritime training	2,394,300	2,394,000	2,394,000	2,394,000	2,394,000
State marine schools	660,000	660,000	660,000	660,000	660,000
War Shipping Administration liquidation	Language	Language	Language	Language	Language
Federal ship mortgage insurance	Language	Language	Language	Language	Language
Total, maritime activities	56,479,300	298,104,000	260,204,000	297,904,000	279,054,000
INLAND WATERWAYS CORPORATION					
Administrative expenses limitation	(4,500)	(2,500)	(2,500)	(2,500)	(2,500)
PATENT OFFICE					
Salaries and expenses	19,000,000	19,000,000	19,000,000	21,000,000	19,000,000
BUREAU OF PUBLIC ROADS					
Administrative expense limitation			(26,239,000)	Language	Language
Federal-aid highways (trust fund)	(1,690,000,000)	(2,350,000,000)	(2,350,000,000)	(2,350,000,000)	(2,350,000,000)
Forest highways	25,000,000	[6] (30,000,000)	30,000,000	30,000,000	30,000,000
Public lands highways	[7] 3,033,000	[6] (2,692,000)	2,692,000	2,692,000	2,692,000
Inter-American Highway	12,000,000	(4)			
Reductions in appropriations		Language			
Total, Bureau of Public Roads	40,033,000		32,692,000	32,692,000	32,692,000
NATIONAL BUREAU OF STANDARDS					
Expenses	9,428,250	11,500,000	11,500,000	11,500,000	11,500,000
Plant and equipment	450,000	600,000	550,000	600,000	600,000
Total, National Bureau of Standards	9,878,250	12,100,000	12,050,000	12,100,000	12,100,000
WEATHER BUREAU					
Salaries and expenses	[8] 37,980,100	40,000,000	39,060,000	39,868,000	39,318,000
Establishment of meteorological facilities	600,000	275,000	275,000	275,000	275,000
Total, Weather Bureau	38,580,100	40,275,000	39,335,000	40,143,000	39,593,000
Total, title I	553,140,225	858,099,000	832,416,000	890,044,000	851,754,000

[1] And $21,500,000 by transfer from Air Force.
[2] And $16,500,000 proposed for transfer from Air Force—as reported in H. Rept. 1830 of May 28 on H. R. 12738—defense appropriation bill.
[3] Appropriated in the Supplemental Appropriation Act, 1958.
[4] Proposed for later transmission.
[5] And $65,000,000 transferred from War Shipping Administration liquidation fund.
[6] Proposed highway trust fund financing.
[7] Of this amount $1,533,000 provided in the Supplemental Appropriation Act, 1958.
[8] Of this amount $100,000 provided in the Supplemental Appropriation Act, 1958.

Department of Commerce and related agencies appropriation bill 1959 (H. R. 12540)—Continued

Appropriation	1958 appropriation	1959 estimate	House bill	Senate bill	Conference action
TITLE II—THE PANAMA CANAL					
Canal Zone Government:					
Operating expenses	[9] $16,086,000	$17,597,000	$16,666,000	$17,417,000	$17,000,000
Capital outlay	1,000,000	4,800,000	3,000,000	3,200,000	3,100,000
Panama Canal Bridge	[3] 750,000	19,250,000	19,250,000	19,250,000	19,250,000
Total, Canal Zone Government	17,836,000	41,647,000	38,916,000	39,867,000	39,350,000
Panama Canal Company: General and administrative expense limitation	(7,820,000)	(7,976,000)	(7,900,000)	(7,976,000)	(7,900,000)
Total, title II	17,836,000	41,647,000	38,916,000	39,867,000	39,350,000
TITLE III—INDEPENDENT AGENCIES					
Advisory Committee on Weather Control	[3] 100,000				
Airways Modernization Board		[10] 34,315,000	30,000,000	34,315,000	31,500,000
Civil Aeronautics Board:					
Salaries and expenses	5,489,400	6,100,000	6,000,000	6,100,000	6,050,000
Payments to air carriers	37,228,000	40,750,000	40,750,000	40,750,000	40,750,000
Total, Civil Aeronautics Board	42,717,400	46,850,000	46,750,000	46,850,000	46,800,000
St. Lawrence Seaway Development Corporation: Administrative expense, limitation	(400,000)	(440,000)	(400,000)	(440,000)	(400,000)
Small Business Administration:					
Salaries and expenses	[3] 2,235,000	([4])			
Revolving fund	[3] 100,000,000	([4])			
Total, Small Business Administration	102,235,000				
Tariff Commission	1,700,000	1,810,000	1,810,000	1,810,000	1,810,000
Total, title III	146,752,400	82,975,000	78,560,000	82,975,000	80,110,000
Grand total, titles I, II, and III	717,728,625	982,721,000	949,892,000	1,012,886,000	971,214,000

[4] Proposed for later transmission.
[3] Appropriated in the Supplemental Appropriation Act, 1958.
[9] Of this amount $320,400 provided in the Second Supplemental Appropriation Act, 1958.
[10] As amended by H. Doc. 378.

Mr. HOLLAND. Mr. President, I ask that the Senate agree to the conference report. My distinguished colleague, the ranking minority member of the committee, the Senator from Maine [Mrs. SMITH] may have some additional comment to make at this time.

Mrs. SMITH of Maine. I thank the Senator very much. I believe that all that is necessary to be said about the conference report has ben said.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1958

The Senate resumed the consideration of the bill (S. 3974) to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KNOWLAND. Mr. President, I call up my amendment, as modified, designated 6-16-58-C and ask that it be read.

The PRESIDING OFFICER. The amendment, as modified, will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 28, lines 15 and 16, it is proposed to insert the following new section:

SEC. 306. (a) No provision or provisions in a collective-bargaining agreement waiving or canceling the union member's rights to strike shall be effective unless such provision or provisions shall have been previously approved or subsequently ratified by a majority vote of the members of the labor organization in the unit covered by the contract, voting by secret ballot in a referendum held for such purpose by the labor organization.

The PRESIDING OFFICER. How much time does the Senator from California yield to himself?

Mr. KNOWLAND. I yield myself 5 minutes.

Mr. President, I think the protection of the basic right of employees to strike or to refrain from striking is very important to the workers. My amendment merely provides that in any agreement relative to a no-strike clause, the workers, by a secret ballot, either shall have given their negotiating officials, previous to the negotiations, the right to include such a clause in the proposed contract, or shall subsequently ratify such a proposed contract.

It seems to me that such a provision is clearly in line with union democracy. The strike is a weapon which I hope members of labor organizations would not use if there was any other satisfactory way to improve their wages, hours, and working conditions. It is a weapon of last resort, but it is an important weapon.

No officers or negotiating officials should have the right to deprive workers of that weapon without the express approval, either in advance or subsequently, of the right which the workers have to strike.

This a fair and reasonable amendment. I hope it will be accepted by the committee. It is for the protection of the workers themselves. It does not and should not in any way handicap the negotiating officials, for they could go to the members of the union and say, "In the negotiations, we hope to include a no-strike clause in the contract, and we want your approval of that." That would be the effect of the provision before the negotiations.

If after the negotiations the negotiators returned with a no-strike clause in the contract, they would then submit the proposal to the members, who would then proceed by a secret ballot to approve or disapprove such a clause.

I hope the amendment will be accepted. If it is not accepted, I hope this protection for the workers will be included by the Senate itself.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

I think the acceptance of the amendment would be a great mistake. I think it is based wholly on a misconception of the purpose of the National Labor Relations Act. The whole purpose of that act is to prevent strikes by providing machinery for the amicable settlement of labor disputes. One of the most encouraging things in recent industrial history has been to have had so many contracts signed with no-strike provisions in them. Such provisions give assurance to employers that they can chart their course over a period of time without having a strike called 5, 6, or 7 months after a contract has been signed.

This amendment, it seems to me, would make the Federal policy quite the reverse. It would serve as a statement by the Senate that it regarded no-strike clauses with suspicion.

In addition, during the period while the contract was being signed, it would mean that the negotiators for the union would not be empowered completely to sign the contract on behalf of the employees. At the end of their bargaining they would have to go back to the members of their union—and they might be scattered through the country—to have a referendum on the question whether the contract should be accepted, particularly if it contained a no-strike provision.

Therefore, Mr. President, in my opinion this amendment would discourage no-strike provisions. I do not think many unions would want to go through the expense and the difficulty involved, particularly when in many cases that would serve the interest of employers.

I know that the intention of the Senator from California is good; it is to get at the so-called sweetheart contracts. But many of the provisions already included in the bill deal with that subject.

In addition, we have accepted the amendment submitted by the Senator from North Carolina [Mr. ERVIN], which provides that an officer may be dismissed by a majority of the members of the union for due cause; and certainly the selling out of a union in order to obtain a sweetheart contract would be due cause.

Furthermore, we have included in the bill a provision which would take care of a situation in which a union representative accepted compensation in order to sell out the members of the union.

So, Mr. President, in order to have the bill provide adequate protections, adoption of the pending amendment is not necessary. Therefore, I hope the amendment will be rejected.

Mr. KNOWLAND. Mr. President, I believe the amendment deals with another question relative to the part of the interim report of the select committee on the use of secret ballots for vital union decisions. Certainly the question of whether the members will give up their right to strike is another vital union decision.

It also seems to me that certainly in a great many cases of the so-called sweetheart contracts, where there has been an under-the-table deal between the employer and misrepresentatives of the rank and file of the workers, so-called no-strike provisions have been included in the contract.

So it seems to me that in such a situation the members should have an opportunity, by referendum, with a secret ballot, either to authorize their officers to negotiate such a clause as a part of the contract or subsequently to approve the inclusion of such a provision in the contract. Instead of discouraging such agreements, I believe the amendment would encourage agreements of this kind, because the rank-and-file union members in the country would know they could not be sold out by a so-called sweetheart type of contract, and that their negotiators would have to come to them, either in advance or subsequently, and obtain their permission to write such a clause into the contract.

So, Mr. President, I hope my amendment will be agreed to.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on agreeing to the modified amendment of the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield to the Senator from Oregon such time as he desires.

The PRESIDING OFFICER. The Senator from Oregon is recognized. Will the Senator from Massachusetts state how much time he yields the Senator from Oregon?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I wish to support the views which have been expressed by the chairman of the subcommittee, the Senator from Massachusetts [Mr. KENNEDY].

In the committee we threshed out this matter.

Today there are literally thousands of such contracts. The amendment of the Senator from California would immediately go into effect, and such contracts would immediately be invalidated, and elections would immediately have to be held. As a result, the employers would be tearing their hair.

We now have before us a bill which provides for the election of union officers, both local and national, and for the election of delegates. Under the democratic procedures now provided for in the bill, the union members will select their representatives whom they wish to engage in the collective bargaining for them, in connection with the writing of a contract. If those bargainers betray the trust they owe the union members, the members will take care of them in due time, at the next election of union officers.

The pending amendment relates to a procedural problem of the same kind as the one which develops in connection with other proposals for writing into the law requirements for secret ballots.

Mr. President, in my judgment, the Senator from California cannot reconcile his position with the position the late Senator Taft of Ohio took in regard to such voting requirements. Senator Taft took the position that they became empty gestures, so to speak, because almost invariably the position taken by those who bargained was sustained by the members by their votes. So the whole process would be expensive and a waste of time.

Furthermore, the amendment attempts to have the Congress intervene in the democratic processes of the unions. Either we believe or we do not believe in giving the unions the right to govern themselves, under the broad safeguarding provisions the committee has reported to the Senate in what I consider to be—unless it is changed in the closing hours of the debate—a very fine bill which, first, really strengthens the democratic procedures of the unions, and, second, strengthens the controls over union funds.

The pending amendment is an example of intervention into union affairs which I do not think the Congress should vote to establish.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from California [Mr. KNOWLAND].

Is the remaining time yielded back?

Mr. KNOWLAND. Mr. President, I yield back the remainder of the time under my control.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield back the remainder of the time under his control?

Mr. KENNEDY. I do.

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

All remaining time has been yielded back.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER (when his name was called). On this vote I have a pair with the junior Senator from Indiana [Mr. JENNER]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], and the Senator from Wyoming [Mr. O'MAHONEY], are absent on official business.

Mr. DIRKSEN. I announce that the Senators from Connecticut [Mr. BUSH and Mr. PURTELL] and the Senator from Indiana [Mr. JENNER] are necessarily absent. The pair of the Senator from Indiana [Mr. JENNER] has been previously announced.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business because of duty with the Air Force.

The result was announced—yeas 32, nays 57, as follows:

YEAS—32

Allott	Dirksen	Martin, Pa.
Barrett	Dworshak	Mundt
Bennett	Flanders	Potter
Bricker	Hickenlooper	Schoeppel
Bridges	Hoblitzell	Smith, Maine
Butler	Hruska	Smith, N. J.
Capehart	Ives	Thye
Carlson	Knowland	Watkins
Case, S. Dak.	Kuchel	Wiley
Cotton	Lausche	Williams
Curtis	Martin, Iowa	

NAYS—57

Aiken	Carroll	Cooper
Anderson	Case, N. J.	Douglas
Beall	Chavez	Eastland
Bible	Church	Ervin
Byrd	Clark	Frear

Fulbright	Kerr	Payne
Green	Langer	Proxmire
Hayden	Long	Revercomb
Hennings	Magnuson	Robertson
Hill	Malone	Russell
Holland	Mansfield	Saltonstall
Humphrey	McClellan	Smathers
Jackson	McNamara	Sparkman
Javits	Monroney	Stennis
Johnson, Tex.	Morse	Symington
Johnston, S. C.	Morton	Talmadge
Jordan	Murray	Thurmond
Kefauver	Neuberger	Yarborough
Kennedy	Pastore	Young

NOT VOTING—7

Bush	Gore	O'Mahoney
Ellender	Jenner	Purtell
Goldwater		

So Mr. KNOWLAND's modified amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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 to lay on the table the motion of the Senator from Minnesota to reconsider.

The motion to lay on the table was agreed to.

GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1959

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10589, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 17, 1958.

Resolved, That the House agree to the amendments of the Senate numbered 1 and 4 to the bill (H. R. 10589) entitled "An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, and for other purposes"; and

That the House disagree to the amendments of the Senate numbered 2 and 3 to said bill.

Mr. MAGNUSON. The President, as to Senate amendments Nos. 2 and 3, the purpose of the amendments was to provide $1 million for the emergency fund for the President without having to appropriate the full amount in new authorization. In view of the action of the House in disagreeing to these amendments, and since the exact amount of the unobligated balance on June 30 is uncertain, I move that the Senate recede from its amendments Nos. 2 and 3.

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

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the summary of action on the General Government matters appropriation bill for 1959.

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

Summary of action on general Government matters appropriation bill, 1959

Agency and item	Appropriations, 1958	Estimates, 1959	House bill	Senate bill	Floor action in lieu of conference
EXECUTIVE OFFICE OF THE PRESIDENT					
Compensation of the President	$150,000	$150,000	$150,000	$150,000	$150,000
The White House Office	2,051,970	2,051,970	2,051,970	2,051,970	2,051,970
Special projects	1,375,000	1,500,000	1,500,000	1,500,000	1,500,000
Executive Mansion and Grounds	400,400	415,400	415,400	415,400	415,400
Bureau of the Budget	4,205,000	4,205,000	4,205,000	4,205,000	4,205,000
Council of Economic Advisers	375,000	375,000	375,000	375,000	375,000
National Security Council	700,000	700,000	700,000	700,000	700,000
Office of Defense Mobilization	2,214,000	2,420,000	2,214,000	2,285,000	2,285,000
President's Advisory Committee on Government Organization	50,000	57,500	57,500	57,500	57,500
Total, Executive Office of the President	11,521,370	11,874,870	11,668,870	11,739,870	11,739,870
FUNDS APPROPRIATED TO THE PRESIDENT					
Emergency fund for the President, national defense	1,000,000	1,000,000	1,000,000	[1] 275,000	1,000,000
AMERICAN BATTLE MONUMENTS COMMISSION					
Salaries and expenses	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000
Construction of memorials and cemeteries	1,250,000	(2)	(2)	(2)	(2)
Total, American Battle Monuments Commission	2,500,000	1,250,000	1,250,000	1,250,000	1,250,000
COMMISSION ON CIVIL RIGHTS					
Salaries and expenses	(3)	750,000	750,000	750,000	750,000
CORREGIDOR-BATAAN MEMORIAL COMMISSION					
Salaries and expenses	44,000				
FOREIGN CLAIMS SETTLEMENT COMMISSION					
Salaries and expenses	[4] 570,000	[5] 565,000	[5] 515,000	[5] 565,000	[5] 565,000
SUBVERSIVE ACTIVITIES CONTROL BOARD					
Salaries and expenses	375,000	375,000	375,000	375,000	375,000
Total	16,010,370	15,814,870	15,558,870	14,954,870	15,679,870

[1] Together with the unobligated balance on June 30, 1958.
[2] Language only.
[3] Allocation of $200,000 from emergency fund.
[4] Plus $265,000 from war claims fund.
[5] Plus $85,000 from war claims fund.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1958

The Senate resumed the consideration of the bill (S. 3974) to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

Mr. MUNDT. Mr. President, I offer my amendment 6-12-58-X and ask that it be stated for the information of the Senate.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 24, between lines 24 and 25, it is proposed to insert the following new subsection:

(f) Every election conducted by a labor organization for the purpose of selecting its constitutional officers or its convention delegates shall be supervised, including the counting and tabulation of the votes and the certification of the results, by a membership election board which represents all factions in contest in such election and which is composed of individuals none of whom are, at the time they are serving on such board, candidates for office in such election or officers or employees of the labor organization conducting the officer or delegate election or of any national or international labor organization of which it is an affiliate or constituent unit.

The PRESIDING OFFICER. The Senator from South Dakota is recognized. How much time does the Senator yield to himself?

Mr. MUNDT. Mr. President, I would be happy to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senator yield me a few minutes? Because of my feeling that details such as this should not be written into legislation, I shall not support the amendment, but at the same time I want to have as good an amendment as possible, one carrying out the Senator's intention. I will offer a perfecting amendment in a moment, but first I should like to make a statement as to why I think the perfecting amendment is necessary.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. MORSE. I will be glad to take time on this side, if the Senator from Massachusetts [Mr. KENNEDY] will yield me 5 minutes.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I should like to invite attention to the word "factions" in line 6 of the amendment. I am going to offer a perfecting amendment concerning that word. I have talked to the Senator from South Dakota [Mr. MUNDT], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New York [Mr. IVES], about this matter. We are in agreement that the Senate ought to accept a perfecting amendment. I should like to tell the Senate why I think the perfecting amendment is necessary.

What are "the factions in contest in such election," as the word is used? The word is ambiguous.

Suppose there is one opposition candidate who is supported by two factions? Must both of those factions be represented on the election board?

Suppose the union bylaws provide for the counting of votes for each office separately. Are all of the "factions" to be represented at the counting for all offices, or only those for which the particular factions have candidates?

"If all the "factions" are required to be present at the count for all offices, what would happen if there were several dozen involved? How could they all participate?

What are the rights of the "factions" as to the supporting writein candidates?

Those are some of the problems which I think will be very difficult of interpretation by the Secretary of Labor.

I hope Senators will not forget the effect of the amendment. Although the Senator proposes an amendment on page 24, line 24, it nevertheless relates to section 302, in addition. Section 302 is the enforcement section, involving violations under section 301. The consequences would be very serious. Under section 302 a whole election can be set aside, and the union could find itself in a very serious difficulty, because somebody might say, "I was in a 'faction' and I was not appointed on the counting board."

Therefore, I have suggested to the Senator from South Dakota a perfecting amendment on line 5 of his amendment, on page 1, after the word "board" to strike out "which represents all factions in contest" and substitute the words "composed of at least one designated representative of each candidate."

I assume what the Senator from South Dakota is seeking to do is to assure that each candidate will be represented on the counting board so that there can be no question as to whether the ballots are properly counted.

Later I shall say something about my other objections to the amendment, but I think if the amendment is to be adopted, the perfecting amendment should be agreed to, and I offer it to my friend.

Mr. MUNDT. Mr. President, I have discussed the revised language proposed by the Senator from Oregon, and I believe he is correct in feeling that the perfecting amendment would tend to clarify the purpose I had in mind in offering the amendment, so I modify my amendment accordingly.

As to the amendment itself, as modified, while to me the words "factions in contest" mean the same thing as having equal representation for candidates in an election, I agree with the Senator from Oregon that spelling it out precisely will make certain that what we are trying to achieve will be achieved. All this amendment does, as modified in conformity with the suggestion of the Senator from Oregon, is to guarantee to every member of a union in every election for union officers that every candidate for election shall be entitled to have his representative present at the counting of the ballots. Every Member of the United States Senate naturally insists that his supporters or his party be represented at the counting in his precinct or ward.

It is equally logical to expect that that type of fair play should occur in a union. In most unions it does. In the good unions, the practice is already operative under their constitutions; but in some unions such as our committee has been called upon to investigate, in which those in control are perpetuating themselves in power for purposes of thievery or some other malicious practice, obviously that is not the custom. I think Senators should vote to provide for the rank and file members of labor unions the same rules of fair play and honest counting that each of us insists upon for himself.

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

Mr. MUNDT. Certainly.

Mr. NEUBERGER. I think the author of the amendment has a commendable purpose, but one particular question disturbs me, and I should like to ask the Senator about it, if I may.

Mr. MUNDT. I shall be glad to have the Senator do so.

Mr. NEUBERGER. Is it the thought of the author of the amendment that if, for example, Communists are a faction within a union, the Communists should be assured of representation on the counting board, to assure that all his votes, such as they may be, will be counted?

Mr. MUNDT. Yes. I certainly believe that in the highly unlikely event that the Communists should have a candidate for some union office, whether he is a Communist or not, under our concept of democracy he is entitled to have a watcher present to determine a fair count. I believe that the way to defeat a Communist is to vote against him, not to steal the election at the ballot box.

Mr. NEUBERGER. Let us assume that instead of nominating one candidate, the Communists within a union decide to nominate a plethora of candidates who are sympathetic to their particular ideology; whereas the patriotic candidate, if we may so refer to him, for the union leadership is only one person. Does that mean that the counting board would have only one representative of the patriotic candidate, and that every one of the so-called Communist candidates would have one representative on the board? If that were the case, they could dominate the counting board. How would the Senator's amendment prevent such a situation?

Mr. MUNDT. In that type of union there is no democratic process available that will keep the Communists from controlling the union. But my amendment would provide the patriotic forces with one more representative at the election board than they would otherwise have in the union so completely peopled with Communists as the one the Senator from Oregon envisages.

Mr. NEUBERGER. I do not think that is the case at all. There might be a union with 1,000 members, five of whom were Communists. They could nominate all five Communists for election as president, whereas the other 995 would be supporting the one person whom they renominated. Let us assume that they renominated their then present leader. Would there be only one representative of the incumbent officeholder, whereas each of the five Communists, racketeers, or members of some other opprobrious group, would have one representative on the counting board?

Mr. MUNDT. I cannot yield further. The Senator will have to speak on his own time.

Quite obviously the Senator has not read the amendment. The amendment provides for a representative election board, to include representation of all candidates. Quite obviously, if that kind of situation exists, whoever is appointing the election board will have enough representatives to insure an honest count, but he must include one from each faction. The amendment does not provide that the board shall be comprised solely of representatives of the candidates for office; but each candidate for office would be entitled to representation. Of course, if a union is comprised entirely of Communists, and a Communist official is to be elected, the amendment which I offered and which was adopted yesterday would take care of that situation, because it would deny to the union the right to access to the collective-bargaining facilities of the National Labor Relations Board if its officials were Communists.

Mr. NEUBERGER. Mr. President, will the Senator from Massachusetts yield me some time in order that I may ask questions?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

Mr. MUNDT. I understand that the Senator from Massachusetts has yielded time to enable the Senator from Oregon to continue his colloquy with me.

The PRESIDING OFFICER. Yes; does the Senator from South Dakota yield additional time to himself?

Mr. MUNDT. I yield myself 5 minutes more.

Mr. NEUBERGER. I am asking this question in all seriousness. The Senator stated that I was referring to a union dominated by Communists. I was not doing anything of the kind. I was de-

scribing a union in which Communists or racketeers represented only a infinitesimal minority.

This is the point which worries me: Obviously, in any organization in which a majority of the members are patriotic and sincere—as I think they are in most labor organizations and most other organizations in the United States—the majority will probably unite behind their present leader, if he has been satisfactory. What is there to prevent the subversive group, whether it be Communistic or corrupt, from nominating a multitude of candidates and dominating the counting board? Is there anything in the amendment which would guard against such a situation?

Mr. MUNDT. The amendment is very clear on that point. It provides that members of the election board shall continue to be appointed precisely as they are now appointed, with the same appointive officials functioning as do now. They may appoint an election board of any number they desire. However, my amendment adds the requirement that there be a representative on the board for each of the candidates who is running. If there are five Communist candidates, the election board could consist of 10 or 12 members. The election board can be of any size desired.

This is the old American spirit of fair play, which the Senator from Oregon and the Senator from South Dakota insist upon for themselves. When the ballots are counted at the polling place, there should be representation for each of the candidates who is running. That is the rule which is insisted upon by every courthouse candidate in America and in every election I know anything about in fraternal organizations. In every polling place there are representatives of the candidates.

Twice in the course of the McClellan committee hearings instances of this kind were brought to our attention. In one case the ballots were taken up into the mountains. After counting 500 of them, the union officials said, "We think we know what the trend is," and they never did count all the ballots. They readjusted the count three times in order to give them greater weight in an international election.

The other case involved a controversy not officially before our committee, but presented by dissident groups in the steelworkers' union. Mr. Rarig was a candidate against Mr. MacDonald. Mr. Rarig alleges that he was not permitted to have counters at the polling place; that otherwise he would have won the election. I do not know.

We are all interested in providing a guaranty in advance that the ballots, as voted, will be counted.

Mr. NEUBERGER. Mr. President, will the Senator from Massachusetts yield me 1 minute more?

Mr. KENNEDY. I yield 1 minute to the Senator from Oregon.

Mr. NEUBERGER. I think the Senator from South Dakota has a desirable goal. My own opinion is that if we had time to consider it in the committee room, it could be tightened up so that it would not be possible for a dissident group of undesirables perhaps to dominate a counting board. I shall not stress the point further. I think the goal is laudable, but I am a little worried about the rather loose language of the amendment.

Mr. MUNDT. I am sure that if the Senator will read the first part of the amendment he will be reassured on that point, because the same officers of the union would appoint the board as now appoint election boards.

The type of thing the Senator envisions could happen only if officers of the union were Communist-dominated. However, the Senator will agree that if the Communists dominate a union, there is nothing we can do to prevent their taking over the offices.

Mr. NEUBERGER. I am afraid they would take over the board in the union, until there was left only an infinitesimal minority.

Mr. MUNDT. There is no possibility of that happening under the terms of my amendment. The amendment is in complete harmony with the tone and tenor of the entire bill, which aims at giving the democratic tools to the working people of this country who, we all agree, in the main are honest and patriotic and which they need to protect their rights, their freedoms, and their political independence. My amendment gives them the tools whereby they can be assured of a voting mechanism provision which will eventuate in the votes being honestly counted, and will give each candidate an opportunity to have a representative on the board, in order to assure an accurate counting of the votes. With less than that, any election is a gamble.

Mr. President, I reserve the balance of my time.

Mr. MORSE. I wonder whether the chairman of the subcommittee would yield me 10 minutes on the bill. I may not use all of that time, but I would rather not be interrupted.

Mr. KENNEDY. I yield 10 minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, I am glad the Senator from South Dakota has accepted our perfecting amendment. I now wish to speak against the policy inherent in the bill. I share the view expressed by my colleague, who brought out what can develop because of some procedures in the Senate. It illustrates what can happen when an attempt is made to legislate on what amounts, in effect, to the policing of a union. Therefore the first point I wish to make in opposition to the amendment is on a matter of policy.

The provisions of the bill are sufficient to provide a fair election and a fair count. What else does the secret ballot requirement in section 301 mean? There are broad provisions in the election section of the bill, section 301 (a), (b), and (c). They should be interpreted to achieve the purposes of the bill. I wish to express this point on the legal construction of the bill, and in that connection I should like to have the attention of the chairman of the subcommittee and also the attention of the majority leader.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MORSE. I wish to have the attention of the Senator from Texas and the Senator from Massachusetts on the point I am about to make.

The PRESIDING OFFICER. The Senator from Oregon will suspend until there is order in the Senate. The Senate will be in order. Senators will cease conversation. The Senator from Oregon may proceed.

Mr. MORSE. I should like to have the attention of the Senator from Arkansas, also, if I may, on the legal point I am about to discuss. I value his judgment on it. I wish to point out that, in my judgment, the Mundt amendment, if we adopted it, raises a serious question of statutory construction which might lead us into serious difficulties when the courts came to construe the bill.

As I was saying, there are broad provisions in the election section, section 301 (a), (b), and (c), which should be interpreted to achieve the purposes of the bill. We lawyers know that when details are specified in a bill, the courts are prone to hold that, in the absence of language on other details, Congress can be deemed to not want them covered.

The attempt is made by the Mundt amendment to take an election section which guarantees a secret ballot, which guarantees that each member shall have the right to vote, and to apply, in the interpretation of that section, both by the Secretary of Labor and the courts, the broad legal construction principles now invoked in interpreting disputed elections and to add to it the provision that every candidate in a union election must have a representative on the counting board.

That one little detail would stand out like a sore thumb. If other parts of the bill were brought into litigation, the result would be a running head on into the construction by the court that if Congress set forth one detail in the bill it must be that it did not intend to cover any other detail not specified. Therefore, what we ought to do is to leave section 301 (a), (b), and (c) to the Secretary of Labor and to the courts for interpretation and application in case disputes do arise.

I do not believe it is good policy for Congress to inject itself into such union details. To do so may very well undermine the broader provisions of the bill—our objective to provide for secret elections, and our objective for insuring that each member shall have a chance to vote.

Furthermore, let us consider what was brought not before our committee, there was no evidence of a serious problem of illegal counting of ballots in union elections. We should have minimum interference in union self-government, if we expect to develop democratic procedures. They should not be imposed upon them by legislative mandate.

Let us take a look at section 301 (d) on page 24 of the bill. It requires that the ballots and all other records pertaining to elections shall be preserved for one year by the Secretary of Labor. The courts have a year to consider challenges or complaints that may be filed

with regard to the fact that the ballots were not properly counted.

The bill presently is adequate to insure that improprieties in the counting of ballots shall be subject to the remedial procedures of section 302 and ought to be considered sufficient.

I submit we have adequate protection against dishonest counts. Congress should not try to dictate to the union details of counting.

Now I come to my last point. It is very interesting that the Mundt amendment would force a change in some procedures which have already been adopted by some unions. In some unions, there have been interesting contests over this matter of secret elections. Senators would be surprised to hear of the number of unions in the country which have provided in their bylaws that the Honest Ballot Association shall be designated to count their ballots. A number of unions have provided in their bylaws that their ballots be counted by a group of representative citizens in town—a minister, a college professor, a leading businessman—or by a group of civic leaders, who serve as a kind of board of election for the union.

What the Mundt amendment would do would be with one stroke to cut out all these procedures which unions, in the exercise of their democratic processes, have already agreed upon for counting their ballots. By the Mundt amendment we would require the unions to have just one kind of counting board, with a designated representative of each candidate serving on it.

That is a good example of what we should not do in interfering with the right of a union itself to decide its own procedures for counting its ballots.

Therefore I respectfully urge that Senators who thought they were going to vote for the Mundt amendment because it is not particularly serious and would not do any harm, take into account the various points I have made, particularly the interference with procedures which have already been adopted by some unions for outside associations or civic groups to count their ballots.

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

Mr. MORSE. I yield.

Mr. CARROLL. I am sure the senior Senator from Oregon has heard the comments of the junior Senator from Oregon with reference to injustices possible in union elections under this amendment. This thought has occurred to the junior Senator from Colorado. Let us forget Communists for the moment. Let us assume that racketeers have control of a union and that they wish to hold on to the power they have obtained. If they could select several members on the election board for themselves they could easily outnumber and outcount—assuming the worst has happened—the honest members of the union. Is such a situation possible under this amendment?

Mr. MORSE. It would not be remedied by the Mundt amendment; but under the bill, when charges of illegal or dishonest counting are made, the Secretary of Labor has the authority to make an investigation. The ballots must be preserved for 1 year. The Secretary of Labor can take them into court; and if it is found that dishonesty exists, the election can be set aside and a new one ordered.

I submit that we have a very good bill. I do not think we ought to accept an amendment which in effect says that the union agreements which have been entered into with the Honest Ballot Counting Association, to use one example—and this is the type of association which is being used by unions in this country to supervise their voting—will simply automatically be stricken from their bylaws by the United States Senate.

I submit my opposition to the amendment.

Mr. JOHNSON of Texas. Mr. President, is it agreeable to Senators on both sides to yield back the remainder of their time?

Mr. MUNDT. I am in a quandary, because there are so few Senators on the floor. I do not know whether to suggest the absence of a quorum or to proceed with the vote.

Mr. JOHNSON of Texas. I was about to suggest that both sides yield back the remainder of their time. Then we might have a quorum call, so as to be prepared to vote on the amendment.

Mr. MUNDT. I think I should yield back all except 3 or 5 minutes, so that I might explain the purpose of the amendment in case any Senator who was not here previously might ask about it.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota desire to yield time to the Senator from Nebraska?

Mr. MUNDT. For the purpose of suggesting the absence of a quorum? I certainly do.

Mr. CURTIS. Mr. President, I ask unanimous consent that there may be a quorum call, the time for the quorum call to be charged to neither side.

Mr. JOHNSON of Texas. I will object to that. I do not have objection to the time for the quorum call being divided evenly; but action on the bill might be prolonged ad infinitum, and could delay action in the other body, if we do not proceed promptly.

Mr. MUNDT. Does the Senator from Texas desire to have the time for the quorum call evenly divided?

Mr. JOHNSON of Texas. Yes.

Mr. MUNDT. That is agreeable to me.

Mr. CURTIS. Mr. President, I so modify my request.

The PRESIDING OFFICER. The Senator from Nebraska has asked unanimous consent for a quorum call, the time for the quorum call to be charged equally to both sides. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MUNDT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota. The yeas and nays have been ordered.

Mr. MUNDT. Mr. President, it is agreeable to me to yield back the remainder of my time, with the understanding that the Senator in control of the time on the other side yields back the remainder of his time.

Mr. JOHNSON of Texas. I yield back the remainder of my time.

The PRESIDING OFFICER. Both sides have yielded back the remainder of their time. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER (when his name was called). On this vote I have a pair with the junior Senator from Indiana [Mr. JENNER]. If present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

Mr. DIRKSEN. I announce that the Senators from Connecticut [Mr. BUSH and Mr. PURTELL] and the Senator from Indiana [Mr. JENNER] are necessarily absent. The pair of the Senator from Indiana [Mr. JENNER] has been previously announced.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business because of duty with the Air Force.

The result was announced—yeas 44, nays 45, as follows:

YEAS—44

Allott	Dirksen	Revercomb
Barrett	Dworshak	Robertson
Beall	Eastland	Russell
Bennett	Flanders	Saltonstall
Bricker	Hickenlooper	Schoeppel
Bridges	Hoblitzell	Smith, N. J.
Butler	Holland	Stennis
Byrd	Hruska	Talmadge
Capehart	Knowland	Thurmond
Carlson	Martin, Iowa	Thye
Case, N. J.	Martin, Pa.	Watkins
Case, S. Dak.	McClellan	Wiley
Cooper	Morton	Williams
Cotton	Mundt	Young
Curtis	Potter	

NAYS—45

Aiken	Humphrey	Malone
Anderson	Ives	Mansfield
Bible	Jackson	McNamara
Carroll	Javits	Monroney
Chavez	Johnson, Tex.	Morse
Church	Johnston, S. C.	Murray
Clark	Jordan	Neuberger
Douglas	Kefauver	Pastore
Ervin	Kennedy	Payne
Frear	Kerr	Proxmire
Fulbright	Kuchel	Smathers
Green	Langer	Smith, Maine
Hayden	Lausche	Sparkman
Hennings	Long	Symington
Hill	Magnuson	Yarborough

NOT VOTING—7

Bush	Gore	O'Mahoney
Ellender	Jenner	Purtell
Goldwater		

So Mr. MUNDT's amendment was rejected.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I call up the amendment which I send to the desk and ask to have stated. The amendment is offered by me on behalf of myself and my colleague [Mr. EASTLAND].

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 40, in line 12, after the word "thereof", it is proposed to insert a period, and to strike out the remainder of line 12 and lines 13, 14, and 15.

Mr. STENNIS. Mr. President, the amendment would amend section 606 of the bill, on page 40.

The amendment as now submitted represents more or less of an adjustment between this section of the bill and the relevant sentence of the Taft-Hartley Act. This matter has been gone over by the chairman of the subcommittee, the Senator from Massachusetts [Mr. KENNEDY], who, I understand, is prepared to agree to the amendment. Is that correct?

Mr. KENNEDY. Yes, Mr. President; I accept the amendment, which I understand will protect the right of both strikers and nonstrikers to vote, so long as in the judgment of the Board a lawful strike is in existence.

Mr. STENNIS. The Senator from Massachusetts is correct. The amendment pertains to the right of striking employees to vote.

The provision of the Taft-Hartley Act, to which this section of the bill relates, is set forth in one sentence. Section 606 of the bill, as it now stands, would strike out that sentence, and would substitute a new sentence for it.

The pending amendment would leave in the bill only the part of section 606 which provides that "section 9 (c) (3) of the National Labor Relations Act, as amended, is amended by striking out the second sentence thereof." Thus, section 606 of the bill, as amended by our amendment, would strike out that one sentence of the existing Taft-Hartley Act. At the same time, the amendment, as submitted, would strike out the remainder of section 606 of the bill, which undertakes to insert in the Taft-Hartley Act, a legal definition of those who would be entitled to vote under such circumstances.

The language of this proposed part is very obscure, it seems to me, but if the amendment as proposed now is adopted, it will throw the situation back to the law before the passage of the Taft-Hartley Act, which will really mean going back to the old Wagner Act.

The amendment has been agreed to under those conditions.

Mr. JOHNSON of Texas. Mr. President, I am willing to yield back my time on the amendment, on condition that the Senator does likewise.

Mr. LAUSCHE. Mr. President——

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. It is my understanding that the section which is now under discussion, with regard to the right of workers to vote while on strike, is more liberal than was the old Wagner Act.

Mr. STENNIS. Yes; I think the Senator is correct. The provision of the bill now under discussion is more liberal than the Wagner Act was.

Mr. LAUSCHE. That is, the section which was in the bill extended the right of striking voters beyond that allowed in the Taft-Hartley Act, but went one step further, and went beyond the Wagner Act?

Mr. STENNIS. The Senator is correct, in my opinion. This proposal is between the two.

Mr. LAUSCHE. The amendment which the Senator has offered will, in effect, put the right of a striker to vote in the category he occupied under the Wagner Act?

Mr. STENNIS. The Senator is correct, according to the investigation the Senator from Mississippi has made, and according to his conclusions.

Mr. LAUSCHE. According to the concession made by the chairman of the subcommittee, the following sentence will be stricken: "Employees on strike who are not entitled to reinstatement shall not be eligible to vote." That is the language of the Taft-Hartley Act.

Mr. STENNIS. The Senator is correct. It is that language that is stricken.

Mr. LAUSCHE. Am I not correct in the deduction that it will really mean that employees on strike who are not entitled to reinstatement shall be eligible to vote?

Mr. STENNIS. The Senator from Ohio has just read a segment of the Taft-Hartley Act.

Mr. LAUSCHE. That is correct. The Taft-Hartley Act reads: "Employees on strike who are not entitled to reinstatemen shall not be eligible to vote."

When that sentence is stricken from the Taft-Hartley Act, in effect, we say that employees on strike who are not entitled to reinstatement shall nevertheless be eligible to vote.

Mr. STENNIS. That is the effect of the proposal, subject to the rulings that were in effect at the time the Taft-Hartley Act was enacted with that sentence—that is, under the old Wagner Act, which, according to my recollection, permitted both those who were on the job and those who were not on the job to vote.

Mr. LAUSCHE. In my opinion, there will be created the situation that employees on strike who are not entitled to reinstatement, because of a violation of a court order, the use of violence, or other conduct warranting a denial of the right to vote, will be permitted to vote, if and when that sentence is stricken. That is my interpretation of the ultimate result of the acceptance of the amendment offered by the Senator from Mississippi.

The Senator from Mississippi believed that the whole section should be stricken, did he not?

Mr. STENNIS. That is correct, and that was the original amendment proposed—that the entire section should be stricken out.

Mr. LAUSCHE. Being quite frank, the Senator from Mississippi is of the belief he cannot succeed in getting the support of the Senate to strike out the whole section, and therefore is willing to save something, and is willing to accept the concession made by the chairman of the subcommittee. Is that correct?

Mr. STENNIS. Well, the Senator is substantially correct. My first statement to the Senate was that it represented an attempt to adjust the differences between two contending forces, in order to have some language that can be agreed upon.

Mr. LAUSCHE. I am not being critical.

Mr. STENNIS. I understand.

Mr. LAUSCHE. Frankly, I cannot go along with the proposal that an employee who is not entitled to reinstatement shall be given a right to vote.

Mr. KENNEDY. Mr. President, I yield 1 minute to myself. I think the inference of the Senator from Ohio is wrong. The language being proposed is the language which was recommended by the administration. It would restore the situation to what it was in the Wagner act when the person striking and the one taking his place were both entitled to vote.

Mr. STENNIS. The old Wagner act permitted the man who was on the job, the so-called strike breaker, to vote, as well as the person who had been displaced. Acceptance of the language will result in the situation reverting back to what it was under the old Wagner rule. The President of the United States recommended that the sentence should be stricken out of the Taft-Hartley law.

SEVERAL SENATORS. Vote! Vote!

Mr. STENNIS. Mr. President, I yield back my time.

Mr. JOHNSON of Texas. Mr. President, I yield back my time, provided the Senator yields back his time, in the understanding that the chairman of the subcommittee accepts the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the junior Senator from Mississippi [Mr. STENNIS] for himself and the senior Senator from Mississippi [Mr. EASTLAND].

The amendment was agreed to.

Mr. McCLELLAN. Mr. President, I call up my amendment at the desk, which is cosponsored by the distinguished junior Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas for himself and the Senator from Ohio [Mr. LAUSCHE] will be stated.

The LEGISLATIVE CLERK. It is proposed on page 38 beginning on line 3, in title VI of the bill, to strike out section 604, and renumber the remaining sections of the title accordingly.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes. This amendment will strike from the bill section 604.

By way of preface to my remarks, I want to say again it has been my purpose

to get legislation at this session of Congress in three principal areas that are covered by titles I, II, III, IV, and V of the bill. In order to try to get legislation at this session, and not attempt to legislate in all areas of labor management relations in which there is a definite need for legislation, I have made concessions and have voted on the floor against amendments the principles of which I believe in and which I expect later to support and to help enact into law.

Again I point out that we are not operating here today under a generally favorable climate, and everyone present knows the reason why and what I mean, but I have felt so keenly the need to drive out the crooks, to stop corruption, and to restore a measure of democratic processes to the unions members, that I have had to sacrifice my views at times rather than run the risk of jeopardizing the proposed legislation of so much value before us.

I do not subscribe to the effort in the bill to amend and revise the Taft-Hartley law. I think there should be a separate bill for that.

I spoke a moment ago about trying to restore a measure of the democratic process. Let me point out what the language proposed would permit. We have had some fine arguments about secret elections and trying to correct some conditions which prevail, which the select committee has discovered and revealed.

I hope Senators will read the section in the bill. I will omit some of it, but Senators may fill it in if they wish.

"It shall not be an unfair labor practice under subsections (a) and (b)" of the Taft-Hartley Act, section 8. I repeat: "It shall not be an unfair labor practice under subsections (a) and (b) to make a contract because"—it starts with—"(1) the majority status of such labor organization has not been established under the provisions of section 9 of this act" which is the Taft-Hartley Act. In other words, the very first provision would deny to the individual worker the right to have anything to say about whether he shall be in a union or not be in a union. We have been talking about democracy and talking about making progress toward getting democracy in unions. This provision now proposes not to make progress in that direction, but to exclude all of the construction trades and construction unions. How many there are, I do not know, but we can start with the assurance there are 3 million people, at least, involved.

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

Mr. McCLELLAN. I will yield in just a minute.

There are the operating engineers, the carpenters, the bricklayers, the pipefitters, the painters, and the plumbers and others. Under the bill, if this section is adopted, the contractor, before he employs a man and before he knows who his employee will be, can make a contract with the union labor leader and put the man in the union, whether the man wants to be in the union or not.

We talk about democracy, but such a provision would make no progress toward democracy. It is a provision which is retrogressive from democracy. It is coercive. It is compulsory. It invites "sweetheart" contracts, one of the things which we have been trying to prevent.

I now yield to my distinguished friend.

Mr. CURTIS. Mr. President, I share the opinion of the distinguished chairman in his criticism of this section as written. Following the same thesis the Senator has pronounced, would the Senator include in his amendment a provision to strike out all of title VI as it came from the committee?

Mr. McCLELLAN. I would rather strike this section out than to leave this section in. I would certainly rather do that.

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

Mr. McCLELLAN. There has been one provision of title VI which has been adopted, and the motion to reconsider was made and has veen voted upon and adopted.

The PRESIDING OFFICER (Mr. MORTON in the chair). The time of the Senator from Arkansas has expired.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

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

Mr. McCLELLAN. Mr. President, all of the time is coming from my time. I may need some time from the bill before I finish.

I understand I can get time on the bill, and therefore I shall be glad to yield.

The PRESIDING OFFICER. How much additional time does the Senator yield?

Mr. McCLELLAN. I yield 5 more minutes.

Mr. IVES. Mr. President, I should like to point out that title VI makes provision with respect to the "no man's land" matter and also the middleman situation. I am sure the distinguished Senator from Arkansas would not want to eliminate those sections.

Mr. McCLELLAN. I do not want to eliminate those, but I do not want in the bill the provision I ask to have eliminated. If all of the building trades unions can be exempted, why can the others not be also? Why not grant this right to all unions? If we did we would have no democracy, beginning at the grassroots with the will of the individual worker. We would wipe it all out. A contractor and a union labor officer could make a contract, and the men would be bound by it.

I am not going to plead longer at this time. The distinguished Senator from Ohio [Mr. LAUSCHE] has cosponsored the amendment with me. I am going to yield time to the Senator from Ohio.

I may not have anything else to say on the amendment, but before I conclude I want to say I hope the House of Representatives, if the Senate will not do it, will take out this provision which should be taken out of the bill. I have sacrificed on the Senate floor to help get a bill passed which every honest, decent man, whether in the union or not, ought to support—a bill to drive out the crooks, to stop the corruption, to get honest reporting, and to bring back a measure of democracy which has been lost to the men who work in this country. I want to see a bill passed at this session of Congress. For that reason I have opposed some amendments I would like to have supported, if properly worded and properly drafted.

I hope the provision we are discussing will be stricken from the bill. After having made these concessions and after having gone against my convictions to some extent on some issues which have been raised by amendments—not that I approved the amendments in the form in which they were offered, though I did approve the ultimate objective—I hope, although I am committed to vote for the bill, I will not have to vote for a provision such as we are attempting to strike, which would set a precedent, if carried out, for all unions alike, all workers alike, and all employers alike. If so, we would have no protection and no democracy. We would have only dictatorship from the top, inspired by collusion between the employer and possibly some crooked labor leader, who would work to get a "sweetheart" contract which would exploit the sweat and toil of the union working men and women of this country.

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

Mr. McCLELLAN. I yield the Senator such time as he would like.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I am a cosponsor of the amendment to strike section 604 from the bill. I wholeheartedly subscribe to the words spoken by the Senator from Arkansas [Mr. McCLELLAN]. Undoubtedly the inclusion in the bill of the section as it now reads would mean a destruction of the rights of the workers in the construction industry.

In my judgment if this section is permitted to remain in the bill we shall be moving closer and closer to compulsory unionism by legislative direction. The provisions of the disputed section come close to being a direct order issued by the Congress of the United States that workers, regardless of their will, must become members of a craftsman's union.

The workers would be denied the right to self-organization and would be denied the right to bargain through representatives of their own choosing.

Compulsory unionism achieved through economic sanctions is bad. When achieved through legislative coercion, it is worse.

I say to my colleagues, the entire country has been awaiting word from the Congress that effective action will be taken to cope with the evils exposed by the McClellan investigating committee. What have we done so far?

Five titles in the bill are good. The Senator from Arkansas [Mr. McCLELLAN] subscribes to the purposes of those five titles. But the sixth title would weaken the Taft-Hartley Act to the point that democracy among the workers of our country would be taken away. The net result would be that the good achieved in the five titles would be more than destroyed by the bad imposed by the sixth title.

The argument is made by the labor leaders, "In the construction industry

the time of work is so short that we cannot get these men to join the labor union under the Taft-Hartley Act."

Mr. President——

Mr. JOHNSON of Texas. Does the Senator wish me to yield him some additional time?

Mr. LAUSCHE. No. I am asking that my voice be given an opportunity to be heard while I am speaking.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSON of Texas. Does the Senator wish additional time?

Mr. LAUSCHE. Yes. I should like 5 minutes more, if I may have it.

Mr. JOHNSON of Texas. I yield 5 minutes to the Senator from Ohio.

Mr. LAUSCHE. The labor leaders say, "We do not have the time to organize these men, because their tenure of work is so short." In answer to that I say, Why should the worker be made to join the union, pay the initiation fees, and pay the dues, if his period of employment is so short that under the normal operation of the Taft-Hartley law he cannot be compelled to join the union? Do my colleagues realize what this section provides? It provides that an employer and a union may get together and make a union bargaining contract without ever talking with a single employee. The employee stands to one side. The contractor and the union get together and say, "We will make the bargaining contract."

I ask Senators to look at the Taft-Hartley law. It contemplates democracy in unions. It contemplates that the worker shall have the individual right to select his bargaining agent. This section would take away completely from the worker that right.

I do not know what course my colleagues will follow. I want to see democracy among the workers. I want the worker possessed of the right to say, "As an American I will join the labor union. I believe in it. I believe it will do me good." But I do not want the Congress of the United States to say to the worker, "You must join the labor union." That is what the practical effect of this section is.

I will vote in conformity with the views I have expressed. I will give support to the views declared by the Senator from Arkansas [Mr. McCLELLAN]. If my colleagues want the first five titles of the bill passed, if they want something passed by the House, I think the curtain will be down and the show will be over by the time the House has an opportunity to act on the bill, unless we strike from it section 604. I will go along with the Senator from Arkansas. Rather than have section 604 and section 606, and the weakening of the supervisory definition, the whole of title VI should be stricken.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. SMITH of New Jersey. Is the Senator familiar with the bill which I introduced on behalf of the administration, dealing with the building trades industry?

Mr. LAUSCHE. Yes.

Mr. SMITH of New Jersey. It is my purpose, whether or not the pending amendment prevails, to offer the administration's provision, which was arrived at after a great many years of thought and study, along the line of thinking of the originator of the act, the late Senator Taft. I shall later offer and explain that proposal of the administration.

I agree with the Senator from Ohio that the version in the pending bill has all the faults which have been called to our attention by the Senator from Arkansas and the Senator from Ohio. But I think we cannot overlook the fact that the building trades have certain peculiarities which entitle them to relief under the Taft-Hartley Act, because of the provisions with respect to elections, and so forth, which seem to be impossible of administration in the building trades today.

It is my purpose to offer a substitute for section 604. That substitute is contained in Senate bills S. 3098, which I introduced in January of this year on behalf of the administration. We have made a long study of the subjects over the years, and we feel that something should be done in the interest of the building trades.

Mr. LAUSCHE. I understand the views of the administration; but the Senator from New Jersey must agree with me that the section as now written is not at all in conformity with even the views of the administration.

Mr. SMITH of New Jersey. That is true, and that is why I am trying to have it changed.

Mr. LAUSCHE. The reason why I feel that this section should be stricken is its destructive effect upon democracy and the rights of the worker.

Secondly, I am unwilling to subscribe to the argument of the labor leaders, to the effect that "we cannot coerce the workers and grab them if the period is 30 days. Reduce the time to 7 days, and give us the right to have a man fired in 7 days if he does not join our union."

I think it is robbery of the worst type for the Congress to say, "Yes; you cannot persuade them to join your union. You have the right to fire a man after 30 days. But at the expiration of 30 days the job is finished. So we will let you destroy him economically in 7 days, and in that way coerce him to join your union."

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

Mr. CAPEHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from California yield time to the Senator from Indiana?

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Indiana.

Mr. CAPEHART. Mr. President, there is nothing in this provision, as written, which requires a contractor to have a union. He does not need to have a union. But if he wants a union he has a right to enter into a contract with the Carpenter's Union or any other union, to hire union workers. He may hire whomever he desires; but at the end of 7 days the worker must join the union.

I speak from the standpoint of one who has had a little experience in this field. I have been dealing with unions for many years. The entire trouble with the Congress of the United States, and the trouble with the labor leaders, is that they think all situations are exactly the same. They believe that the law should apply to everyone alike, and that the little fellow ought to have the same kind of contract as the United State Steel Corp. Therein, in my opinion, lies the weakness of union leadership and the weakness of our laws.

The situation in this field is entirely different from the situation in relation to factories. In this instance we are dealing with contractors who may get a job which requires 100 men for 100 days, or perhaps only 60 days. It requires carpenters, bricklayers, electricians, engineers, and others. The contractor cannot go out and hire those people and hold an election prior to putting them to work. Such a requirement is unworkable.

A number of years ago we changed this section of the Taft-Hartley Act.

It was one of the 19 provisions which Senator Taft himself recognized ought to be changed, because it is unworkable. It will not work from the contractor's standpoint. We ought not to take the position in the Senate that all situations are exactly alike.

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

Mr. CAPEHART. I yield.

Mr. IVES. Is it not correct to say that under the law as it now stands contractors and unions are obliged to violate the law in order to do any work?

Mr. CAPEHART. Under the existing Taft-Hartley law, both have been almost 100 percent violating the law. There is no other way for them to work. If a contractor has a job which requires 50 men and will take 50 days to complete, and the job is 200 miles from his home office, how will it be possible for him to solicit 50 men and get them together and then hold an election? It is impossible to do anything like that. Under the law the contractor need not hire union members. He need not hire union carpenters or union bricklayers, and so forth, if he does not wish to do so.

We are dealing here with the old-craft unions of the country, who have been in existence for nearly a hundred years. At least some of them have been in existence for that long. We have had no trouble with the craft unions for many years. For more than 75 years Congress had not dealt in the labor field at all; yet there have always been bricklayers and carpenters and typographers, and the other craftsmen, who belong to their unions.

As one who has had some experience in this matter, I ask Senators not to take the position that it is possible to pass laws which will apply to every situation in the United States. It cannot be done. I say to the labor leaders sitting in the galleries that they ought to remember they cannot impose upon the little employer, with perhaps 75 employees, the same kind of contract they have with

United States Steel or General Motors, which have three hundred or four hundred thousand employees. The union leaders are making a mistake in trying to force the same kind of deal on the little fellow. Let us not do that in Congress, because all the situations are not the same.

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

Mr. CAPEHART. I hope the amendment will be defeated. May I have 1 more minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Indiana.

Mr. CAPEHART. Senator Taft himself recognized that this was a situation which should be changed. I hope the amendment will be defeated, and I hope that we will retain section 604 in the bill.

I am speaking from a practical standpoint. Let us not destroy the craft unions of the United States. It takes training to be a carpenter. It takes training to be a bricklayer. It takes training to be a pipefitter. The language speaks of "an employer engaged primarily in the building and construction industry." I do not know why the word "primarily" was placed in the bill. So far as I am concerned, that can be stricken out, and it could apply to the building and construction industry, because they are different from any other industry.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Kentucky. Then I shall yield to the Senator from California.

Mr. COOPER. Mr. President, as a member of the committee who voted to report the bill, I should like to state the reason why the committee supported the provision which we are discussing. In explaining section 604 I agree with the Senator from Indiana's statement that an employer is not required to enter into a contract with a union; but, if he does enter into a contract with the union, he can do so without the election provisions which apply in other cases.

If a contract is made, a worker who goes to work under the contract must, within 7 days, become a member of the union, instead of the 30 days provided in the Taft-Hartley law. If the principle of the Taft-Hartley Act requiring membership in 30 days is valid, I do not believe the question of reducing the time from 30 days to 7 days changes the principle.

The Senator from Indiana has given the practical reasons which led us to adopt the provision in committee. A contractor, undertaking a job which may take 30 days or 100 days or a year, and then move to another, must assemble his workers. Many of these workers are skilled workers, we must remember. He must get skilled workers together. And many of these workers belong to old unions of craftsmen.

A second practical situation is that an employer, if he is to bid on a contract, must know how much he will pay his workers, and if he is going to contract with a union, the committee amendment will help him in this respect.

The construction industry is not comparable to a steel plant or small or large industrial operations.

During this debate, as the Senator from Indiana has said, we have referred many times to Senator Taft in support or opposition of amendments. It is a tribute to him. It is a fact that he recognized the need of the committee provision, and he supported it. The President recommended a similar provision in 1954 to Congress. Our committee reported a bill, which contained this same provision. I do not believe anyone in the committee opposed it. Unfortunately, the bill was recommitted by our friends on the other side of the aisle.

This year the President again made the recommendation. The Secretary of Labor recommended that the Senate act. I do not believe that there was any opposition to it in the committee.

The truth is that, as the Senator from Indiana said, that the Taft-Hartley law is probably not being followed now in the construction industry. This was the proof which has come before us. We are dealing with a practical situation which has been recognized generally. I do not believe it reduces the rights of employees. I support the committee amendment.

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

Mr. KENNEDY. Mr. President, I yield 8 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, constructive legislation in the field of labor is long overdue. I support, basically, the recommendations which the committee has sent to the Senate. I have endeavored to be selective in my voting on the amendments which have been offered one by one. I have supported those which I thought were in the public interest, and I have opposed those which I thought were against the public interest.

There is now pending an amendment which would strike a part of the bill as written by the committee.

I had the opportunity, several years ago, to meet and speak with one of the labor leaders in California, independent, courageous Harry Lundberg, who represented, not a building or construction union, but a great maritime union, the Sailors Union of the Pacific. He told me an interesting story. The late Bob Taft, after the session of the Senate in which Taft-Hartley was passed had been concluded, came to California to speak before the State bar convention. That same year the problem of prehiring in the sailors' union was presented by Harry Lundberg to Senator Taft. It was demonstrated to him how a competent crew is assembled for a ship; and it was shown that the only realistic way of assembling an able crew was through prehire procedures such as the seafarers' union provided. To that extent it was demonstrated to Senator Taft that this was the sort of thing that Congress had not intended to deal with in abolishing the closed shop in the legislation which bore his name. Bob Taft publicly agreed in California with the position taken by the Sailors' Union, and he stated that in his opinion the Taft-Hartley law was not designed to apply to that specific type of transaction.

As has been stated by my friend from Kentucky, the name of Bob Taft has been used in connection with precisely the same observation in connection with the tremendous building and construction industry that has grown up across the country, represented by the people who build America—employer and craftsman alike. I must say that I salute the craftsmen and the artisans of this land of ours, the people who take brick and mortar and wood and steel and put them together to erect homes and buildings, and to construct the great public dams and reservoirs and defense and atomic installations in America.

In objecting to the unhappy amendment which is sponsored by the Senator from Arkansas, I wish to read a few paragraphs from a representative of business, of contractors—not labor—who came from California to the Capitol a few years ago and urged the Senate to approve legislation which would permit prehiring agreements precisely as the bill before us realistically does. Let me read from the Senate committee hearings for 1951, at page 175, the testimony of a distinguished California lawyer who represented the Associated General Contractors. He urged that on behalf of the craft unions of America, as well as on behalf of the contractors, prehiring agreements in the building construction industry be permitted by law. He said, in part:

> Merely to list these possible cost items should demonstrate what could happen on a long-term, major works contract if there should be an oversight or careless negotiation of a single item such as the shift-work differential or the premium for overtime. The contractor could lose many thousands of dollars and suffer almost intolerable contention and dissatisfaction.
>
> It is possible to demonstrate the extreme importance to the efficient contractor of the right to negotiate a labor agreement before bidding, employing the work force, or conducting a National Labor Relations Board election. The demonstration can best be done by specific examples. To subject Guy F. Atkinson Co. to further guinea-pig treatment, consider the nature of their present operations.
>
> At the present time Guy F. Atkinson Co. and its joint venture associates are engaged in the performance of contracts totaling $155,392,984. Of that total amount, the share of Guy F. Atkinson Co. alone totals $68,150,094. In each case the amount quoted is exclusive of the work at the Hanford works of the Atomic Energy Commission, and to which the figures are confidential.
>
> I would assume that this committee would have no difficulty in getting those figures, if you desire them.
>
> Some of the major projects making up these total figures were of such nature as to require special prejob conferences. Individual consideration of some of them will show why.
>
> First, with reference to the Ross powerhouse, the total contract amount is $14,688,780. The share of Guy F. Atkinson Co. is $8,813,268. The estimated completion date is March 1954. The owner is the city of Seattle, department of public works. The project is located up the Skagit River.
>
> To reach the job site, it is necessary to travel by automobile, trolley, incline, and boat. The working conditions that have been established at a prejob conference conducted by the contractor who built the dam were adopted. Because of the remote location and unusual means of access, it became necessary to work out an agreement

that the men would work 12 consecutive days, then take 2 days off. They were to be paid time and one-half for 2 of the 12 days, even though one such day might be Sunday.

As you might gather, there were special problems there which required special advance treatment if the cost factor was to be ascertained with any degree of certainty.

Next let us take McNary Dam. The total contract amounts to $58,416,459. The share of the Guy F. Atkinson Co., is $29,208,229. The estimated completion date is August 1954. The owner, my statement says, is War Department, but I am more up to date than that. It should be the Department of the Army, Corps of Engineers. The job is located at Umatilla, Oreg., on the Columbia River.

This major work is being constructed under a series of contracts. A prejob conference was held on the third contract back. The pattern agreed to then is still being followed.

Because the job is performed partly in Washington and the rest in Oregon, it was necessary to determine which area's wage rate would be paid. It was agreed that the higher rate would be paid if not more than 5 cents over. If more than a 5-cent differential, the average of the 2 rates would be paid.

Obviously factors of that kind have to be determined in advance.

Take next Pine Flat Dam. The total contract amount is $24,389,096. The share of the Guy F. Atkinson Co. is $10,731,202. The completion date is May 1954. The owner is the Department of the Army, Corps of Engineers. The project is located 32 miles east of Fresno, Calif.

Now, in this particular instance, even though this project is within the area covered by the Northern California AGC master labor agreements, it was necessary to hold a prejob conference with the electricians and pipefitters to negotiate travel time.

There are other instances which I have figures on here, but I thought those would be representative without getting into too lengthy a discussion.

Mr. BARBASH. At this point may I ask this question, Mr. Johnson? These are all long-term projects; are they not?

Mr. JOHNSON. Yes, sir; That is right.

Mr. BARBASH. What would be the problem of running representative elections even on these long-term projects?

Mr. JOHNSON. One very important problem would be this: That the type of employee changes almost completely. In other words, take a dam job. Please understand that I am a lawyer and not an engineer or a contractor, but I do have understanding of how they operate.

The first part of the work would be to go in and clear the land, possibly excavate, and prepare the site. Probably laborers in great quantity would first go in. Eventually their number probably would begin to dwindle, and I would expect that the operating engineers would be the next craft to come in in increasing numbers.

Mr. BARBASH. How long would the laborers work on the job, for example?

Mr. JOHNSON. That would vary so completely from job to job that any answer I would give you would be of little value.

Mr. BARBASH. Your judgment is that the laborers wouldn't be there long enough so as to form a firm base for a representative election?

Mr. JOHNSON. They wouldn't be there on that particular part of the work. They would come back later. That is the complication of it. They would come back.

Mr. SHROYER. And it might be a different group of laborers?

Mr. JOHNSON. That is right. It might be a completely different group.

But your point is correct in that they probably wouldn't be there long enough so that any election held while they were there would be representative of the crafts that would come on later. So that if you are going to hew to the line that the Board drew in the Atkinson-Hewes case, when are you going to be able to have the election? The composition and makeup of the work force changes so completely.

Mr. Gray's statement, which he submitted to you here at length the other day, brought that out very pointedly; and, of course, his experience is so much more intimate with that field that it is of very much greater value. The position which he stated is, in my judgment, correct; and I am in support of the same contention, namely, that if you are going to have this constant fluctuating turnover you can't be put in the position where you have to wait for a group which is representative of the whole project or you may never get it.

Senator DOUGLAS. The smaller the job, the greater the need for an agreement in advance, because the more difficulty there would be to hold a representation election—that is, take a construction of 10 or 15 houses where you think of the sequence of excavators, bricklayers, carpenters, electricians, and plumbers, and so on, no one craft will be in there for a sufficient period of time to justify a representation election.

Mr. JOHNSON. You are right.

I cannot understand how, in good conscience, we can approve the unfortunate, regrettable amendment of the Senator from Arkansas which is now before the Senate. Actually, I think the case for the provisions of the bill is made out rather succinctly and persuasively in the report at page 23. I read three sentences:

> In the building and construction industry it is customary for employers to enter into collective-bargaining agreements with the appropriate craft unions before the work is begun or before any employees have been hired. A principal reason for this practice is that it is necessary for the employer to know his labor costs before making the estimate upon which his bid will be based. Such practice is not consistent, however, with the pre-Taft-Hartley Act rulings of the National Labor Relations Board that exclusive collective-bargaining contracts can lawfully be concluded only if the union makes its agreement after a representative number of employees have been hired. (See Guy F. Atkinson Co. (90 NLRB 143).)

Mr. MORSE. Mr. President, will the Senator yield for a few questions on my time, so as to reinforce his position?

Mr. KUCHEL. I yield.

Mr. MORSE. The Senator read a paragraph from the committee report to which I had planned to refer. I think we need to consider this in our colloquy, if we can.

Is it not true that the committee amendment or the committee proposal is neither a labor proposal nor an employer proposal, but is essentially a joint labor-employer proposal?

Mr. KUCHEL. The Senator is correct.

Mr. MORSE. In at least one instance, we have the employer and labor together on the basic features of a joint proposal which they say and assure us is essential, if we are to have stability in the building industry in this country. Is not that true?

Mr. KUCHEL. Again, the Senator is completely correct.

Mr. MORSE. Is it not true also that we are dealing here in the construction industry with some contractors who have huge construction jobs—an atomic energy plant for the Federal Government in X State; a great Government installation in Alaska; an air base in North Africa—great governmental projects which require that they have some assurance of a labor supply, and that they must know about the labor supply before they enter into a contract with the Government? Therefore, the kind of proposal we are bringing forth today is essentially to give them some stability in that industry. Is that not true?

Mr. KUCHEL. The answer is yes. In these monolythic undertakings in which the Government is now operating upon the decision of Congress to build defense and nuclear installations and other huge public projects, contractors are faced with the decisions which concern such things as wage rates and working conditions which will be required, let alone, as the Senator has most stated, the skilled craftsmen necessary to construct these tremendous undertakings.

Obviously, as the Senator has suggested, this is the only realistic way in which this problem can honestly be met by the contractors.

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

Mr. KENNEDY. I yield 1 minute more to the Senator from Oregon.

Mr. MORSE. From the standpoint of the employer, he frequently wants union contracts because of the union procedures which give him some assurance of production on the part of his workers. He wants the grievance procedure of the union contract. He wants the assurance that the union can give him—that he will have some stability in his labor force. Is not that also true?

Mr. KUCHEL. Yes, it is. I may say that the Californian, who represented the contractors before the Committee on Labor and Public Welfare at a time, I believe, when the Senator from Oregon was a member of that committee, stated that contractors desired to continue dealing with the craft unions because they wanted the competence which was represented by those who belonged to them.

Mr. MORSE. We had some discussion on the floor today about these being short-term jobs, and about the requirement of the initiation fee. I think we should have that point made clear in the RECORD. Are we not dealing here for the most part with what might be considered traveling workmen or itinerant workmen who are members of unions and have already paid their union initiation fee? But this only goes to the question of their being transferred, for example, to one of the big jobs which are underway from New York to California. They do not have to pay another initiation fee; they pay their dues. Is not that correct?

Mr. KUCHEL. The Senator is correct.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. KENNEDY. Mr. President, I yield 1 minute on the bill to the Senator from Ohio.

Mr. LAUSCHE. Does the Senator from California know that the section as

it now stands before the Senate is not in conformity with the recommendation made by the Secretary of Labor, and that in the section which is before the Senate the safeguarding provisions for individual rights have been stricken?

Mr. KUCHEL. I will answer my able friend in this way: It is not a matter of paramount concern to me what the position of the Secretary of Labor may be, pro or con. I respect Secretary Mitchell, but I follow my own conscience. I cast my votes in this Chamber as I see the light.

With respect to the second point, I will appreciate it, for the sake of the record, if the Senator from Ohio will indicate where in the bill he finds something to which he specifically objects.

Mr. LAUSCHE. If the Senator will look at page 16, he will find the Smith bill, which embodies the view which the administration had of the bill. If the Senator will look at page 17, he will see the bill submitted by the Senator from Massachusetts, which embodies the views of the Secretary of Labor.

On page 16, in paragraph (b), there is a provison containing two protections of the liberty of the worker.

That proviso would be stricken out by this language.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. KENNEDY. Mr. President, how much time remains to both sides on the bill?

The PRESIDING OFFICER. The proponents have 56 minutes remaining on the bill; the opponents have 69 minutes remaining on the bill—or a total of slightly more than 2 hours.

The question is on agreeing to the amendment submitted by the Senator from Arkansas [Mr. McCLELLAN], on behalf of himself and the Senator from Ohio [Mr. LAUSCHE].

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment submitted by the Senator from Arkansas [Mr. McCLELLAN], on behalf of himself and the Senator from Ohio [Mr. LAUSCHE].

All time on the amendment has expired.

Mr. HOLLAND. Mr. President, I ask to be yielded 2 minutes on the bill, in order to ask a question of the Senator from Massachusetts.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes on the bill to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes on the bill.

Mr. HOLLAND. My question of the Senator from Massachusetts is as follows: Why is it that the protective features of the provision as originally drawn were excluded in the committee draft of the bill? That is the provision which reads:

> The preceding proviso shall not apply where there is no history of a collective-bargaining relationship between the petitioning employer and the labor organization prior to the current agreement.

And so forth. Why was that omitted?

Mr. KENNEDY. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes on the bill.

Mr. KENNEDY. Mr. President, let me say that I do not regard that in the way the Senator from Florida does—namely, as a protective provision. Instead, I regard it as one which makes it more difficult for a small contractor to participate in a contract away from his home base, in the case of contracts in the construction industry, because such a contractor is not able to make the same arrangements that a local contractor is able to make.

I shall be glad to work out the details of this provision, if the pending amendment is not agreed to.

I understand that other amendments will be proposed; and, as to them, I shall be glad to argue in regard to the details.

But in connection with the pending amendment, I make the point that this committee acted unanimously; and the Committee on Labor and Public Welfare, in 1954, when led by the Senator from New Jersey [Mr. SMITH], unanimously reported a bill to deal with this subject; and it was also recommended by the President.

The question seems to arise over the details of the provision, not on the general necessity of a legislative provision to deal with this subject.

Mr. HOLLAND. But my understanding is that this provision, as requested by the President and by the Secretary of Labor, and as appearing in the 1954 bill, in all cases——

Mr. KENNEDY. Mr. President, the Senator from Florida is incorrect.

Mr. HOLLAND. Will the Senator from Massachusetts explain why he says I am incorrect?

Mr. KENNEDY. The 1954 act did not include such language about the history of collective bargaining.

Mr. HOLLAND. Was the provision in the 1954 act like the provision now before us?

Mr. KENNEDY. The 1954 bill was identical to the language of this bill, with the exception that this bill would include only the construction industry, and would not include the maritime industry and the entertainment industry.

Mr. HOLLAND. Mr. President, let me ask what is the effect of subsection (b) of section 604? It provides that—

> (b) Nothing contained in the amendment made by subsection (a) shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

Mr. KENNEDY. That was included at the suggestion of the Senator from North Carolina, in order to make sure that none of the provisions of the bill would transgress on section 14 (b) of the Taft-Hartley Act which permits the States to pass so-called right-to-work laws.

I do not happen to be particularly in agreement with that policy. Nevertheless, this provision is included; and nothing should be done in any way, directly or indirectly, to get around it. It merely states that section 14 (b) shall be handled on its own, and is not an attempt to interfere with or to have any adverse effect on the right of the States to pass legislation to prohibit such arrangements—or, in other words, to pass so-called right-to-work laws.

Mr HOLLAND. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. HOLLAND. Of course, the Senator from Massachusetts knows of the provision of the constitution of my State known as the right-to-work amendment of our constitution. Would not this subsection (b) render of no effect whatever that section of the constitution of our State?

Mr. KENNEDY. No; it would have no effect in that connection. This provision is included so it will be clearly understood that this measure will have no effect on State laws which provide for the so-called right to work.

Mr. HOLLAND. Mr. President, if the Senator from Massachusetts does not mind replying to my question, I would appreciate it. Is it his opinion that the inclusion of this subsection (b) would render section 604 of no importance whatever in the case of any State or any number of States which have in their laws right-to-work provisions?

Mr. KENNEDY. No; I do not agree, because this provision permits the employer to make arrangements with a union; but it does not provide that all the workers must join a union if they do not choose to do so.

So under this provision, even in the case of a State which permits an employer to make an estimate of what his labor costs would be, an employer could engage in a contract with a union in advance. That is done in all States, even in those with right-to-work laws.

Mr. HOLLAND. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas, which has been submitted by him on behalf of himself and the Senator from Ohio [Mr. LAUSCHE] On this question, all time has expired.

The yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ELLENDER (when his name was called). On this vote I have a pair with the junior Senator from Indiana [Mr. JENNER]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Wyoming [Mr.

O'MAHONEY] are absent on official business.

Mr. DIRKSEN. I announce that the Senators from Connecticut [Mr. BUSH and Mr. PURTELL] and the Senator from Indiana [Mr. JENNER] are necessarily absent. The pair of the Senator from Indiana [Mr. JENNER] has been previously announced.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business because of duty with the Air Force, and, if present and voting, would vote "yea."

The result was announced—yeas 29, nays 60, as follows:

YEAS—29

Anderson	Hickenlooper	Robertson
Bricker	Holland	Russell
Byrd	Jordan	Saltonstall
Case, S. Dak.	Knowland	Schoeppel
Curtis	Lausche	Smathers
Eastland	Martin, Iowa	Stennis
Ervin	Martin, Pa.	Talmadge
Frear	McClellan	Thurmond
Fulbright	Monroney	Williams
Hayden	Mundt	

NAYS—60

Aiken	Flanders	Mansfield
Allott	Green	McNamara
Barrett	Hennings	Morse
Beall	Hill	Morton
Bennett	Hoblitzell	Murray
Bible	Hruska	Neuberger
Bridges	Humphrey	Pastore
Butler	Ives	Payne
Capehart	Jackson	Potter
Carlson	Javits	Proxmire
Carroll	Johnson, Tex.	Revercomb
Case, N. J.	Johnston, S. C.	Smith, Maine
Chavez	Kefauver	Smith, N. J.
Church	Kennedy	Sparkman
Clark	Kerr	Symington
Cooper	Kuchel	Thye
Cotton	Langer	Watkins
Dirksen	Long	Wiley
Douglas	Magnuson	Yarborough
Dworshak	Malone	Young

NOT VOTING—7

Bush	Gore	O'Mahoney
Ellender	Jenner	Purtell
Goldwater		

So Mr. MCCLELLAN's amendment, offered for himself and Mr. LAUSCHE, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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 to lay on the table.

The motion to lay on the table was agreed to.

Mr. SMITH of New Jersey. Mr. President, I offer the amendment which I send to the desk and ask to have read, which would amend section 604 by striking out that section and inserting in lieu thereof the language of the bill which was introduced last January as the administration bill. I ask that the clerk read the amendment.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 38, lines 3 through 25, and page 39, lines 1 through 16, strike out all of section 604 and insert in lieu thereof the following:

SEC. 604. (a) Subsection (c) (1) of section 9 of the National Labor Relations Act, as amended, is amended by inserting the word "or" after the semicolon at the end of clause (B) and adding a new clause "(C)", as follows:

"(C) by an employer primarily engaged in the building and construction industry and a labor organization acting in behalf of employees engaged (or who, upon their employment, will be engaged) in the building and construction industry, asserting that such employer recognizes such labor organization as the representative defined in section 9 (a) and has entered into a collective-bargaining agreement with such labor organization;".

(b) Such subsection is further amended by inserting a colon before the period at the end thereof and adding the following language: *"Provided,* That the Board may, without prior thereto having conducted an election by secret ballot, certify a labor organization referred to in clause (C) of this paragraph as the exclusive representative of all the employees of an employer referred to in said clause (C) in such unit as the Board may find is normally represented by the labor organization for the purposes of collective bargaining with respect to rates of pay, wages, hours, and other conditions of employment: *Provided further,* That the preceding proviso shall not apply where there is no history of a collective-bargaining relationship between the petitioning employer and labor organization prior to the current agreement or an employee or group of employees or any individual or labor organization acting in their behalf alleges, and the Board finds, that a substantial number of employees presently employed by the employer in the bargaining unit assert that the labor organization is not a representative as defined in section 9 (a)."

Mr. SMITH of New Jersey. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey has 15 minutes. How much time does the Senator yield to himself?

Mr. SMITH of New Jersey. I yield myself 10 to 15 minutes, to state the purpose of the amendment.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

The Senate will be in order.

Mr. SMITH of New Jersey. I ask for order, Mr. President. This is a very complicated subject.

The PRESIDING OFFICER. The Senate will be in order. The time required to obtain order will not be charged to the time of the Senator from New Jersey. The Senate will be in order.

Mr. SMITH of New Jersey. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. We shall not proceed until there is order in the Chamber. The time will not be charged to either side.

The Senator from New Jersey may proceed.

Mr. SMITH of New Jersey. Mr. President, my interest in this subject dates back to my first service on the Committee on Labor and Public Welfare, and dates back to my conversations with the late lamented Robert A. Taft, formerly a Senator in this body. I was a participant with Mr. Taft in the drafting of the Taft-Hartley Act, as were others present in the Chamber, including the Senator from New York [Mr. IVES]. We thought we had covered the problem presented by the Wagner Act, by endeavoring to prevent a closed shop and yet give leeway for unions to organize and have their organizations strengthened.

We put in Section 8 of the Taft-Hartley Act, with which Senators are familiar. We soon found that the proviso in the section which requires as a condition of employment joining the union after 30 days and so forth, with which we are all familiar, made it almost impossible for the building and construction trades, because of their peculiar characteristics—unless they were to change the entire setup, which seemed to be impractical—to work out a plan whereby the union could be recognized without the necessity of going through the election process.

I am going to point out the difference between the administration proposal, which is contained in the amendment I have submitted, and the proposal in the bill.

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

Mr. SMITH of New Jersey. I yield.

Mr. MUNDT. I notice in the bill on page 39 there is a proviso for the protection of States which have right-to-work laws. I quote the language from page 39, lines 11 through 16:

(b) Nothing contained in the amendment made by subsection (a) shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

I doubt very much it is necessary to have this language in the Senator's version of the section, but I see no reason why we should not include it out of an abundance of caution, to be sure we do nothing which would in any way impinge upon that existing feature of the Taft-Hartley Act, which carries this language. Would the Senator be willing to modify his amendment so as to include such a paragraph in the amendment?

Mr. SMITH of New Jersey. I agree with the conclusion of the Senator that I doubt it would be necessary, but I think we should have that precaution if there is any question. I would be glad to accept that modification.

Mr. MUNDT. The Senator may modify his own amendment and simply accept the language, which would add the subsection to say: "Nothing contained in the amendment shall be construed as," and so forth knocking out "made by section (a)."

Mr. SMITH of New Jersey. I think that language would cover it.

Mr. MUNDT. Do I correctly understand from the Chair that the modification will be made?

The PRESIDING OFFICER. The Senator from New Jersey has a right to modify his own amendment.

Mr. SMITH of New Jersey. I modify my amendment accordingly.

The PRESIDING OFFICER. The amendment will be modified.

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

Mr. SMITH of New Jersey. I yield.

Mr. HOLLAND. Do I correctly understand the Senator has agreed, at the request of the Senator from South Dakota, to include in his amendment, the

language of what is now subsection (b) of section 604, which will follow the proposed substitute as a part of the language?

Mr. SMITH of New Jersey. Yes. I do not want to do anything to interfere with section 14 (b) of the Taft-Hartley law.

The administration proposal which I have presented has a number of safeguards which are not in the committee bill:

First. The prehire agreement must be voluntary on the part of the employer and the union—the union cannot strike or exert economic coercion on the employer to compel him to enter into such an agreement. The language of the committee bill does not prohibit such coercive action by the union.

Second. There must be a history of previous collective bargaining between the employer and the union, which gives some assurance at least that the union represents the employees. The committee bill contains no such requirement.

Third. The Board must find that no substantial number of employees oppose the union—this is a condition precedent to the Board approving the contract without an election. The committee bill's provision permitting a decertification election after the prehire contract has been entered into, does not provide any real protection for the obvious reason that if it were practicable to hold elections in the building construction industry, no prehire contracts would be necessary in the first place.

Fourth. The administration proposal was agreed to many months ago by the building trades unions and the most important and largest associations of employers in the building industry. No such agreement was reached with respect to the committee bill and as a matter of fact one of the parties to the agreement, namely the most numerous building industry association in the country, the Associated General Contractors, is opposed to the committee bill provision.

This subject has been very controversial. It has been under discussion for a long time. A couple of years ago the President appointed a special committee of public representatives, employers, and union leaders to discuss this subject and find some solution for the problems involved in the building construction trades. They arrived at a decision which is embodied in the administration's bill, which I introduced last January, and which I am now offering in the form of an amendment. If we disregard that, and retain what is in the pending bill, we shall upset the conclusions of that conference, which was called for the purpose of solving the problem in an amicable way, and in such a way as to afford the safeguards which I have cited.

That is my case, very briefly.

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

Mr. SMITH of New Jersey. I yield.

Mr. LAUSCHE. Am I correct in my understanding that in the amendment offered by the Senator from New Jersey there are contained two protective provisions for the workers—first, that there has been a prior history of collective bargaining relationship between the union and the employer?

Mr. SMITH of New Jersey. That is correct.

Mr. LAUSCHE. Second, that as a condition precedent, one or more workers, in behalf of themselves, or a union in behalf of such workers, may complain to the National Labor Relations Board and have a hearing on the charge that the union does not represent a majority or a substantial number of workers.

Mr. SMITH of New Jersey. That is correct.

Mr. LAUSCHE. Those are the two provisions which the Senator from New Jersey wishes inserted, to protect the workers against the imposition upon them of a joint agreement made without their consent.

Mr. SMITH of New Jersey. That is correct. We want to protect against that possible abuse.

Mr. LAUSCHE. Am I further correct in my understanding that the amendment which I offered, and into which I believe I wrote the amendment of the Senator from New Jersey, was practically identical with the amendment of the Senator from New Jersey.

Mr. SMITH of New Jersey. Yes.

Mr. LAUSCHE. I join the Senator in urging the adoption of his amendment.

Mr. KENNEDY. Mr. President, is the Senator from New Jersey prepared to yield back the remainder of his time?

Mr. SMITH of New Jersey. I am prepared to yield back the remainder of my time.

Mr. KUCHEL. Before the Senator from New Jersey does so, will he yield in order that I may ask one question?

Mr. SMITH of New Jersey. Yes, indeed.

Mr. KUCHEL. Did I correctly understand the Senator to indicate that there must be a prior history in collective bargaining before eligibility is established?

Mr. SMITH of New Jersey. That is correct.

Mr. KUCHEL. Let us assume that the Government lets a tremendous contract running into large figures—so large that several contractors are required to enter into a joint venture, to share the risks and to raise the necessary money together. The legal entity thus is brand-new. The legal entity, the joint venture, would be bereft of even a day's history or experience in the field of collective bargaining. What would the effect of the Senator's amendment be on that situation?

Mr. SMITH of New Jersey. I suppose in that case, if there were 3 or 4 contractors, each of them would probably have had a history of collective bargaining, which would meet the requirement.

Mr. KUCHEL. I respectfully submit that in my judgment that is not what the words of the Senator's amendment seem to indicate.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. KENNEDY. Mr. President, I yield 2 minutes for the purpose of questioning.

Mr. SMITH of New Jersey. The amendment reads in part as follows:

> *Provided further*, That the preceding proviso shall not apply where there is no history of a collective bargaining relationship between the petitioning employer and labor organization prior to the current agreement or an employee or group of employees or any individual or labor organization acting in their behalf alleges, and the Board finds, that a substantial number of employees presently employed by the employer in the bargaining unit assert that the labor organization is not a representative as defined in section 9 (a).

Mr. KUCHEL. I respectfully submit to my able colleague that from the standpoint of law, the petitioning employer would be completely devoid of any history of collective bargaining. While it may be true that component parts of the petitioning employer may have had a long history, nevertheless by reason of the gigantic size of the assumed venture, a new employer would be created and for the purpose of the joint venture the old employers would lose their identity; from the legal standpoint the new employer would have no history.

Mr. SMITH of New Jersey. The Senator raises a very important point. I am glad the Senator has brought it up. I have asked my assistant to give me the benefit of his judgment.

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes remaining. The Senator from Massachusetts has 13 minutes.

Mr. SMITH of New Jersey. In the act, the term "employer" is also used to cover multi-employer units.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The best case for the bill is put in the 1954 report of the Committee on Labor and Public Welfare when it was headed by the distinguished Senator from New Jersey [Mr. SMITH]. The provisions of the bill before us are identical, as they apply to the construction industry. As the Senator from New Jersey stated at that time:

> There are certain industries in which the employment of the individual worker is normally of a temporary, casual, or intermittent nature. * * * The late Senator Taft was one of the first to recognize the uniqueness of these problems, and he strongly favored an amendment to the Taft-Hartley Act along the lines of the proposal approved by the committee.

This is the amendment proposed and approved by the committee in 1954, of which, as the Senator from New Jersey stated, the late Senator Taft approved.

There are two issues in connection with this amendment. First, is it necessary for the Board to certify the union in this case? Under the terms of the provision in the bill, it is not necessary for the Board to make a certification. The result of requiring the Board to certify would be that, in my opinion, it would encourage jurisdictional strikes. The Board finds it extremely difficult to make a decision as to which union or which skill shall cover a given field. Under the Taft-Hartley Act, a voluntary board of employers and employees was established, which has been extremely

successful in settling these questions, which have for so long plagued the construction industry.

I believe that the language of certification by the Board does not provide additional protection to the employee, but, rather, it would cause additional strife because of jurisdictional disputes.

The second point deals with the history of collective bargaining. The Senator from California described the situation exactly. It would make it extremely difficult for a contractor, particularly a small one, to bid on a contract, because he would not be able to make arrangements on the basis of how much his labor would cost. Therefore he would be denied an opportunity to compete on a bid.

The language we have in the bill provides protection for the workers comparable to what the language in the Smith amendment would provide, but I believe our language does it more realistically and more effectively.

I yield back the balance of my time if the Senator from New Jersey will yield back the balance of his time.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield for an observation?

Mr. KENNEDY. I yield.

Mr. SMITH of New Jersey. Of course, what the Senator has read from the RECORD of the 1954 proceedings is true. We had that approach at that time. However, we found from experience, when we got to dealing with the unions themselves, that there were certain problems involved in that approach. A special commission was set up by the President, and that commission worked on the problem of giving adequate protection, and that commission brought out the proposal which I have incorporated in my bill and presented now in the form of an amendment.

Mr. KENNEDY. There was no agreement on that particular question, I will say to the Senator from New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back the remainder of his time?

Mr. SMITH of New Jersey. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. All time for debate on the amendment has expired. The question is on agreeing to the amendment offered by the Senator from New Jersey. [Stating the question.]

Mr. HOLLAND. Mr. President, I ask for a division.

On a division the amendment was rejected.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered on passage of the bill?

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment, if there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Do the Senator from Texas and the Senator from California yield back the remainder of their time on the bill?

Mr. ALLOTT. Mr. President, it has come to my attention that the bill has been read the third time. I have been trying to get the attention of the Chair.

The PRESIDING OFFICER. The Chair did not see the Senator from Colorado seeking recognition.

Mr. JOHNSON of Texas. Mr. President, if the Senator from Colorado has an amendment to offer, I ask unanimous consent that the vote of the Senate by which the bill was read the third time be reconsidered.

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

The Senator from Colorado is recognized. The Chair did not see the Senator from Colorado.

Mr. ALLOTT. I am sure that is correct. I call up my amendment, which I offer on behalf of myself, the Senator from New Jersey [Mr. SMITH], and the Senator from Connecticut [Mr. PURTELL]. It is identified as WW.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALLOTT. Mr. President I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

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

The amendment ordered to be printed in the RECORD is as follows: On page 15, beginning on line 22, it is proposed to strike out the first sentence of subsection (c), ending on page 16, line 3.

On page 16 at the beginning of line 3 insert "(1)";

On page 16, after line 8, add the following new paragraphs (2), (3), (4), and (5):

(2) The Secretary may, in his discretion, make such investigations as he deems necessary to determine whether any person has violated or is about to violate any provision of this title or of section 201 of title II, or any rule or regulation thereunder, and may require or permit any person to file with him a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Secretary is authorized, in his discretion, to publish information concerning any such violations, and to investigate any facts, conditions, practices, or matters which he may deem necessary or proper to aid in the enforcement of the provisions referred to or in the prescribing of rules and regulations thereunder. The Secretary, in making any investigation pursuant to the provisions of title II or title III, is authorized to proceed in the same manner and with the same authority as provided for investigations made pursuant to the provisions of this subsection.

(3) Whenever it shall appear to the Secretary that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title or of section 201 of title II, or of any rule or regulation thereunder, he may in his discretion bring an action in the proper district court of the United States, or United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Secretary may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who may, in his discretion, institute the necessary investigations and criminal proceedings.

(4) The district courts of the United States, and the United States courts of any Territory or other place subject to the jurisdiction of the United States, shall have jurisdiction, for cause shown, to restrain violations of, to enforce any duty created by, or to compel disclosure of any information required to be submitted to the Secretary in accordance with this title or section 201 of title II, or the rules and regulations thereunder. All actions under this subsection shall be brought on behalf of the Secretary.

(5) The Secretary is authorized to make such expenditures and, subject to the civil service laws and the Classification Act of 1949, as amended, to appoint and fix the compensation of such personnel, including attorneys, as may be necessary to perform the functions imposed by this act. Attorneys appointed under this section may appear for and represent the Secretary in any litigation, but such litigation shall be subject to the direction and control of the Attorney General.

Mr. ALLOTT. First, I wish to express my appreciation to the majority leader for his courtesy in the matter. My remarks will be extremely brief.

Mr. JOHNSON of Texas. Mr. President, may we have order? I ask that Senators take their seats.

The PRESIDING OFFICER. Senators will take their seats. The Senator from Colorado will not proceed until there is order in the Senate.

Mr. JOHNSON of Texas. Mr. President, may we have the Sergeant at Arms clear the aisles so that we may have some order and so that we may be able to hear the Senator from Colorado.

The PRESIDING OFFICER. The Sergeant at Arms will clear the aisles. Senators will take their seats.

Mr. ALLOTT. I shall move closer to the center of the Chamber, so that I may be more easily heard.

The question involved in the amendment is this: On page 15 of the bill, at the foot of the page, under subsection (c), the question arises with respect to the following language:

The Secretary shall have the power and is directed, when he has probable cause to believe that any person or labor organization has violated any provisions of this title, to make an investigation and in connection therewith he may enter such places and inspect such records and accounts as may be necessary to enable him to determine the facts relative thereto.

In other words, the subsection puts the burden on the Secretary of Labor to prove probable cause, and may, in fact, subject him to an injunctive process to keep him from acting, because he does not have probable cause. The purpose of the subsection is to give the Secretary power to go in and investigate.

The amendment which I have offered provides that the Secretary may in his discretion make such investigations as he deems necessary to determine whether any person has violated or is about to violate any provision of this title; and whether any person is engaged or about to engage in such acts or practices, and then gives the Secretary the right to go into court civilly as well as criminally.

I believe that in these matters much can be accomplished by using civil processes, because in many instances the criminal processes are not clear. I am offering the amendment at the request of the Labor Department. I believe in it. We offered it the other day, but it was not pressed at that time.

I may say that it conforms to the language of the Fair Labor Standards Act, and it is the same language that was included in S. 2888, which was passed by the Senate a few weeks ago. In my opinion it very much strengthens the bill rather than weakens it. It will give the Secretary power to investigate. It will not make him prove that he has probable cause when what he is trying to find out from his investigation is whether he has probable cause.

I wonder whether the Senator from Massachusetts would accept the amendment?

Mr. KENNEDY. Mr. President, I yield myself 2 minutes. I regret that I must conclude that it would be unwise to accept the amendment. The fact is that in the Oklahoma Press Publishing Co. case, decided by the Supreme Court, the term "probable test" was held to apply to the Fair Labor Standards Act, whether that term was written into the act by Congress or not. It seems to me that we want at least some protection. The language "probable cause" is traditional. The Supreme Court has found it to be binding, as I have said, in the Fair Labor Standards Act, even though it is not written into the act, and even though Congress omitted it. The Oklahoma Press Publishing Co. case indicates that the Supreme Court would hold that the term "probable cause" would be implied by the language of the act even if it was not written into the act. I do not believe a case has been made for striking out the provision the committee has reported.

The offering of the amendment is extremely late and tardy, particularly in view of the fact that the matter was not brought to the attention of the committee when we would have had more time to give it consideration. It would be a mistake to accept the amendment, I believe, and therefore I hope it will be defeated.

Mr. ALLOTT. Mr. President, I yield myself 3 minutes.

I agree with the Senator that the hour is late. No one is more desirous of having a final determination of the matter than I am. However, I point out and read this language because only when the Secretary has probable cause can he make an investigation and enter into such places as are designated and make such inspections. We have provided civil relief under titles 1 and 2. It seems to me we should provide it here. If this language was good enough for S. 2888, then we ought to adopt the same criteria here.

I hope that Senators will consider the amendment favorably and that it will be adopted. It will not damage anyone. It simply makes it possible for the Secretary to do what we intended to have him do when we wrote the section.

The PRESIDING OFFICER. Is the Senator from Massachusetts prepared to yield back the remainder of his time on the amendment?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was rejected.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 36, between lines 6 and 7, it is proposed to insert a new section, as follows:

SEC. 611. Section 610 of this title 18 of the United States Code is amended by inserting at the end thereof the following new sentence: "For the purposes of this section, the term 'contribution or expenditure' shall include, but not be limited to, any case in which money or other thing of value is paid or delivered by a corporation or labor organization to any person for the purpose of enabling such person to make a contribution or expenditure; and any contribution or expenditure made for the purpose of transporting or defraying the costs of transporting any person to the place where any election, primary election, political convention, or caucus referred to in this section is to be held for the purpose of enabling such person to vote or otherwise participate therein shall be deemed to be a contribution or expenditure made in connection with such election, primary election, political convention, or caucus."

Mr. COOPER. Mr. President, I know we are nearing the end of the debate. I shall not speak long.

First, I modify my amendment by designating it as section 611; and then by designating section 611 in the bill as section 612.

Also, I modify my amendment by inserting, after the words "delivered by a" the word "corporation."

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

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

Mr. COOPER. I yield.

Mr. KNOWLAND. Is the amendment printed?

Mr. COOPER. I shall have copies distributed.

Also, at the end of the following line, after the word "expenditure," I modify the amendment by striking out the comma and inserting a semicolon.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. COOPER. The amendment concerns itself with the Corrupt Practices Act. Last evening, the distinguished Senator from Michigan offered an amendment, the purpose of which was to deter labor organizations from making contributions to or upon behalf of political candidates. The amendment was rejected. I voted against the amendment. I voted against it, as I feel certain other Senators did, because I believed it went beyond the issue of political contributions and that it would have permitted a union member to recover dues when a union had made expenditures for purposes other than political contributions, such as hospitals, health benefits, charities, and matters of that kind.

The question of contributions by corporations and labor organizations to political candidates remains. We all know that this issue is unsettled.

When the Taft-Hartley Act was passed, the Corrupt Practices Act was amended to make it unlawful for a corporation or a labor organization to make expenditures or contributions to a political candidate, as the Senate notes the prohibition against contributions and expenditures refers to candidates for Federal office, whether to be voted on in a primary election, a general election, a caucus, or a political convention.

Despite the express provision of the act, political contributions continue to be made.

I wish to make it clear that when I speak about political contributions, made in contravention of the act, I am speaking about those made by corporations as well as labor organizations. I am not too well acquainted with their methods. It may be that in some instances corporations and labor organizations may make contributions directly to a candidate or a political party. I doubt that this is the usual practice. Or they may make their contributions to some other person for the purpose of enabling such person to make a contribution to a political candidate or a political party. When I use the term "person" I use it as defined in the Corrupt Practices Act, which embraces an individual, partnership, a corporation, a committee, an association, or any other kind of organization or group of people.

This is a difficult question. Anyone who has made any kind of study of the subject, knows that it is difficult to determine the scope of the statute. A few cases have gone to the Supreme Court on this issue. One of the first cases, in 1948, was United States against Congress of Industrial Organizations. In that case, the issue was raised whether the expenditure of money by a union for its newspaper, advocating support or opposition of candidates, was in violation of the act. The court did not rule directly on the constitutional issue, but it gave the impression that the support of candidates by a union through its newspaper was protected by the first amendment.

In 1957, another case went to the Supreme Court, that of the United States against International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America. The case involved the question of whether expenditures for radio broadcasting in support of a political candidate was in violation of the Corrupt Practice Act. Again, the Supreme Court refused to rule upon the constitutional question. It said it would not rule unless the question were presented clearly to the court. It remanded the case for trial upon its merits. Upon a jury trial, the finding was for the defendant.

Last night I quoted from another case, Nebraska Railway Employees Department against Hanson, which went to the Supreme Court. The Corrupt Practices Act was not the determinative issue, but it is interesting to note that the Court discussing the use of dues—went on to say that if the issue should be properly raised that the use of such fund forced ideological conformity, that was a question upon which, the court could pass.

I have called attention to these cases to make it clear the problems involving contributions to candidates is not an easy problem. The question of protecting the freedom of speech, of the press, of petition guaranteed by the first amendment is involved. My judgment is that these associations, unions and corporations have the right, through newspapers and in other media of information, to speak their views to their members and others upon political candidates, and issues.

In the cases I have mentioned, the Court made it clear that it would consider each case on the basis of the facts involved, and to determine if the facts presented, brought the contribution or expenditure within the Corrupt Practices Act, embodied in the Taft-Hartley Act.

Mr. President, my amendment is not broad in scope. I have been careful, first, to provide that two situations which the amendment define—and what I believe are clearly within the scope of the prohibition against contributions—do not exclude other prohibitions intended by the Congress.

I have tried to deal with two situations in respect of which, I believe it is clear that the Congress intended that the statute should be maintained and not be violated.

It is perfectly clear that, the Corrupt Practices Act, intends that a union or a corporation shall not contribute to a candidate or a political party. I am sure that every Member of the Senate will agree on that point.

I believe it is also clear that a corporation or a labor organization should not knowingly contribute to another person, with the purpose of having that person contribute to a candidate.

Mr. President, again I believe that Senators agree, that it is not intended that the act should be violated indirectly. If not, I should like to have him speak out. I believe all of us agree that indirect expenditures and contributions are intended to be covered by the provisions in the Corrupt Practices Act. My amendment would make that point clear.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. JAVITS. I think the Senator from Kentucky is trying to wrestle with a very difficult problem, and that he is making some progress. I hope the Senate will encourage it, because it is a fact that the cases lead up to a very thin dividing line.

The Senator from Kentucky, by means of his amendment, and within the letter and spirit of the law, has tried to provide some specifics to be used in dealing with such cases.

Mr. President, I hope the amendment will be accepted, because it constitutes a measurable effort to do something about a matter which some of us who have stayed with the bill right along would like to have something done about.

Mr. DIRKSEN. Mr. President, will the Senator from Kentucky yield to me?

Mr. COOPER. I yield.

Mr. DIRKSEN. Mr. President, I hope the amendment will be roundly rejected. I refuse to concede that the bill has anything to do with a caucus.

Mr. COOPER. It is the language used in the Taft-Hartley Act, now the law.

Mr. DIRKSEN. The amendment refers to caucuses and to conventions, and thus it would apply to delegates to a convention.

I am one of those who do not even concede that the Federal Government has authority over primary elections.

Mr. President, to accept such loosely drawn language and to begin to deal with such situations would be improvident and ill-advised.

So I hope the amendment will be rejected until the matter can be considered by the Committee on Rules and Administration.

Mr. COOPER. Mr. President, I hope the Senator from Illinois will not arrive at his final judgment until I have completed my remarks.

I should like to answer the objection he has raised, by saying that the matter he is complaining about is already in the act; and if the Senator from Illinois voted for the Taft-Hartley Act in 1947, he voted for the very thing against which he is now complaining.

Mr. DIRKSEN. Mr. President, will the Senator from Kentucky yield further to me?

Mr. COOPER. I yield.

Mr. DIRKSEN. The fact is that that act does not contain any provision which would prohibit contributions to a primary. So no Member who voted for that act is bound to support such a provision.

The Senator from Kentucky said that we need to provide something concrete, so as to permit the Court to rule about such matters in primary elections. But I refuse to concede that the act prohibits contributions to a nominee in a primary election, as opposed to a candidate.

Mr. COOPER. Mr. President, the Senator from Illinois is talking about something else—not my amendment. I am talking about the donation of political contributions by corporations and labor organizations.

Mr. DIRKSEN. Yes. Let me read the rest of the amendment, as follows, "for the purpose of transporting or defraying the costs of transporting any person to the place where any election," and so forth.

That means hauling to the polls, whether in a primary election or in a general election—hauling a person to a political convention or hauling a person to a caucus. Undoubtedly that is the meaning of the language of the amendment.

Mr. COOPER. Mr. President, I have not discussed that part of the amendment yet. If my good friend will permit me to do so, I should like to discuss it in a moment.

Mr. DIRKSEN. Very well.

Mr. COOPER. Mr. President, I have just said that the first part of my amendment deals with an issue on which I think there is agreement in the Senate; namely, that it is not intended to permit a corporation or a labor organization to give money or any other thing of value to a third person, for the purpose—and I emphasize the word "purpose"—of enabling that person to give it to a candidate. Let me make clear my purpose in connection with this part of my amendment. It does not attempt to abridge the other person's right of free speech. A third person receiving contributions from a corporation or labor organization would have the same rights that the labor organization or corporation has in the field of the first amendment. The amendment would not take away, as it would not, any constitutional right.

I think it will be agreed that my amendment does not relate to free speech, under the first amendment to the Constitution. It would prohibit and define more clearly that it is intended that one cannot violate by subterfuge the act. A second situation which my amendment defines as within the scope of the act's prohibition—it is that a corporation or a labor organization directly or through another person shall not furnish transportation for voters or delegates to the polls or to the places where the voting takes place. The practice has nothing to do with free speech, free press, the first amendment—it is a contribution or expenditure to a political candidate. I believe some workers at the polls would also come under the act's prohibition.

I believe the Corrupt Practices Act includes in the generality of its language all the things I am talking about, and that are included in my amendment, but these situations must be passed upon and interpreted by the Court, and the language of legislation could help the courts in their necessary interpretation.

My purpose in submitting the amendment is to present two kinds of activity—without excluding others—which I think fall clearly within the scope of the Corrupt Practices Act and are illegal.

I repeat that the amendment has nothing at all to do with the first amendment to the Constitution. No corporation or labor union could find that the amendment would violate its right of free speech.

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

Mr. KENNEDY. Mr. President, because of my regard for the Senator from Kentucky, I regret that I cannot accept the amendment.

The amendment deals with primary political conventions, caucuses, and so forth. This is a subject which I understand the McClellan select committee is definitely going to study this year.

So I am unable to accept the amendment. I saw it for the first time only 3 minutes ago; and I am not aware of its limitations or what its effect would be, for the language of the amendment is quite detailed.

Mr. President, I yield back the remainder of the time available to me.

Mr. CURTIS. Mr. President, will the Senator from California yield some time to me?

Mr. KNOWLAND. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. CURTIS. Mr. President, I believe the Cooper amendment should be supported.

It is true that the McClellan select committee has not reached a detailed study of these matters. But I doubt whether it will be able to do so, in view of the fact that it has a large agenda—although, of course, I cannot speak for the chairman of the committee.

However, we know that such a situation exists, and we also know that Congress should legislate on these matters.

The purpose of the McClellan select committee is to obtain information for the purpose of legislation. We have such information now.

As a member of the Committee on Privileges and Elections, I have followed some of these transactions. I believe the amendment of the Senator from Kentucky will improve the existing law.

The existing law prohibits contributions or expenditures by labor organizations and corporations. The essence of the pending amendment is that if such groups make such expenditures or contributions to another person, for the purpose of having that person, in turn, make a political expenditure or contribution, that is a violation of the act.

It clarifies and improves existing law, and I believe it should be adopted.

Mr. President, I yield back the time remaining to me.

Mr. COOPER. Mr. President, may I have 2 minutes?

Mr. KNOWLAND. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall not ask for a record vote on the amendment. It is true that it was not considered in committee. I brought it up because it seemed to me after the debate last night on the Senator from Michigan's [Mr. POTTER] amendment it was clear that a great many in this Chamber believed this matter should be tackled. I had hoped I could present two activities upon which we all agree we prohibited.

I had hoped the able lawyers in the Senate on the other side, such as the Senator from Mississippi [Mr. STENNIS], the Senator from North Carolina [Mr. ERVIN], the Senator from Massachusetts [Mr. KENNEDY], and other Senators, would have expressed themselves in agreement with me that there should be a clearer definition of prohibited expenditures and contributions to political candidates.

SEVERAL SENATORS. Vote! Vote!

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. [Putting the question.]

Mr. CURTIS. Mr. President, I ask for a division.

On a division, the amendment was rejected.

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

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

The bill was read the third time.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Have the yeas and nays been ordered on the passage of the bill?

The PRESIDING OFFICER. Yes.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I should like to make an announcement. Immediately following the rollcall we shall proceed to the consideration of what we understand to be a noncontroversial bill, the so-called rivers and harbors bill, from the Committee on Public Works. We shall have some discussion on that bill and have a rollcall on the final passage, I am informed. So I should like to have all Members of the Senate on notice.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1958

The Senate resumed the consideration of the bill (S. 3974) to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

Mr. SMITH of New Jersey. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. SMITH of New Jersey. Before we close this important discussion I desire to make a few remarks with regard to my own position and what some of us have been trying to do to strengthen the bill that is before the Senate. I wish to emphasize that our attempts have been corrective of the bill and in no sense negative.

The supplemental views in the report of the committee, signed by Senators PURTELL, GOLDWATER, ALLOTT, and myself, outline our joint approach to this matter and our desire to fill in the gaps as far as the McClellan committee recommendations are concerned, and also to introduce the administration's recommendations to strengthen the bill.

In order to have the RECORD complete, I ask unanimous consent that the supplementary views of the four Senators mentioned may be printed at this point in the body of the RECORD, in order that they may appear as part of the debate.

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

SUPPLEMENTAL VIEWS

The committee bill does not, in our opinion, meet the public demand for labor reform legislation. It does not fulfill the recommendations of President Eisenhower of January 23, 1958, and, furthermore, it does not meet the recommendations of the Senate Select Committee on Improper Activities in the Labor or Management Field contained in its interim report of March 24, 1958.

Some of us who, despite serious reservations, voted to report the committee bill for Senate consideration, did so out of a conviction that the American public demands enactment of effective legislation to curb the serious abuses which were revealed by the investigations of the Select Committee on Improper Activities in the Labor or Management Field, popularly known as the McClellan committee.

There is urgent need for more comprehensive and more effective legislation than the committee bill provides. We advocate a fuller acceptance of the administration's proposals which embodied a reasoned view of necessary improvements. In addition, we believe the Congress should closely follow the findings of the McClellan committee, the recommendations of which largely confirm that portion of the administration's proposals which relate to the same subject matter.

The bipartisan McClellan committee made the most extensive investigations and held the most exhaustive hearings during the entire year 1957. Hundreds of witnesses and tens of thousands of letters from rank-and-file union members testified to the existence of grave abuses which cry out for correction. On the basis of this testimony, the McClellan committee issued a detailed report summarizing that testimony and highlighting the most flagrant instances of illegal or improper conduct. The report concluded with a series of legislative recommendations concurred in, without qualification, by 7 of the 8 members of that committee.

The exceptions we took to the committee bill, including the reservations of those of us who voted to report it to the Senate, were based on the failure of the bill to implement the following specific recommendations of the McClellan committee:

1. That financial statements required to be filed by labor unions be further required "to be accurate and complete, that there be a method for checking of their veracity and provisions for bringing legal action against unions filing false statements and against the officers of the unions testifying to these false statements."

The committee bill contains extensive provisions requiring union officers and employees to file detailed reports concerning such of their own financial affairs which might involve them in conflicts of interest. But there is nothing in the committee bill to compel unions to rid themselves of officers and employees who willfully fail to file such reports or who have been convicted for false filing.

Moreover, the committee bill, by granting exemption from its financial filing and reporting requirements to unions having fewer than 200 members and gross annual receipts of less than $25,000, in fact exempts a majority of the labor unions in the United States. This nullifies the requirement where it is most needed, to wit, among the racketeer-established unions which have few or sometimes even no members at all—thus exempting the notorious paper local activities of Johnny Dio, as in another section the bill fails to apply to such operations as those of Frank Brewster.

2. The McClellan committee recommendations declare:

"Since union dues moneys * * * are in actuality a trust, being held for the members of the union by their officers, the committee feels that attention should be given to placing certain restrictions on the use of these funds, such as are now imposed on banks and other institutions which act as repositories and administrators for trust funds."

The committee bill, completely ignoring the fiduciary nature of the union officer's relation to the funds of the union, makes no provision to establish such relationship or impose the duties and obligations that a fiduciary relationship requires.

3. In speaking of "union democracy" the McClellan committee recommends legislation directed to "the use of secret ballots in union elections and other vital union decisions."

Although the committee bill requires periodic secret ballot elections for union officers, both local and international, it makes no provision for such elections in connection with "other vital union decisions."

4. The McClellan committee recommends that the "no man's land" problem arising out of the refusal of the NLRB to act and of the inability of State tribunals to act be solved by authorizing any State or Territory "to assume and assert jurisdiction over labor disputes over which the [National Labor Relations] Board declines jurisdiction."

The committee bill leaves the "no man's land" problem where it is. The NLRB retains the power to refuse to act, and the States and Territories are still denied the power, in such cases, to do so. All that the committee bill does is to write confusion into the law by prohibiting the NLRB from establishing any jurisdictional standards. This results in leaving all potential litigants in a state of complete uncertainty as to what the NLRB may do in any given case. This is directly contrary to the basic principle of our Anglo-American system of law that the law is to be made as certain and predictable as humanly possible.

There are other equally serious deficiencies in the committee bill:

(1) It would weaken the protections afforded by the National Labor Relations Act to union members with respect to financial reports, which that act now requires unions to furnish to their members. Under the committee bill even those unions which are required to report need no longer make copies of their financial statements available to the individual members. Under the committee bill the members would have to come to the Secretary of Labor to obtain this information.

(2) Duties and remedies which are made exclusive by the language of the committee bill would appear to supplant those provided under present Federal, State, and local law and to bar individual employees and union members from relief against abuses of their rights which they can and do at present obtain in the Federal and State courts. There is no compelling need to make matters relating to the internal affairs of unions limited exclusively to relief afforded by Federal judicial action of the kind provided for in the committee bill.

(3) The enforcement tools necessary to do an effective job in carrying out the provisions of the committee bill are not adequately provided in its present form. For example, violations of the committee bill's reporting requirements for unions, their officers and employees, employers, labor consultants, and trusteeships are punishable by criminal penalties only. Such enforcement has had little salutary effect in the past. No provision is made for a civil action brought by the administering agency to compel anyone to comply with these provisions. Unions in violation would not lose any right of access to the National Labor Relations Board. In contrast, the administration proposal would have continued the law's present provision under which violating unions lose access to the procedures of the Board. We think this feature of the administration bill is a far more effective means of assuring compliance with the act's requirements. It places responsibility where it should be, on the union itself. The knowledge on the part of the membership that the union may lose it accreditation before the Board and risk loss of tax exemption in appropriate cases, encourages the members themselves to see to it that their officers comply with the law. We seriously question the adequacy of the substitute provided in the bill's requirement that the Secretary of Labor advise union members of the results of his investigation in cases where a union, a union officer or employee, an employer, or a labor consultant refuses or fails to file a required report. He is thus required to furnish union members with information about employers, consultants, and the union that he is hardly in a position to obtain himself. The failure of the committee bill to give the Secretary investigative and enforcement powers adequate to enable him to carry out the responsibilities imposed on him could prove to be a basic defect. The bill requires the Secretary to make investigations and inspect the books and records of unions when he has probable cause to believe that any person has violated the act, but provides no powers in aid of this authority to compel testimony, hold hearings, or issue subpenas for persons or records. Also, any person affected by a proposed investigation would appear to have the right to bring court proceedings to stop the investigation until the court decided that probable cause existed for proceeding with it, and by that time the investigation may be too late.

The bills introduced in January 1958 by Senator SMITH of New Jersey on behalf of the administration (S. 3097, S. 3098, S. 3099) not only cure these defects but also carry out all but one of the subsequent March recommendations of the McClellan committee which support the administration's proposals but are inadequately dealt with in the committee bill. Thus, the administration bills contain provisions for inducing unions to get rid of their dishonest officials and employees; for requiring financial reporting by all unions including the racketeering paper unions; for imposing fiduciary duties and functions on union officers; and for eliminating the "no man's land" by giving the States the right to act where the Federal Board has refused.

We regret that no attempt was made to remedy the longstanding deficiencies and weaknesses in the present law. We refer to secondary boycotts; organizational or recognition picketing against the wishes of the employees; improvement in the administration of the present act concerning the Office of NLRB General Counsel; and unilateral reopening of contracts during their lifetime. All of these matters were included in the President's 1958 recommendations.

It is therefore our intention on the floor to offer amendments to correct the serious shortcomings of the committee bill.

H. ALEXANDER SMITH.
BARRY GOLDWATER.
WILLIAM A. PURTELL.
GORDON ALLOTT.

Mr. SMITH of New Jersey. Mr. President, so far as the administration's proposals are concerned, for which I have assumed the responsibility, I call the attention of the Senate to the fact that I introduced an amendment, which was adopted, eliminating section 101 (c) of title I on page 7, thus making the provisions of the bill applicable to all unions, large or small. Subsequently, amendments were introduced giving the Department of Labor greater flexibility in the handling of the hundreds of thousands of reports that would be sent to Washington in connection with the legislation.

Certain other corrective amendments were accepted by the Senator from Massachusetts [Mr. KENNEDY] which were proposed by the Senator from Kentucky [Mr. COOPER]. These were amendments which the administration desired.

On Thursday last, at the request of the administration, I introduced 18 amendments, which were published in full in the CONGRESSIONAL RECORD of that date, with explanatory statements prepared by the Department of Labor. All these amendments introduced by me for the administration appear on pages 11002 to 11007 of the RECORD of June 12, 1958.

Two of these amendments were brought up by me and defeated, and seven more of lesser importance were accepted by the Senator from Massachusetts [Mr. KENNEDY] for the committee. This leaves a total of 9 out of the 18 amendments referred to, which I decided not to bring up because of the obvious impossibility of their passage. These proposals of the administration will await further consideration at some future time.

I want to make it clear that my participation, representing the administration, has been limited to the recommendations in the President's message of last January in the three bills that I introduced at that time for the administration. Some of the President's recommendations of January last were not introduced by me because they deal primarily with Taft-Hartley changes. It was the feeling that the immediate purpose of this bill before us was not a revision of Taft-Hartley, but, rather, an implementation of the McClellan committee recommendations.

With regard to other amendments which have been offered and which I supported or opposed, which are not the administration's amendments, I want to make it clear that my position does not necessarily represent the administration's position, which has been strictly limited to the recommendations contained in the President's message of last January.

While this legislation has involved many days of strenuous debate, I feel it appropriate personally to commend all those who have participated, realizing that we are dealing with a very contentious subject, and those who have expressed their views have been sincere in the positions that they have taken.

In closing, I wish again to emphasize that the position taken by the four Senators who were the authors of the supplementary views referred to above, were concerned with the strengthening of the pending legislation to protect the members of unions as against the wrongdoing of some of their leaders. We were not against the bill itself or its purposes, nor were we desirous of making the bill punitive.

I am glad to vote in favor of the passage of the bill, even though I regret very much that some of the amendments which it seemed to us would strengthen the bill, and which the administration urged, were not accepted and were not agreed to.

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I desire to direct this question to the Senator from Massachusetts [Mr. KENNEDY]. I wish to ask the Senator if subsection (b) of section 604, as set forth on page 39 of the bill, was not inserted in the bill to make it certain that section 604, subsection (a), would not invalidate any so-called right-to-work laws of the States which might conflict with the amendment.

Mr. KENNEDY. That is correct. The provision was inserted in the bill at the suggestion of the Senator from North Carolina. I was glad to do it in order to clarify the amendment.

Mr. JOHNSON of Texas. Mr. President, I yield myself 4 minutes.

I should like to state my position on this proposed legislation before the Senate passes on it finally.

One of the finest achievements of this Congress has been the investigation conducted by the select committee under the chairmanship of the distinguished senior Senator from Arkansas [Mr. MCCLELLAN].

That investigation revealed that corruption and betrayal had crept into a small—but important—segment of America's labor unions. It also disclosed a need for Federal action to combat the evil.

The legislation was needed from many standpoints. First, it was necessary to protect the victims of crooks and racketeers. Second, it was necessary to help honorable union leaders who found that the situation was beyond control.

Above all, it was necessary to protect the public interest in sound and honest labor-management relations.

The Senate Labor and Public Welfare Committee went to work to produce sound legislation. The members are to be congratulated for their nonpartisan effort—effort which resulted in a bill of which I think we can be proud.

I extend my congratulations to the chairman of the Committee on Labor and Public Welfare, the Senator from Alabama [Mr. HILL].

Particular credit is due the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. IVES]. Together with the Senator from Arkansas [Mr. MCCLELLAN], the able Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. HILL], the Senator from Oregon [Mr. MORSE], and the Senator from Kentucky [Mr. COOPER], they have been the mainstays of the proposed legislation.

I believe we all recognize that the bill does not solve all the problems of labor legislation. But the important thing about a bill is what it does—not what it does not do.

The things this bill does are impressive.

First. It guarantees America's working men and women to fundamental right of a secret ballot in selecting their union officers.

Second. It lays down strong barriers against the control of unions by unreformed convicted thieves, racketeers, and thugs.

Third. It cracks down on the racket of extorting money from farmers and small-business men for the privilege of unloading a truck.

Fourth. It prevents union officials from using union funds to perpetuate themselves in office.

Fifth. It permits a majority of the members of a union local to remove crooked officials at any time.

Sixth. It sets up standards and court tests so members of local unions can protect themselves against arbitrary control by the large internationals through the device of the trusteeship.

Seventh. It provides workable machinery for contesting in the Federal courts crooked or rigged union elections.

Eighth. It puts the spotlight of publicity on racketeering types of middleman deals.

Ninth. It requires effective reporting of union operations so the members and the public can know what is really happening.

Tenth. It strikes at the "sweetheart" contract by penalizing both the giver and the taker of a bribe in labor-management relations.

Eleventh. It requires union officials to reveal any personal financial transactions which might conflict with their legitimate responsibilities.

Twelfth. It requires the preservation of all important financial records and election ballots.

Thirteenth. It enacts stern penalties agains union officials who willfully destroy or falsify reports and records.

These are the provisions which prompted the Senator from Arkansas [Mr. MCCLELLAN] to say:

> If enacted, and properly administered and enforced, it will drive many unreformed ex-convicts, racketeers, gangsters, and crooked officials out of the union movement and strengthen the position of honest, decent unionism and its leaders.

It has become apparent in the course of this debate that there are many problems which have not been resolved. I do not pretend to be expert in those problems.

But I think it is safe to say that Congress must in the future approach the questions of the secondary boycott and organizational picketing among others.

These have not been settled to the satisfaction of anyone. At the present time, we probably do not have enough information to settle them to the satisfaction of anyone.

But Congress does not expire with the passage of this bill. And I am confident that the Labor and Public Welfare Committee will discharge its responsibilities on these issues if not in this session in the next.

To try to get into them now might actually result in confusion that would delay this legislation and deny union workers and the public important protections to which they are entitled.

During the course of this debate there has been much discussion as to whether the bill is stern or mild or moderate. It is my belief that the American people are not interested in whether it is stern or whether it is mild or whether it is moderate.

Their interest is in legislation that is adequate to do the job. They are not seeking to punish fellow Americans nor would they be satisfied with permitting men who are guilty of one of the worst forms of treachery to escape justice.

I believe the measure we have worked out fits the bill of particulars. It will not satisfy those who are seeking to promote any particular form of political philosophy. But it will appeal to those who believe that integrity and honesty should characterize the relationships of Americans to each other.

Mr. President, I consider this measure an important achievement of this Senate. If enacted finally, it will become one of the important landmarks of this Congress.

It is a measure whose only punishments are designed for the guilty. It is not intended to punish people as a class or to crack down on the victims as well as the racketeers.

This will be good legislation. It will be effective legislation. It is a bill with which honorable men can live. I hope it will receive overwhelming endorsement.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a statement by the Senator from Arkansas [Mr. MCCLELLAN] in connection with the bill.

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

STATEMENT OF SENATOR MCCLELLAN

My prime objective is to get legislation that will correct glaring abuses in labor-management relations that have been brought to light by the Senate Select Committee. For this reason, I have followed rather closely the work of the Senate Labor Committee in processing this bill. I have held conferences with Senator KENNEDY, chairman of the subcommittee, and, upon his invitation, I have submitted recommendations regarding its provisions, which the subcommittee carefully considered. At my suggestion, certain important amendments have been added which have greatly strengthened the measure. I can now support it.

The bill, of course, does not cover all areas in which legislation is needed. But an effort to enact everything needed at this session of Congress, in my judgment, would result in the enactment of nothing.

In its present form this measure will give important protection to the rights of workers, of management, and the public. If enacted, and properly administered and enforced, it will drive many unreformed ex-convicts, racketeers, gangsters, and crooked officials out of the union movement and strengthen the position of honest, decent unionism and its leaders.

According to my analysis of the bill, it would, among other things:

1. Provide and guarantee union members the right of secret ballot in selecting their officials.

2. Provide workable machinery for contesting in the Federal courts crooked, or rigged, union elections.

3. Set fair standards to govern union trusteeships and place a time limit thereon.

4. Put the spotlight of publicity on anti-worker middleman deals.

5. Require effective reporting of union operations.

6. Require union leaders and officials to reveal any personal financial transactions that have a bearing on the manner in which they conduct their responsibilities and disclose any conflict of interest.

7. Erect strong barriers against the control of unions by unreformed, convicted thieves, embezzlers, and extortionists.

8. Protect union treasuries and trust funds against misappropriation and embezzlement.

9. Impose criminal penalties against the giver and the taker of a bribe in labor-management relations; thus, removing the cause of many "sweetheart" contracts.

10. Prevent union officials from using funds to perpetuate themselves in office.

11. Require the preservation of all important financial records and election ballots.

12. Make ineligible for office convicted criminals and union officials who willfully falsify or destroy union records.

There is nothing in these provisions that does harm to legitimate unions; there is much to serve the interest and welfare of the workers and the public.

I believe the measure we passed a few weeks ago and the proposals in this bill are largely the result of the work of the Senate Select Committee on Improper Activities in the Labor-Management Field. This committee is still functioning. We have not closed shop. With the approval of the Senate, it will continue to investigate and expose that which Congress needs to know to guide it in further legislation.

I hope this bill is enacted into law. If it is, I shall be gratified and feel that the labors of the Senate select committee are being rewarded and the country constructively served.

Mr. JOHNSON of Texas. Mr. President, I should like to conclude by saying that for days and nights we have worked on the bill, which, I trust, is just about to pass the Senate. I have never seen a bill which has been better managed on the floor. I commend in the strongest and highest possible terms the very great ability demonstrated by the Senator from Massachusetts in piloting the bill through the Senate. The Senator from Massachusetts has been very thorough; he has been able; he has been considerate. I am very proud the Senator is a Member of the Senate who sits on my side of the aisle.

While paying this tribute, I wish to pay equal tribute to the coauthor of the bill, the able, patriotic, dedicated Senator from New York [Mr. IVES]. The Senator is a legislator of the first class. I wish I could claim credit for his membership in my party.

Mr. MANSFIELD and Mr. HILL addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, I yield myself 1 minute, and I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I join the distinguished majority leader in extending congratulations to the junior Senator from Massachusetts [Mr. KENNEDY]. I have never seen a bill more ably managed. I have never seen the chairman of a subcommittee or a floor manager who had a greater grasp of the proposed legislation which he was presenting to the Senate. I think all Senators on both sides of the aisle owe a debt of gratitude to the Senator from Massachusetts for the workmanlike grasp he has shown, for the consideration and understanding he has indicated, and for the great knowledge he has had of this tremendously difficult and complicated bill which has been before the Senate.

I would say the same for the Senator from New York [Mr. IVES], who joined with the Senator from Massachusetts in presenting this measure. I would also extend congratulations to the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Kentucky [Mr. COOPER], the Senator from North Carolina [Mr. ERVIN], the Senator from Oregon [Mr. MORSE], and other Senators who participated in the debate.

While I could not agree with some of the amendments offered, I think collectively the Senate has done a good job. I desire to say most especially that the Senator from Massachusetts is entitled to our commendation for the great work he has done. He has operated in the finest tradition of the Senate.

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

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Alabama?

Mr. JOHNSON of Texas. I yield the Senator such time as he may desire.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HILL. Mr. President, the bill was beset by many dangers. Many provisions might have been written into the bill which would have been most harmful and inimical to labor and labor's cause. In fact, provisions might have been written in the bill which might have been destructive of labor and organized labor unions. Such provisions have not been written into the measure.

The bill will pass as it is now written, because we have had the wise, the devoted, the exceptionally able and indefatigable leadership of our majority leader, the Senator from Texas [Mr. JOHNSON], and also because we have had the exceptionally fine, devoted, and able leadership of the Senator from Massachusetts [Mr. KENNEDY], in the piloting of the bill through the Senate of the United States.

The Senator from Massachusetts has had the strong support, as well as the wise counsel, of that devoted patriot and statesman, the Senator from New York [Mr. IVES], who has made a mighty contribution, along with the Senator from Massachusetts, in the piloting of the bill through the Senate.

Surely, none of us could fail to appreciate the devoted service and the many fine contributions of that great lawyer and fine patriot from the State of North Carolina [Mr. ERVIN] to the passage of the bill.

I also join the Senator from Montana [Mr. MANSFIELD] in the tribute which he has paid to the distinguished Senator from Kentucky [Mr. COOPER]. The Senator from Kentucky has sought to make his contribution and play his part, that the Senate might take action which would be wise, which would be constructive, which would be fair to labor—and at the same time do the job which has to be done.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the senior Senator from Colorado [Mr. ALLOTT].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, now that we have closed the debate on the amendments, I think there are certain things which need to be said, certain things which need to be retained in mind to place the whole subject in the proper perspective.

While we are handing plaudits to Members of the Senate, I think it might be well to remember at this time that it was the Senator from California [Mr. KNOWLAND], the great minority leader, who, during the consideration of Senate bill 2888, insisted upon consideration of certain amendments to that bill, and thereby procured an agreement that a bill on labor subjects would be brought before the Senate at this session. Such assurance was given, and, so far as I know, every member of the Committee on Labor and Public Welfare cooperated to see that the commitment was kept, and that the bill was brought before the Senate by June 10.

So, while we are discussing who is entitled to credit, I add my own tribute to the Senator from California, whose courage and wisdom forced a determination of this issue in the United States Senate at this session of Congress. I believe no one else can take credit for that.

Next, I should like to pay tribute to the ranking minority member of the Committee on Labor and Public Welfare, the Senator from New Jersey [Mr. SMITH], who leaves the Senate at the end of this session, and who, I hope, will go to what will prove to be other fruitful fields. His own patience, his own contributions, his steadiness, and his faith have played no small part in improving this bill.

First, I think we should talk about what the bill is. I was not satisfied with the bill as it came from the committee. I was one of those who wrote strong supplemental views. I voted to report the bill, not because I thought it was a good bill, but because I thought we had a right on the floor of the Senate to consider the legislation.

I know that many persons, including myself, relied on the interim report of the so-called McClellan committee. I point out tonight, as we sit here and are about to pass the bill, that we still have not fulfilled three of the principal recommendations of that report.

When that report was made and concurred in by 7 of the 8 members of the committee, I was 1 Member of the United States Senate who had confidence in the committee, who thought the committee had made a moderate, sound, and sensible report directed toward the correction of some very serious problems.

Yet, there are three recommendations in the interim report which are still not covered by the bill. One relates to the use of the secret ballot in vital union decisions other than the election of officers.

Another relates to the area of the so-called no man's land. What we have done in this bill is to create a further Federal preemption, instead of complying with the recommendation of the committee and the administration that certain areas be ceded back to the States—areas which the National Labor Relations Board has found to be primarily local in character, although technically within interstate commerce.

In voting down the Watkins amendment, we abandoned and defeated an

amendment which would have appropriately corrected this problem. Instead, we have entered upon further Federal preemption, which I am sure will lead to many confusing situations and much litigation.

A third recommendation of the McClellan committee which is not satisfied by the bill relates to the question of fiduciary responsibility. In reality, union dues represent a trust. No man can gainsay that. Attention should be given to placing restrictions on the use of such funds, similar to the restrictions which are placed upon banks, Federal savings and loan associations, and other fiduciary associations. Certainly if we can impose this kind of responsibility upon employers who handle their own funds in dealing with welfare and pension funds, we can certainly impose it with respect to union funds, involving the handling by union officials of the funds of the members.

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

Mr. ALLOTT. Mr. President, may I have 3 additional minutes?

Mr. KNOWLAND. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

Mr. ALLOTT. Union leaders who handle moneys paid into the union treasuries by union members, many of whom have no choice as to whether they shall belong to a union, should be held to a high legal standard of obligation in handling such funds. Some people may ask, "What is the difference?" The difference is this: When union officials mismanage the funds, there is frequently no legal violation because of the loosely drawn constitutional provisions and bylaws in many unions. But under a fiduciary responsibility they are bound to measure up to the highest standards. This is an obligation which the Senate should have written into the bill.

Even though most of the unions of the country are sound, honest, well ordered, democratic institutions, and even though the corrupt unions represent but a small minority, because of the mass and magnitude of the labor movement, even this small segment affects many, many working men and women.

The people of this country are fed to their teeth with the underhanded racketeers who have invaded certain unions—gun-toting, acid-throwing, strong-armed thugs who are still directing the policies of a number of union organizations.

Those here who voiced the views of union leaders have accepted enough of our amendments to make a start toward developing responsibility in union leadership. Our attempt was not to develop any coercive legislation. It was not to develop any legislation which would lessen the right of any union to bargain with an employer. Our aim was not to take away from the individual member of a labor union a single right.

On the contrary, we attempted to write into the bill such provisions as would place in the hands of every man or woman who is a member of a union anywhere in the country the power to attain meaningful democratic processes in his own union.

The bill has been amended 32 times since it came to the floor of the Senate, if my record is correct. We have strengthened the bill, through accepting many of the recommendations the administration has heretofore made. We have further improved the bill with a variety of amendments suggested by Members of the Senate. It is regrettable that we could not at least have accepted those amendments that would carry out the modest recommendations of the McClellan committee and President Eisenhower.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. President, while the atmosphere in the Chamber is scented with the orchids of felicitations, I should like to include my own congratulations to all Senators who have participated constructively in shaping this legislation—both to members of the Committee on Labor and Public Welfare and Senators who are not members of the committee, but who participated in the debate on the floor of the Senate, and in the adoption of more than 20 amendments which have been adopted, each of which—some to a greater extent than others—was designed to strengthen legislation, to tighten it, and make it more effective. This has been a happy and productive demonstration of how legislation enacted on the floor of the Senate through the amendment process can serve a constructive and a useful purpose.

I wish to include among those to be congratulated the Senator who, more than any other of the 96 Members of this body, made possible the opportunity we have had for the past several days to enact legislation moving in the direction of curtailing some of the excesses disclosed by our so-called McClellan committee, which thus far has spent more than $1 million to investigate the improper activities in the labor-management field. We dare to believe our disclosures have helped provide the background from which this legislation emerged.

I refer to the determined and successful approach launched by our minority leader, the Senator from California [Mr. KNOWLAND], when at the time Senate bill 2888 was before the Senate for consideration, he pressed so persistently and persuasively for amendments which would go further and do more that he obtained a commitment from the majority side that if S. 2888 were allowed to pass without amendment on the floor of the Senate, the majority would bring back, early in June, a new piece of legislation on which we would have an opportunity to act. Those commitments by the majority leader and the chairman of the subcommittee were made and kept.

Those commitments were initiated through the determined efforts of the senior Senator from California not to permit Congress to adjourn without acting on more of the problems which had been discussed and disclosed by the investigating committee than those covered in S. 2888 which dealt only with pension and welfare funds. We have before us for final approval legislation of which we can all be reasonably proud. It does not go as far as a great many Members of the Senate believe it should go. It is a slap at a number of excesses and abuses of labor where those excesses and abuses exist. In my opinion it has failed at stopping most of them. It does, however, move in that direction.

The bill now goes to the other body. We have had the assurance of the majority leader that the bill, if it is passed early in June—and it will have been passed early in June—it will have passed in time to be acted upon by the other body. I hope, if necessary, that the great leaders of the House and the Senate will form another Texas Alamo to hold the fort and keep us here until such time as the House does have an opportunity to act. Between the leader of the House and the leader of the Senate, I believe those two good and mighty Texans have enough authority to see to it that we do not recess our endeavors in 1958 until the House has acted and brought back legislation and until we have had an opportunity to take it to conference and to have it written into the statutes of this country.

Mr. President, as a member of the Senate Select Committee To Investigate Improper Activities in the Labor-Management Field which for over 18 months has been devoting long hours to these problems I regret, along with many other Members of the Senate, that we did not do more to provide secret ballots for the honest union members who, in my opinion, if given tools of democracy guaranteed them by Federal legislation, would eradicate most of the problems which exist. We have made some progress in that direction, but we have not gone far enough. We will not go far enough until those tools are in the hands of the men and women of organized labor, and we will not have gone far enough until we have placed in their hands the secret ballot to determine whether they will or will not go on strike and other major decisions of their union. We should write a full bill of rights for rank-and-file union members in America; when we do that, the great voice of American labor will be heard effectively in promoting and protecting fairness and freedom for American workers.

I believe that we should provide that element of democratic procedure—which by the lack of 1 vote we failed to provide this evening in a vote of 45 to 44—which would have guaranteed to the people who are elected by unions the same rights that we as Senators insist upon for ourselves, namely, a fair count and honest representation at the polling places—the elements of basic American political fair play.

I propose to appear before the House committee and pursue further the hope that when the House enacts its version of the bill, it will include that provision which was in the amendment which I offered.

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

Mr. MUNDT. Mr. President, will the Senator yield me 2 additional minutes?

Mr. KNOWLAND. I yield 2 additional minutes to the Senator from South Dakota.

Mr. MUNDT. By a vote of 45 to 46 we gave an indication of the body of strength in the Senate which supports that position. Perhaps in committee consideration some language more acceptable can be evolved. I shall present my suggestion to the House committee.

I regret that the Senate did not take action in the area of secondary boycotts and organizational boycotts, when we have had a whole line of testimony in our investigating committee from one city, Flint, Mich., for example, of business after business which was put out of operation or intimidated because of a system of improper organizational picketing. It seems to me that there was presented to us in this connection a problem with which we should have dealt. We have not attacked that problem in the bill we are passing this evening. I hope the House, when it utilizes its capacity to amend and add to the bill, will incorporate something along that line into the legislation.

The Senator from Colorado has pointed out that we have done nothing in the area of no man's land, which has produced such troublesome management-labor problems. I agree with his observations.

I regret exceedingly that we did nothing effective from the standpoint of protecting the worker's financial interest in his own union. As the Senator from Colorado has said, the fiduciary trust is so vitally important that I feel after a study of the facts in the Senate, and before our investigating committee, the House committee or the House itself will enact legislation which will plug the loopholes which exist in the present legislation.

By and large, Mr. President, we move in the right direction with the bill we are passing this evening. I have been in Congress long enough to realize that we make haste slowly in any type of reform legislation. I am glad that we have come as far as we have. I again salute the Senator from California on making this much progress possible, by insisting on the amendments that he did insist upon when S. 2888 was before the Senate. I trust that we will be given an opportunity before we adjourn to act on the final passage of legislation in this field. I sincerely hope that in our consideration of the pending legislation we have not been engaged in a 5- or 6-day parliamentary gesture of futility.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the senior Senator from Oregon. I should like to say that no one has watched the bill more carefully and has been able to uncover loopholes more skillfully than has the Senator from Oregon. The country should give thanks to the Senator from Oregon for the great work he has done in connection with the proposed legislation.

Mr. MORSE. Mr. President, I appreciate the very generous remarks of my friend from Montana. I thank him very much. Before I pay tribute to some Members of the Senate who I believe deserve to have recorded in the RECORD this evening the sincere appreciation of those of us who have worked with them in connection with this historic debate, I first wish to call attention for future reference to the procedural significance of the course of action the Senate has followed in the presentation of the bill.

I, too, wish to pay my compliments to the Senator from California, although I completely disagree with most of his views on labor legislation, for his persevering insistence that some action be taken in the Senate on labor legislation at this session of Congress.

It will be recalled that, when the noncontroversial pension and welfare bill (S. 2888) was before the Senate, the Senator from California dropped into the hopper, so to speak, on the floor of the Senate, a whole series of amendments to that bill, along with amendments of other Senators, which were dropped into the hopper at the same time. Some of us took the position that those amendments were irrelevant and immaterial to the subject to which it was sought to have those amendments attached as a sort of legislative rider.

Yet, the floor strategy that the Senator from California used on that occasion had its parliamentary effect. I knew at the time that it would have and was designed to have that effect. As I said to many Senators in informal conversation that night on the floor of the Senate, I have a very high respect for the tenacity and determination and sincerity of the Senator from California.

Senators will recall that the submission of those amendments produced on the floor of the Senate a discussion among us as to what the proper procedure should be for the handling of legislation of this type. We pointed out—those of us on the committee—that most of the amendments had not been subjected to hearing and consideration. We recognized the fact that the committee had an obligation, as an agent of the Senate, to proceed with some action on the general subject matter.

The record is perfectly clear that on that occasion, when the argument was made that this was our "last chance" at this session to vote on labor legislation, I observed that was not necessarily so since we were in control of the procedures of the Senate, and it was within our jurisdiction, that it was up to us to proceed to the consideration of fair labor legislation and for final presentation of it to the Senate. It was at that time that the Senator from Oregon made the pledge to the Senate that if the Committee on Labor and Public Welfare did not submit to the Senate a bill, after fair hearings, by June 10, he would move to discharge the committee from any further consideration of bills that were then before the committee. The next day I was joined in my pledge by the Senator from Arkansas [Mr. MCCLELLAN], who repeated the pledge. I was then joined also by the Senator from New York [Mr. IVES]. We followed what I wish to stress here tonight in my closing remarks. We followed orderly procedure. We followed the kind of orderly procedure that ought to be followed in the presentation of proposed legislation to the Senate.

I hold in my hand the best evidence that can be offered as to the soundness of the procedure we followed.

In this large volume of committee hearings, we not only have the documentation which substantiates the position those of us took who urged orderly procedure; but we also, I think, have the record which leaves no room for doubt as to the dedicated service to the Senate of all members, without exception, of the Committee on Labor and Public Welfare, in presenting the bill in the form in which it came from the committee to the Senate.

That leads me to make a few personal comments about my colleagues on the committee and about some of my colleagues who played such a noble part in the presentation of the bill to the Senate.

I start with my subcommittee. I endorse everything which has been said about JACK KENNEDY, the chairman of the subcommittee, and his masterful piloting of the bill through the hearings and then through the executive sessions of the committee. But I need say nothing more than simply to ask Senators to thumb through the hearings and to see the kind of leadership which the Senator from Massachusetts gave the subcommittee and on through the committee to the entire Senate. Not only do I compliment him, but I think it is very fortunate that we had a person of his ability to sit in the chair he occupied through the historic hearings and in the executive sessions.

I turn now to my other colleagues on the subcommittee. I share the views which have been expressed about IRV IVES, of New York. But let us take a look at the situation which confronted us on the subcommittee. There was a group of Democrats and Republicans, all dedicated men, men who, I think, have demonstrated in the hearings their sincerity of purpose. But we were divided. We were not divided along party lines. As the Senator from New York has stated so many times, we never should be divided along party lines on an issue such as labor legislation. Of course, I happen to share the view that we should never be divided along party lines on any issue. Our votes always should be our sincere convictions on the merits of any issue. Be that as it may, in connection with labor legislation we should never be divided on party lines. The Senator from New York bored in on that time and time again in our deliberations in the subcommittee.

He was joined, on the Republican side of the table, so far as votes were concerned, time and time again by the distinguished Senator from Kentucky [Mr. COOPER]. The fact is that the committee would not have reported a bill if the Senator from New York [Mr. IVES] and the Senator from Kentucky [Mr. COOPER] had not joined the majority of us on the Democratic side when it came to many rollcall votes. All of us have served on committees, so we know that that situation frequently develops. I

thank them not only for sharing our point of view and for their leadership, because we followed them as much as they followed us in the formation of the majority in the committee, but I pay compliment to the Senators who were against the bill.

I want to say something about the Senators who voted against us on a good many issues, because they were just as sincere and equally as dedicated to the public service, as they saw their convictions, as were those of us who formed the majority in the subcommittee and full committee.

Time and time again the Senator from Colorado [Mr. ALLOTT] was heard to say in the committee, "While I do not share the point of view of the majority, I have no intention of holding up the bill in committee longer than is necessary to get our position and point of view across."

Although I did not vote with the Senator from Colorado a good many times in the subcommittee, I sat there and formed a very high regard for his dedication to his convictions in the committee.

I say the same about the Senator from South Carolina [Mr. THURMOND]. In fact, we joked many times when we found ourselves voting together. We began to ask each other, "What has happened? Who is wrong this time?"

That illustrates, however, the good sportsmanship, the informality, the determination on the part of all of us to face up to the issue and vote our convictions, and move on to the next issue. That is what happened. In my judgment, the leadership of the committee had much to do with it. We had an esprit de corps. We had a sense of teamwork, even though we were not always voting together in the subcommittee. It was one of the most remarkable experiences I have had in 13 years as a Senator.

I express my appreciation to the Senator from New Jersey [Mr. SMITH] for the assistance he was to us in committee, although he, too, disagreed with the majority many, many times. He kept stressing, however, that it was important that we get a bill through the committee and to the Senate. He called attention to the fact that on June 10 a motion would be made to discharge.

I remember the Senator from New York [Mr. IVES] saying one day, "I think I speak for the Senator from Oregon and myself. Both of us are committed. We do not know what position will be taken by the other members of the committee, but both of us are committed to do something about this matter by June 10." As the Senator from New York knows, I said, "So far as I am concerned, I intend to keep the commitment. We will have the committee discharged."

We met long hours and got a bill out of the committee, due to the kind of statesmanship, in my judgment, which every member of the committee, without exception, whether on the majority side or the minority side, extended to the work of the committee.

Mr. President, I think my time has expired. I ask for 5 minutes more.

Mr. JOHNSON of Texas. I should like to yield as much time as the Senator desires. However, as the Senator knows, two yea-and-nay votes are still to be taken, and Senators desire to proceed to them as soon as possible. I hope the Senator will preserve his eulogy until there has been at least one vote.

Mr. MORSE. I appreciate that. I am being of assistance now to some future Ph. D. candidate who may want to write his thesis on this bill. I want to help him in getting the facts straight.

Mr. JOHNSON of Texas. How much more time does the Senator want?

Mr. MORSE. Five minutes is what I have asked for.

Mr. JOHNSON of Texas. I yield 5 minutes to the Senator from Oregon.

Mr. MORSE. When we moved the bill into the full committee, where we were under the direction of that master of handling varying and divergent points of view, the chairman of our committee, the Senator from Alabama [Mr. HILL]. Of course, we had also the benefit of the counsel of that "grand young man" of the Senate in the field of labor relations, JIM MURRAY, of Montana.

We had the further assistance of PAT MCNAMARA, of Michigan, who time and time again made it perfectly clear that he intended to hold our noses to the grindstone of principle, to see to it that we voted on these matters in accordance with the merits of each issue.

In the full committee we had full discussion, as again the records of the committee will show. We came out of the full committee with a substantial vote; in fact, a vote for the committee bill with only one dissenter; and then that dissenter made it very clear, as he voted against the bill, that there was so much good in the bill that he would reserve the right to offer some of his amendments on the floor of the Senate. I refer, of course, to the Senator from Arizona [Mr. GOLDWATER].

I do not know of anyone with whom I could be in more complete disagreement in the field of labor relations than the Senator from Arizona [Mr. GOLDWATER]. But I express my appreciation to him for the cooperation he extended and for the able way in which he presented his very sincere convictions on the various issues.

Then we reported the bill to the Senate. The majority leader, who is so anxious to proceed to the two yea-and-nay votes, can close his ears for a moment. I would not want him to hear my eulogy of him because of his desire to speed on to the vote on the bill. Nevertheless, this needs to be said for the RECORD.

On the floor, during all the floor strategy which has gone into the consideration of the bill, the Senator from Texas again has demonstrated what a great parliamentary general he is. He has done magnificent work in helping the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alabama [Mr. HILL], the Senator from New York [Mr. IVES], and the other members of our subcommittee pilot the bill through one amendment after another, to the point which we have now reached, where we are about to pass the bill.

The Senator from Texas and I do not always agree on parliamentary strategy, as we did not agree last night, although I would repeat the same course of action tonight if the facts were the same. Nevertheless, I pay to him my very high respects for his wonderful generalship in piloting the bill to its present stage.

Now, in closing, I wish to say a word about the Senator from Arkansas [Mr. MCCLELLAN]. He and I differ on many issues in the field of labor legislation. But does anyone think we would be in a position now to vote on the passage of the bill if the Senator from Arkansas had not taken positions on the parliamentary procedure to be followed which he has taken throughout the debate? We are all greatly indebted to his great breadth of vision concerning what the real goals and objectives of this piece of proposed legislation are; his recognition of the fact that we could not carry out the purposes—the rather limited purposes, and rightly so—of the legislation which went to the committee out of the recommendations of the McClellan committee, and as we have embodied them in the first five titles of the bill, without turning the debate into a sort of legislative Donnybrook, in which we would have added amendment after amendment on the floor of the Senate, which would have resulted in a rewriting of the Taft-Hartley Act.

I personally thank the Senator from Arkansas for his statesmanship during the debate.

Mr. President, I close by saying that I am very proud of the Senate for the great record it has made in this debate. It has been one of the greatest records I believe the Senate has made on any domestic issue in the 14 years that I have been in the Senate.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The time yielded to the Senator from Oregon has expired.

Mr. KNOWLAND. Mr. President, I yield myself not more than 2 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. KNOWLAND. Mr. President, I shall support the bill. I believe it represents progress in the field of assuring the workers of the country control over their own affairs.

I hope that at this session, action will be taken on the bill by the other body, and that in conference it will be possible to arrive at a satisfactory measure which will be sent to the President.

Mr. President, in dealing with this bill, we have made real progress. It is quite possible that the other body may, in its judgment, wish to include additional provisions which in its opinion would be more helpful in reaching the common objective.

Let me say that I believe that the work done by the members of the committee has been constructive and helpful. I also believe that the floor debate has contributed much to the knowledge of the country of the importance of legislation of this kind.

I believe that, in the final analysis, the workers will be the ones who will suffer

if Congress does not finally act on legislation of this sort at this session. I believe we have at least laid a foundation for future Congresses to take further steps to assure a workers' bill of rights and democracy in the operations of the affairs of the great labor organizations of the country.

Mr. JAVITS. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. JAVITS. Mr. President, I believe we should pay tribute to the distinguished minority leader [Mr. KNOWLAND] for his fine statesmanship in connection with this measure. An anvil and a hammer are required to produce legislation. The distinguished minority leader has used them; and he has been of great help to all of us in our labors in this field. I believe he has had a real effect in helping to strengthen this measure.

I realize that I am a very junior member of this body, but I would feel remiss to my constituents if at this time I did not express my appreciation.

Mr. COOPER. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. Mr. President, I yield 2 minutes on the bill to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes on the bill.

Mr. COOPER. Mr. President, I should like to join with others who have spoken, in expressing the view that legislation in this field would not have been passed by the Senate at this session, but for the great assistance rendered by the distinguished minority leader, and for his insistence that hearings be held and that a bill of this sort be reported.

The Senator from Texas [Mr. JOHNSON] the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] kept their commitments and the bill was reported.

I believe the bill is an effective one. I am glad to have supported it and to have worked in the committee upon it. I cannot recall when I have enjoyed more my experience in working in committee with my colleagues on both sides of the aisle to report a bill and with its sponsors, the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. IVES].

Mr. President, although I am on this side of the aisle, I should like to say that we owe a great deal to the ability and fairness of the distinguished Senator from Massachusetts [Mr. KENNEDY] and to the ability and statesmanship he has shown on the floor, in leading our bill to passage.

Mr. THYE. Mr. President, will the Senator from California yield 1 minute to me?

Mr. KNOWLAND. Mr. President, I yield to the Senator from Minnesota 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute on the bill.

Mr. THYE. Mr. President, I, too, wish to join my colleagues in paying tribute to our distinguished minority leader [Mr. KNOWLAND].

I disagreed with the distinguished Senator from California on some amendments, and I reflected my disagreement by the votes I cast.

But I admire the courage of the distinguished minority leader. He held his convictions as strongly as I held mine. He was endeavoring to bring about what, according to his convictions, would be democracy for the workingmen and workingwomen who must find their security in the jobs they have in this Nation.

The distinguished minority leader stood up and faced those of us who opposed his amendments. He did so with courage, intelligence, and determination; and his arguments were most compelling. In fact, if I had not held my own convictions so strongly, I would have succumbed to his persuasion and would have been convinced by his arguments.

However, I know that the distinguished minority leader felt strongly that he was endeavoring to provide security for the workingmen and workingwomen of the country, so they would have democracy within their unions and would have a right to have a voice in the conduct of the affairs of their unions. Of course, that is what all of us have endeavored to provide.

I also wish to pay tribute to the distinguished senior Senator from New York [Mr. IVES], a great leader in the field of labor legislation, and a highly intelligent Member. He has worked extremely hard in the development of this measure.

The PRESIDING OFFICER. The time yielded to the Senator from Minnesota has expired.

Mr. KNOWLAND. I yield 1 additional minute on the bill to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 additional minute on the bill.

Mr. THYE. Mr. President, I also wish to pay tribute to the distinguished majority leader, Mr. JOHNSON of Texas. It is an inspiration to watch him—and I only regret that he is not a Republican—operate here on the floor of the Senate. He is one of the greatest parliamentarians I have ever been privileged to know; and I have served as the presiding officer of the legislature of my own State, where we had some excellent parliamentarians and some senior members who knew how to control a legislative body. But none of them had the ability the majority leader possesses.

I turn now to the Senator who, in his capacity as chairman of the subcommittee, has been responsible for the handling of the bill—the Senator from Massachusetts [Mr. KENNEDY]. He has done a very able job. He is a young Member, but he has the ability of a senior Member.

Mr. President, I believe that in connection with this measure we have legislated intelligently and well; and I believe that the laboring force of the Nation will be better able to govern themselves, and that because of the constructive legislative work which has been done here during the last few days, management will have a closer relationship with the workers, in the years ahead.

In closing, Mr. President, I turn to the distinguished senior Senator from New York, IRVING IVES. My seat is beside his. No Member of Congress possesses greater legislative wisdom than does he.

Mr. President, I thank the Senator from California for yielding to me.

Mr. KENNEDY. Mr. President——

Mr. KNOWLAND. Mr. President, I yield 3 minutes on the bill to the Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes on the bill.

Mr. KENNEDY. Mr. President, I rise to express my appreciation to all the members of the committee and to all the other Members of the Senate—and particularly to the Senator from New York [Mr. IVES]—who have made possible the development of the bill.

I pay tribute also to the Senator from Kentucky [Mr. COOPER] and to the other members of the committee on the Republican side who treated the bill—as it actually is—a nonpartisan measure.

I also pay tribute to the committee members on my own side of the aisle: the Senator from Alabama [Mr. HILL], the Senator from Montana [Mr. MURRAY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mr. MORSE].

I also pay tribute to the Senator from North Carolina [Mr. ERVIN], who, although not a member of the committee, was extremely helpful especially during the floor debate.

Mr. President, I also pay tribute to the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], who, as Senators have pointed out, showed great qualities of leadership, and in so doing, I believe, made it possible for the bill to be passed—with the help, of course, of the distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON].

I am particularly anxious to express my thanks to Prof. Archibald Cox, of the Harvard University Law School, who assisted me during the floor debate, and who worked very hard for some 6 months in connection with this measure. I am grateful also to members of the committee staff—to Ralph Dungan; to Jack Forsythe; and Mert Bernstein and Stewart McClure of the majority staff; and to Mike Bernstein of the minority staff—all of whom provided valuable assistance to members of the committee and to the Senate.

Mr. President, I believe we have developed a strong bill. I am very hopeful that the House of Representatives will act on the bill, for it represents approximately 16 months of hard, determined work and the combined efforts of a large number of Senators.

The bill provides basic protection for American working men and women. I am sure the House of Representatives will meet its responsibility in this regard, because, even though some may believe we have not gone far enough in this bill, I believe the measure will be very effective. Therefore, I hope it will be enacted.

Mr. President, I desire to express my appreciation to the entire Senate for the fine cooperation that has been shown throughout the proceedings.

Mr. IVES. Mr. President——

Mr. KNOWLAND. I yield 3 minutes to the Senator from New York.

Mr. IVES. I had not expected to speak, but during the discussion I have heard many statements made, and I think I should make a brief statement. In the first place, I want to congratulate the very distinguished chairman of the Subcommittee on Labor who has handled this particular job so sensibly. His leadership has been superb. He has displayed fine qualities. I predict for him a very great future.

I am sorry I had to put the chairman of the subcommittee ahead of the distinguished majority leader, but I think he deserves it in this instance. I now come to the majority leader, who has shown, as usual, his great ability as leader on the floor. There is no question about that. In this matter, more than perhaps in others, I have had the opportunity to observe the way in which he operates. While I thought I knew something about operating on the floor, I have learned a thing or two.

Now I come to my own distinguished leader, the Senator from California. I congratulate him for the way he has handled his own position in this matter. I remember, when we were discussing S. 2888, and he proceeded to offer his amendments, I turned to him in the first instance aghast. I turned to him with amazement, but said, "I am glad that you are doing this, because you accomplished exactly what you intended to accomplish." Today the fruit of that effort is before us. We have had the results of his effort.

I should like to congratulate, in turn, every member of the subcommittee and the committee as a whole, but I do not want to spend that much time. They have all contributed. Even those who were opposed to the bill have contributed to perfecting it. The wonderful thing about this is that the United States Senate as a body, at least during the time I have been here, has now risen to a little higher level than it has ever before attained in the consideration of any measure since I have been a Member of the Senate.

There has been a feeling of brotherhood and understanding among us. There has been no ill will during a debate which has continued the last 5 days. Everyone has kept his temper. We had one great objective, and that was getting the best bill we could. It may not satisfy all of us completely. It does not satisfy me completely. But it was the best product we could get in this instance. We have gotten a bill, and we shall send it to the House. I only hope the House will take action on it. The House has a right to change it. It may improve the bill. I hope it does. But this year we are leaving a sort of monument, not only in what is provided in the way of labor legislation, but in the way in which we have arrived at the bill.

Mr. JOHNSON of Texas. Mr. President, I yield back the time remaining to me on the bill.

Mr. KNOWLAND. Mr. President, I yield back the time remaining to me on the bill.

The PRESIDING OFFICER. All time on the bill has been yielded back.

Mr. HUMPHREY subsequently said: Mr. President, I ask unanimous consent that just prior to the vote on the Labor-Management Reporting and Disclosure Act of 1958 there may be printed a brief statement I had prepared on S. 3974.

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

STATEMENT BY SENATOR HUMPHREY

Let me address myself briefly to S. 3974 and the purposes it seeks to fulfill and serve.

To adequately serve the interests of the American laborer, unions must be clean and strong, responsible and free. This is indisputable.

The particular advantages of the bill is that it seeks to keep American unions clean without impairing their strength, to make them responsible without diminishing their freedom. To insure that unions are clean, the bill provides for public reports of the financial operation of unions and their officers without constraining the legitimate use of labor funds. To insure that unions are responsible, the bill guarantees to each union member a free voice in the formation of union policy without restricting the individual union's freedom of action.

Admirably designed to correct the specific abuses and deficiencies uncovered by the Select Committee on Improper Activities in the Labor and Management Fields, the bill does not seek to punish the American labor movement for abuses attributable to but a few of its members. The penalties provided for in the bill are applied directly to the individuals responsible for the abuses.

The few who abuse their power or are guilty of corruption, misuse of funds or any other form of unethical conduct serve only to bring discredit upon the good name and reputation of organized labor. There is no room within the house of labor for those who would violate their trust. The bill is well designed to expose and remove the influence of those who would pervert labor organizations from their true purpose as servants of American labor.

The controls which are applied serve to insure that union officials will not betray their trust as fiduciaries of the American labor movement. I support this proposed legislation. It represents a constructive step in behalf of honest, legitimate trade unionism.

The bill is moderate and constructive. Some of its principal provisions, in brief, are:

Disclosure of union internal processes and financial transactions, under criminal penalties.

Disclosure of finances and financial holdings of union officials which might give rise to conflict of interest.

Disclosure of activities of employers and labor relations middlemen to influence employees in exercise of bargaining rights, under criminal penalties.

Reporting and limitations on trusteeships over local unions.

Periodic election of union officers by secret ballot in free elections, with recourse to the courts.

Congressional declaration of policy in favor of codes of ethical practices and a public advisory committee to promote them.

Direction to National Labor Relations Board to close no man's land between Federal and State laws governing labor relations.

Banning shakedowns and other improper practices.

Restoration of voting rights to economic strikers.

Permitting prehire union-shop agreements in building trades.

Criminal penalties for embezzlement of funds.

Prohibiting union office for individuals convicted of crimes involving the taking of money or violation of reporting provisions of the bill.

The PRESIDING OFFICER. The question is on the final passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER (when his name was called). I have a pair with the junior Senator from Indiana [Mr. JENNER]. I am informed that on this question he would vote as I intend to vote. Therefore, I am at liberty to vote. I vote "yea."

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I further announce that if present and voting, the Senator from Tennessee [Mr. GORE] and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senators from Connecticut [Mr. BUSH and Mr. PURTELL] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business because of duty with the Air Force.

The Senator from Vermont [Mr. FLANDERS] is detained on official business.

If present and voting, the Senators from Connecticut [Mr. BUSH and Mr. PURTELL], the Senator from Arizona [Mr. GOLDWATER], the Senator from Vermont [Mr. FLANDERS], and the Senator from Indiana [Mr. JENNER] would each vote "yea."

The result was announced—yeas 88, nays 1, as follows:

YEAS—88

Aiken	Green	Morse
Allott	Hayden	Morton
Anderson	Hennings	Mundt
Barrett	Hickenlooper	Murray
Beall	Hill	Neuberger
Bennett	Hoblitzell	Pastore
Bible	Holland	Payne
Bricker	Hruska	Potter
Bridges	Humphrey	Proxmire
Butler	Ives	Revercomb
Byrd	Jackson	Robertson
Capehart	Javits	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Johnston, S. C.	Schoeppel
Case, N. J.	Jordan	Smathers
Case, S. Dak.	Kefauver	Smith, Maine
Chavez	Kennedy	Smith, N. J.
Church	Kerr	Sparkman
Clark	Knowland	Stennis
Cooper	Kuchel	Symington
Cotton	Langer	Talmadge
Curtis	Lausche	Thurmond
Dirksen	Long	Thye
Douglas	Magnuson	Watkins
Dworshak	Mansfield	Wiley
Eastland	Martin, Iowa	Williams
Ellender	Martin, Pa.	Yarborough
Ervin	McClellan	Young
Frear	McNamara	
Fulbright	Monroney	

NAYS—1

Malone

NOT VOTING—7

Bush	Gore	O'Mahoney
Flanders	Jenner	Purtell
Goldwater		

So the bill (S. 3974) was passed.

Mr. KENNEDY. Mr. President, I move to 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 [Mr. JOHNSON] to lay on the table the motion of the Senator from Massachusetts [Mr. KENNEDY] to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas obtained the floor.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the bill be printed, as passed by the Senate.

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

RIVERS AND HARBORS AND FLOOD CONTROL PROJECTS OF 1958

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1744, S. 3910.

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

The LEGISLATIVE CLERK. A bill (S. 3910) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3910) authorizing the construction, repair and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, which had been reported from the Committee on Public Works, with amendments, on page 2, after line 10, to insert:

Josias River, Maine: House Document No. 377, 85th Congress, at an estimated cost of $258,400.

On page 25, line 22, after the words "Eighty-fifth Congress", to strike out "at an estimated cost of $10,948,000: *Provided,* That local interests contribute 30 percent of the first cost of the project presently estimated at $4,692,000, plus the capitalized value of annual maintenance, presently estimated at $1,560,000" and insert "at an estimated Federal cost of $10,480,000 and at an estimated Federal cost of maintenance and operation of $55,000 annually: *Provided,* That in lieu of the local cooperation recommended in the report of the Chief of Engineers in Senate Document No. 59, 85th Congress, local interests contribute 30 percent of the first cost of the project, said 30 percent being presently estimated at $5,160,000 plus the capitalized value of annual maintenance and operation for the main harbor barrier presently estimated at $1,560,000, and in addition, hold and save the United States free from damages due to the construction works, and maintain and operate all the works except the main harbor barrier after completion in accordance with regulations prescribed by the Secretary of the Army"; on page 26, line 24, after the figures "$11,550,000", to strike out "*Provided,* That local interests contribute 30 percent of the first cost of the project presently estimated at $4,950,000" and insert "*Provided,* That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document No. 230, 85th Congress, local interests contribute 30 percent of the first cost of the project, said 30 percent being presently estimated at $4,950,000, and in addition hold and save the United States free from damages due to the construction works, and maintain and operate the improvements after completion in accordance with regulations prescribed by the Secretary of the Army."; on page 30, line 4, after the word "modified", to insert "as recommended by the Chief of Engineers in House Document No. 186, 85th Congress, and"; on page 32, line 20, after the date "April 26, 1957", to strike out "at an estimated cost of $2,530,000: *Provided,* That the amount to be contributed by local interests shall not be in excess of 12 percent of the cost of construction, the amount of 12 percent being presently estimated at $358,000" and insert "at an estimated cost of $1,799,500 for dredging 12 feet deep plus 3 feet overdepth and one-half of the 17 feet additional depth: *Provided,* That the cost for dredging the remaining one-half of the additional 17 feet depth, estimated to cost $383,500, shall be returned to the Federal Government by the local interests in 40 annual payments."; on page 33, line 21, after the word "shall", to strike out "not"; at the beginning of line 22, to strike out "any portion of" and insert "$300,000"; on page 34, after line 10, to strike out:

(1) The Sherwood Reservoir on Mountain Fork River is authorized in addition to the six other reservoirs upstream from the Millwood Reservoir, recommended by the Chief of Engineers.

After line 14, to strike out:

(2) In the case of such reservoirs, the basis for determining the cost allocated to hydroelectric power and water supply purposes shall be the incremental method of allocation whereby the cost allocated to power and water supply should be limited to the cost of adding power and water as purposes in the project, and all flood-control and land-enhancement benefits shall be nonreimbursable.

After line 21, to insert:

(1) All flood-control and land-enhancement benefits shall be nonreimbursable.

After line 23, to insert:

(2) Penstocks or other facilities, to provide for future power installations, shall be provided in the reservoirs to be constructed above the Millwood Reservoir.

On page 35, line 8, after the words "Eighty-fifth Congress", to strike out "at an estimated cost of $5,802,000: *Provided,* That local interests contribute 30 percent of the first cost of the project presently estimated at $2,487,000" and insert "at an estimated Federal cost of $5,662,000: *Provided,* That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document No. 347, 85th Congress, local interests contribute 30 percent of the first cost of the project, such 30 percent being presently estimated at $2,427,000, plus, at their option, the additional cost of providing ramps in lieu of closure structures presently estimated at $200,000, and, in addition, hold and save the United States free from damages due to the construction work, and maintain and operate all the works after completion."; on page 36, line 17, after the word "Congress", to strike out the comma and "and such comprehensive plan is hereby modified to provide for the preparation of detailed plans for power in conjunction with flood control at the Lone Rock Reservoir and for the preparation of detailed plans for Gilbert Reservoir for flood control, power generation, and other purposes as recommended by the District Engineer in House Document No. 499, 83d Congress"; on page 37, line 6, after the word "of", to strike out "$2,066,000" and insert "$1,791,000"; in line 13, after the word "of", to strike out "$3,152,000" and insert "$3,102,700"; on page 44, after line 14, to insert:

The project for flood protection on Tug Fork of Big Sandy River at Williamson, W. Va., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. —, 85th Congress, at an estimated cost of $625,000.

On page 45, after line 13, to insert:

The project for flood protection in the Turtle Creek Basin, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 390, Eighty-fifth Congress, at an estimated cost of $13,417,000.

On page 47, line 11, after the word "evaluation", to insert a colon and "*Provided further,* That in the event it is possible as determined by the Secretary of the Interior (a) to identify the organizations directly benefiting from the water conserved by these works and (b) to feasibly determine the extent of such benefit to each organization, the Secretary of the Interior shall enter into contracts with such organizations for the repayment of the portion of the cost of the work properly allocable to such organizations: *And provided further,* That such repayment shall be under terms and conditions satisfactory to the Secretary of the Interior and shall be in installments fixed in accordance with the ability of those organizations to pay as determined by the Secretary of the Interior in the light of their outstanding repayments and other obligations."; on

page 62, line 18; after the word "exceed", to strike out "sixty" and insert "fifty"; in line 22, after the word "used", to strike out "(2) with respect to repayment of cost allocated to such future water supply such sixty years shall not commence until such supply is first used, but shall not extend beyond sixty years after the project is first used for the storage of water for water supply purposes,"; in line 26, after the word "and", to strike out "(3)" and insert "(2)"; on page 63, line 20, after "(32 Stat. 390)", to strike out the comma and "nor shall any storage provided under the provisions of this section be operated in such manner as to adversely affect the lawful uses of the water"; and on page 64, after line 5, to insert:

SEC. 302. Title III of this act may be cited as the "Water Supply Act of 1958."

So as to make the bill read:

Be it enacted, etc.,—

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided,* That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law No. 14, 79th Cong., 1st sess.), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

Navigation

Josias River, Maine: House Document No. 377, 85th Congress, at an estimated cost of $258,400;

Salem Harbor, Mass.: House Document No. 31, 85th Congress, at an estimated cost of $1,100,000;

Boston Harbor, Mass.: House Document No. 349, 84th Congress, at an estimated cost of $720,000;

East Boat Basin, Cape Cod Canal, Mass.: House Document No. 168, 85th Congress, at an estimated cost of $360,000;

Bridgeport Harbor, Conn.: House Document No. 136, 85th Congress, at an estimated cost of $2,300,000;

New York Harbor, N. Y.: Senate Document No. 45, 84th Congress, at an estimated cost of $1,678,000;

Baltimore Harbor and Channels, Md.: House Document No. 86, 85th Congress, at an estimated cost of $28,161,000;

Herring Creek, Md.: House Document No. 159, 84th Congress, at an estimated cost of $110,000;

Betterton Harbor, Md.: House Document No. 333, 84th Congress, at an estimated cost of $78,000;

Delaware River Anchorages: House Document No. 185, 85th Congress, at an estimated cost of $24,447,000;

Hull Creek, Va.: House Document No. 287, 85th Congress, at an estimated cost of $269,-800;

Morehead City Harbor, N. C.: Senate Document No. 54, 84th Congress, at an estimated cost of $1,197,000;

Intracoastal Waterway, Jacksonville to Miami, Fla.: House Document No. 222, 85th Congress, maintenance;

Port Everglades Harbor, Fla.: House Document No. 346, 85th Congress, at an estimated cost of $6,683,000;

Escambia River, Fla.: House Document No. 75, 85th Congress, at an estimated cost of $61,000;

Gulfport Harbor, Miss.: Senate Document No. 123, 84th Congress, maintenance;

Barataria Bay, La.: House Document No. 82, 85th Congress, at an estimated cost of $1,647,000;

Chefuncte River and Bogue Falia, La.: Senate Document No. 54, 85th Congress, at an estimated cost of $48,000;

Pass Cavallo to Port Lavaca, Tex.: House Document No. 131, 84th Congress, at an estimated cost of $413,000;

Galveston Harbor and Houston Ship Channel, Tex.: House Document No. 350, 85th Congress, at an estimated cost of $17,196,000;

Matagorda Ship Channel, Port Lavaca, Tex.: House Document No. 388, 84th Congress, at an estimated cost of $9,944,000;

Port Aransas-Corpus Christi Waterway, Tex.: House Document No. 361, 85th Congress, at an estimated cost of $6,272,000;

Port Aransas-Corpus Christi Waterway, Tex., La Quinta Channel: Senate Document No. 33, 85th Congress, at an estimated cost of $954,000;

Freeport Harbor, Tex.: House Document No. 433, 84th Congress, at an estimated cost of $317,000;

Mississippi River between Missouri River and Minneapolis, Minn., damage to levee and drainage districts: House Document No. 135, 84th Congress, at an estimated cost of $2,476,000;

Mississippi River at Alton, Ill., commercial harbor: House Document No. 136, 84th Congress, at an estimated cost of $246,000;

Mississippi River at Alton, Ill., small-boat harbor: House Document No. 136, 84th Congress, at an estimated cost of $101,000;

Mississippi River at Clinton, Iowa, Beaver Slough: House Document No. 345, 84th Congress, at an estimated cost of $241,000;

Mississippi River at Clinton, Iowa, report on damages: House Document No. 412, 84th Congress, at an estimated cost of $147,000;

Mississippi River between St. Louis, Mo., and lock and dam No. 26: Senate Document No. 7, 85th Congress, at an estimated cost of $5,802,000;

Mississippi River between the Missouri River and Minneapolis, Minn.: Modification of the existing project in the Mississippi River at St. Anthony Falls, Minneapolis, Minn., House Document No. 33, 85th Congress;

Minnesota River, Minn.: Senate Document No. 144, 84th Congress, at an estimated cost of $2,539,000: *Provided,* That the channel may be extended five-tenths of a mile upstream to mile 14.7 at an estimated additional cost of $5,000;

Vermilion Harbor, Ohio: House Document No. 231, 85th Congress, at an estimated cost of $474,000;

Ohio River at Gallipolis, Ohio: House Document No. 423, 84th Congress, at an estimated cost of $66,000;

Licking River, Ky.: House Document No. 434, 84th Congress, maintenance;

Saxon Harbor, Wis.: House Document No. 169, 85th Congress, at an estimated cost of $393,500;

Two Rivers Harbor, Wis.: House Document No. 362, 84th Congress, at an estimated cost of $66,000;

Port Washington Harbor, Wis.: House Document No. 446, 83d Congress, at an estimated Federal cost of $2,181,000: *Provided,* That local interests shall contribute 30 percent of the total cost of the project;

Saint Joseph Harbor, Mich.: Senate Document No. 95, 84th Congress, maintenance;

Old Channel of Rouge River, Mich.: House Document No. 135, 85th Congress, at an estimated cost of $101,500;

Cleveland Harbor, Ohio: House Document No. 107, 85th Congress, at an estimated cost of $14,927,000;

Toledo Harbor, Ohio: House Document No. 436, 84th Congress, at an estimated cost of $859,000;

Irondequoit Bay, N. Y.: House Document No. 332, 84th Congress, at an estimated cost of $1,938,000;

Santa Cruz Harbor, Santa Cruz, Calif.: House Document No. 357, 85th Congress, at an estimated cost of $1,612,000;

Yaquina Bay and Harbor, Oreg.: Senate Document No. 8, 85th Congress, at an estimated cost of $19,800,000;

Siuslaw River, Oreg.: House Document No. 204, 85th Congress, at an estimated cost of $1,693,100;

Port Townsend Harbor, Wash.: House Document No. 418, 84th Congress, at an estimated cost of $387,000;

Bellingham Harbor, Wash.: Senate Document No. 46, 85th Congress, at an estimated cost of $83,700;

Douglas and Juneau Harbors, Alaska: House Document No. 286, 84th Congress, at an estimated cost of $1,394,000;

Dillingham Harbor, Alaska: House Document No. 390, 84th Congress, at an estimated cost of $372,000;

Naknek River, Alaska: House Document No. 390, 84th Congress, at an estimated cost of $19,000;

Cook Inlet, navigation improvements, Alaska: House Document No. 34, 85th Congress, at an estimated cost of $5,199,200;

San Juan Harbor, Puerto Rico: House Document No. 38, 85th Congress, at an estimated cost of $6,476,800;

BEACH EROSION

State of Connecticut, area 9, East River to New Haven Harbor: House Document No. 395, 84th Congress, at an estimated cost of $12,000;

Connecticut shoreline, areas 8 and 11, Saugatuck River to Byram River: House Document No. 174, 85th Congress, at an estimated cost of $229,000;

Fire Island Inlet, Long Island, N. Y.: House Document No. 411, 84th Congress, at an estimated cost of $2,724,000;

Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet: House Document No. 332, 85th Congress, at an estimated cost of $6,755,000;

Delaware Coast from Kitts Hummock to Fenwick Island, Del.: House Document No. 216, 85th Congress, at an estimated cost of $28,000;

Palm Beach County, from Lake Worth Inlet to South Lake Worth Inlet, Fla.: House Document No. 342, 85th Congress, at an estimated cost of $222,500;

Berrien County, Mich.: House Document No. 336, 85th Congress, at an estimated cost of $226,000;

Manitowoc County, Wis.: House Document No. 348, 84th Congress, at an estimated cost of $50,000;

Fair Haven Beach State Park, N. Y.: House Document No. 134, 84th Congress, at an estimated cost of $114,000;

Hamlin Beach State Park, N. Y.: House Document No. 138, 84th Congress, at an estimated cost of $404,000;

Humboldt Bay, Calif.: House Document No. 282, 85th Congress, at an estimated cost of $38,200;

Santa Cruz County, Calif.: House Document No. 179, 85th Congress, at an estimated cost of $516,000;

San Diego County, Calif.: House Document No. 399, 84th Congress, at an estimated cost of $289,000;

Waimea Beach and Hanapepe Bay, Island of Kauai, Territory of Hawaii: House Document No. 432, 84th Congress, at an estimated cost of $20,000.

SEC. 102. That the Secretary of the Army is hereby authorized to reimburse local interests for such work done by them, on the

beach erosion projects authorized in section 101, subsequent to the initiation of the cooperative studies which form the basis for the projects: *Provided,* That the work which may have been done on these projects is approved by the Chief of Engineers as being in accordance with the projects hereby adopted: *Provided further,* That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements.

SEC. 103. That pending fulfillment of the conditions of local cooperation for the Gulf Intracoastal Waterway, Algiers Canal, as authorized by the River and Harbor Act of March 2, 1945, appropriations heretofore or hereafter made for maintenance of rivers and harbors may be used for operation and maintenance of the railroad bridge over Algiers Canal for the period from September 1, 1956, to December 31, 1958.

SEC. 104. That there is hereby authorized a comprehensive project to provide for control and progressive eradication of the water-hyacinth, alligatorweed, and other obnoxious aquatic plant growths from the navigable waters, tributary streams, connecting channels, and other allied waters in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, at an estimated additional cost for the expanded program over that now underway of $1,350,000 annually for 5 years, of which 70 percent, presently estimated at $945,000, shall be borne by the United States and 30 per centum, presently estimated at $405,000, by local interests, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army in cooperation with other Federal and State agencies in accordance with the report of the Chief of Engineers, published as House Document No. 37, 85th Congress: *Provided,* That local interests agree to hold and save the United States free from claims that may occur from such operations and participate to the extent of 30 percent of the cost of the additional program: *Provided further,* That Federal funds appropriated for this project shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and the need of each area, and the availability of local funds.

SEC. 105. That for preliminary examinations and surveys authorized in previous river and harbor and flood-control acts, the Secretary of the Army is hereby directed to cause investigations and reports for navigation and allied purposes to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

SEC. 106. That the improvement of Apalachicola Bay, Fla., authorized by the River and Harbor Act of 1954 in accordance with the recommendations of the Chief of Engineers in House Document No. 156, 82d Congress; and the improvement of Apalachicola Bay, Fla., channel across Saint George Island, authorized by the River and Harbor Act of 1954, in accordance with the recommendations of the Chief of Engineers in House Document No. 557, 82d Congress, are hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon the projects insofar as this work shall be approved by the Chief of Engineers and found to have been done in accordance with the projects adopted by the act of 1954: *Provided,* That reimbursement shall be based upon the reduction in the amount of material which will have to be removed to provide project dimensions at such time as Federal dredging of the channels is undertaken: *Provided further,* That such reimbursement shall be subject to appropriations applicable thereto and shall not take precedence over authorized Federal improvements of higher priority.

SEC. 107. That the improvements of Pascagoula Harbor, Dog River Cutoff, Miss., authorized by the River and Harbor Act of 1950, in accordance with the recommendations of the Chief of Engineers in House Document No. 188, 81st Congress, is hereby modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done on this project, within the limits of the Federal portion of the project, over and above any items required as a part of the local cooperation for the project, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with project modification adopted in said act: *Provided,* That such payment shall not exceed the sum of $44,000: *Provided further,* That such reimbursement shall be subject to appropriations therefor and shall not have precedence over authorized Federal improvements of higher priority: *And provided further,* That no reimbursement to local interests shall be made until they have met all the requirements of local cooperation in the recommendations of the Chief of Engineers in House Document No. 188, 81st Congress.

SEC. 108. That the Federal project structures, appurtenances, and real property of the Upper Fox River, Wis., shall be disposed of in accordance with the provisions of this section: *Provided,* That all or any part of the right, title, and interest of the United States to any portion of the said property may, regardless of any other provision of law, be conveyed, upon such terms and conditions as may be advisable: *Provided further,* That, if the State of Wisconsin offers to take over said property under the terms and conditions hereinafter prescribed, the Secretary of the Army is hereby authorized to convey by quitclaim deed to said State, without monetary consideration, all such right, title, and interest of the United States in said property, and the United States shall thereafter have no further obligations with respect to the property so conveyed. In consideration of the State accepting such conveyance, and assuming responsibility for said property, there is hereby authorized to be expended from appropriations hereafter made for civil functions administered by the Department of the Army toward the work of placing the project facilities in a condition suitable for public purposes, not to exceed $300,000. The Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State with respect to the details of the work to be performed and transfer of the property. If the State fails to present a satisfactory offer within 2 years after the date of enactment of this act, said property may be disposed of pursuant to the provisions of existing law and upon such terms and conditions as may be determined to be in the public interest: *And provided further,* That, after acceptance of said property by the State of Wisconsin, the Federal laws, other than the Federal Power Act, governing the protection and preservation of navigable waters shall not apply to the reach of the Upper Fox River, Wis., above its juncture with the mouth of the Wolf River.

SEC. 109. The projects for the Illinois Waterway and Grand Calumet River, Ill., and Ind. (Calumet-Sag navigation project), authorized by the River and Harbor Act of July 24, 1946, is hereby modified in accordance with the recommendations in House Document No. 45, 85th Congress, insofar as they apply to existing highway bridges in part I, Sag Junction to Lake Calumet, at an estimated additional cost of $9,884,000.

SEC. 110. (a) The Secretary of the Army hereby is authorized to acquire on behalf of the United States the fee simple title in and to the lands in the lake (known as Sinnissippi Lake) created by the Government dam constructed across Rock River between Sterling and Rock Falls, Ill., and over which the United States now holds flowage rights or easement, and in and to all other lands upon which the United States has rights or easements used for the purpose of and appurtenant to the operation of the Federal project known as the Illinois and Mississippi Canal (which lake, canal, feeder, and appurtenances thereto are referred to collectively in this section as the canal) in the State of Illinois; said fee simple title to be acquired subject to the continuing right of access to Sinnissippi Lake by the riparian owners whose land adjoins and abuts said lake. Such acquisition may be accomplished by purchase, acceptance of donation, exchange, exercise of the power of eminent domain, or otherwise.

(b) The Secretary of the Army further is authorized out of appropriations hereafter made for civil functions administered by the Department of the Army, to cause the canal to be repaired and modified for the purpose of placing the same in proper condition for public recreational use other than through-navigation, including (but not limited to) the repair or reconstruction of the aforesaid Government dam across Rock River; the repair or reconstruction of retaining walls, embankments, and fixed portions of the lock and dam structures, on both the feeder and the main portions of the canal; the removal of presently existing lock gates and the construction of fixed dams in lieu thereof; the repair of culverts, drainage ditches, fences, and other structures and improvements, except bridges and roads, which the United States has maintained or has been obligated to maintain; the replacement of aqueducts with inverted siphons or flumes; such other repair, renovation, or reconstruction work as the Chief of Engineers may deem necessary or advisable to prepare the canal for public recreational use other than through-navigation; and the sale or other disposition of equipment, building, and other structures, which are designated by the State of Illinois as not suitable or needed for such use. The work of repair and modification shall be performed by the Corps of Engineers, and upon completion thereof the Chief of Engineers shall certify such completion to the Secretary of the Army. The work of repair and modification authorized in this subsection, as well as the land acquisition authorized in the preceding subsection, shall not be commenced prior to the approval by the Chief of Engineers and the responsible State representative of the agreement authorized in subsection (e) which shall include assurance from the State of Illinois that it will accept the conveyance of all right, title, and interest of the United States in and to the canal. Upon such conveyance the United States shall have no further obligation with respect to the canal.

(c) Upon the request of the State of Illinois and of any corporation owning a railroad which crosses a bridge over the canal, the Secretary of the Army is authorized to convey to said corporation, at any time before the conveyance of the canal to the State of Illinois as provided in subsection (d) of this section, all right, title, and interest of the United States in and to such bridge, and the delivery of any such bridge conveyance shall operate as a complete release and discharge of the United States from all further obligation with respect to such bridge. If the request also provides for the replacement of such bridge with a land fill, the Secretary of the Army further is authorized to permit the said corporation to make such replacement, but shall require adequate provision for culverts and other structures allowing passage of the waters of the canal and necessary drainage, and for right-of-way for necessary and appropriate road crossings.

(d) The Secretary of the Army further is authorized and directed, upon execution of the foregoing provisions of this section, to convey and transfer to the State of Illinois, by quitclaim deed and such other instruments as the Secretary may deem appropriate, without further consideration, the property of the canal; and to execute such other documents and to perform such other acts as shall be necessary and appropriate, to complete the transfer to the said State of all right, title, and interest of the United States in and to the canal. Upon and after the delivery of such deed, the State of Illinois is authorized, at all times, to use such quantity of water drawn from Rock River at Sinnissippi Lake, as is adequate and appropriate to operate the canal for public recreational use other than through-navigation.

(e) In the execution of the provisions of this section, the Chief of Engineers is authorized to enter into agreements with the duly authorized representatives of the State of Illinois with respect to the details of repair and modification of the canal and the transfer thereof to the State.

(f) There is hereby authorized to be appropriated the sum of $2 million to carry out the provisions of this section.

SEC. 111. Whenever, during the construction or reconstruction of any navigation, flood-control, or related water-development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of Government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for the payment from appropriations made for the construction or maintenance of such project, of the reasonable actual cost of such remedial work, or for the payment of a lump sum representing the estimated reasonable cost: *Provided*, That this section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of the date of this act, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States.

SEC. 112. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following named localities and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Stave Island Harbor at South Goldsboro, Maine.

Tashmoo Pond, Martha's Vineyard, Mass.

Sachem's Head Harbor at Guilford, Conn.

Poquonock River at Groton, Conn.

Hammonds Cove entrance to Locust Point Harbor, Long Island Sound, N. Y.

Indian River Bay to Assawoman Canal known as White's Creek, and up White's Creek, Del.

Indian River Bay via Pepper's Creek to Dagsboro, Del.

Chesapeake Bay and tributaries, Maryland, Delaware, and Virginia, with a view to elimination of the water chestnut (Trapa Natans).

Area from Cuckold Creek through Neale Creek and Neale Sound to the Wicomico River, Charles County, Md., to determine the feasibility of providing a safe and continuous inland channel for the navigation of small boats.

Currioman Bay, Va.

Tabbs Creek, Lancaster County, Va.

Wrights Creek, N. C.

Savannah River, with a view to providing 9-foot navigation to Augusta, Ga.

Little Gasparilla Pass, Charlotte County, Fla.

Frenchman Creek, Fla.

Streams and harbor facilities and needs therefor at and in the vicinity of Bayport, Fla., in the interest of present and prospective commerce and other purposes, with a view of improving the harbor facilities of Bayport as a port for commerce and for refuge on the Gulf of Mexico.

Channel for Lynn Haven Bayou, Fla., into North Bay, Fla.

Small-boat channel from the port of Panacea, Fla., into Apalachee Bay, Fla.

Dredged channel, vicinity of Sunshine Skyway, Tampa Bay, Fla.

Tampa Bay, Fla., with a view to determining the feasibility of a fresh-water lake at that location.

Apalachicola River Chipola Cutoff, Fla., via Wewahitchka, with a view to providing a channel 9 feet deep and 100 feet wide.

Apalachicola River, Fla., in the vicinity of Bristol and in the vicinity of Blountstown.

Streams at and in the vicinity of Gulfport, Fla.

Trinity River, Tex.

Missouri River, with a view to extending 9-foot navigation from Sioux City, Iowa, to Gavins Point Dam, S. Dak.-Nebr.

Channel from Port Inland, Mich., to deep water in Lake Michigan.

Connecting channel between Namakin Lake and Ash River, Minn.

Camp Pendleton Harbor and Oceanside, Calif., with a view to determining the extent of Federal aid which should be granted toward recommended beach-erosion control measures at Oceanside, Calif., in equity without regard to limitations of Federal law applicable to beach-erosion control.

Anaheim Bay, Calif., with a view to determining the extent of Federal aid which should be granted in equity without regard to limitations of Federal law applicable to beach-erosion control.

SEC. 113. Title I may be cited as the River and Harbor Act of 1958.

TITLE II—FLOOD CONTROL

SEC. 201. That section 3 of the act approved June 22, 1936 (Public Law No. 738, 74th Cong.), as amended by section 2 of the act approved June 28, 1938 (Public Law No. 761, 75th Cong.), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: *Provided*, That the authorization for any flood-control project herein adopted requiring local cooperation shall expire 5 years from the date on which local interests are notified in writing by the Department of the Army of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished.

SEC. 202. The provisions of section 1 of the act of December 22, 1944 (Public Law No. 534, 78th Cong., 2d sess.), shall govern with respect to projects authorized in this act, and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.

SEC. 203. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations heretofore or hereafter made for flood control so as to be ready for rapid inauguration of a construction program: *Provided further*, That the projects authorized herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *And provided further*, That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

New Bedford, Fairhaven, and Acushnet, Mass.

The project for hurricane-flood protection at New Bedford, Fairhaven, and Acushnet, Mass., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 59, 85th Congress, at an estimated Federal cost of $10,480,000, and at an estimated Federal cost of maintenance and operation of $55,000 annually: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in Senate Document No. 59, 85th Congress, local interests contribute 30 percent of the first cost of the project, said 30 percent being presently estimated at $5,160,000, plus the capitalized value of annual maintenance and operation for the main harbor barrier presently estimated at $1,560,000, and in addition, hold and save the United States free from damages due to the construction works, and maintain and operate all the works except the main harbor barrier after completion in accordance with regulations prescribed by the Secretary of the Army.

Narragansett Bay area, Rhode Island and Massachusetts

The project for hurricane-flood protection in the Narragansett Bay area, Rhode Island and Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 230, 85th Congress, at an estimated cost of $11,550,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document No. 230, 85th Congress, local interests contribute 30 percent of the first cost of the project, said 30 percent being presently estimated at $4,950,000, and, in addition, hold and save the United States free from damages due to the construction works, and maintain and operate the improvements after completion in accordance with regulations prescribed by the Secretary of the Army.

Connecticut River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $24,000,000 for prosecution of the comprehensive plan for the Connecticut River Basin, approved in the act of June 28, 1938, as amended and supplemented by subsequent acts of Congress, and such comprehensive plan is hereby modified to include the construction of the Littleville Reservoir on the Middle Branch of Westfield River, Mass., substantially in accordance with the recommendations of the Chief of

Engineers in Senate Document No. 17, 85th Congress, at an estimated cost of $5,090,000.

The project for the Mad River Dam and Reservoir on the Mad River above Winsted, Conn., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 137, 85th Congress, at an estimated cost of $5,430,000.

Housatonic River Basin

The project for the flood control dam and reservoir on Hall Meadow Brook in Torrington and Goshen, Conn., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 81, 85th Congress, at an estimated cost of $1,960,000.

The project for the flood control dam and reservoir on the East Branch of the Naugatuck River in Torrington, Conn., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 81, 85th Congress, at an estimated cost of $1,780,000.

Susquehanna River Basin

The project for flood protection on the North Branch of the Susquehanna River, N. Y., and Pa., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 394, 84th Congress, and there is hereby authorized to be appropriated the sum of $30 million for partial accomplishment of that plan.

Hudson River Basin

The project for flood protection on the Mohawk River, N. Y., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 172, 85th Congress, at an estimated cost of $2,069,000.

Pantego and Cucklers Creek, N. C.

The project for flood protection on Pantego and Cucklers Creek, N. C., is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in House Document No. 398, 84th Congress, at an estimated cost of $413,000.

Savannah River Basin

In addition to previous authorizations, there is hereby authorized the completion of Hartwell Reservoir, approved in the Flood Control Acts of December 22, 1944, and May 17, 1950, in accordance with the report of the Chief of Engineers contained in House Document No. 657, 78th Congress, at an estimated cost of $44,300,000.

Central and southern Florida

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $40 million for the prosecution of the comprehensive plan for flood control and other purposes in central and southern Florida approved in the act of June 30, 1948, and subsequent acts of Congress, and such comprehensive plan is hereby modified as recommended by the Chief of Engineers in House Document No. 186, 85th Congress, and to include the following items:

The project for canals, levees, water control structures on the west side of the Everglades agricultural and conservation areas in Hendry County, Fla., substantially in accordance with the recommendations of the Chief of Engineers contained in Senate Document No. 48, 85th Congress, at an estimated cost of $3,172,000.

Mobile River Basin

(Tombigbee, Warrior, and Alabama-Coosa)

The project for flood control and related purposes on the Tombigbee River and tributaries, Mississippi and Alabama, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in his report published as House Document No. 167, 84th Congress, at an estimated cost of $19,311,000: *Provided*, That in lieu of the cash contribution contained in item (f) of the recommendations of the Chief of Engineers, local interests contribute in cash or equivalent work, the sum of $1,473,000 in addition to other items of local cooperation.

The project for flood protection on the Alabama River at Montgomery, Ala., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 83, 85th Congress, at an estimated cost of $1,300,000.

Lower Mississippi River

The project for flood control and improvement of the lower Mississippi River adopted by the act approved May 15, 1928, as amended by subsequent acts, is hereby modified and expanded to include the following items and the authorization for said project is increased accordingly:

(a) Modification of the White River backwater project, Arkansas, substantially in accordance with the recommendation of the Chief of Engineers in Senate Document No. 26, 85th Congress, at an estimated cost, over that now authorized, of $2,380,000 for construction and $57,000 annually for maintenance: *Provided*, That the Secretary of the Interior shall grant to the White River Drainage District of Phillips and Desha Counties, Ark., such permits, rights-of-way, and easements over lands of the United States in the White River Migratory Refuge, as the Chief of Engineers may determine to be required for the construction, operation, and maintenance of this project.

(b) Modification and extension of plan of improvement in the Boeuf and Tensas Rivers and Bayou Macon Basin, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 108, 85th Congress, at an estimated cost of $1,212,000.

(c) In addition to the previous authorization, the sum of $28,200,000 for prosecution of the plan of improvement for the control of Old and Atchafalaya Rivers and a navigation lock approved in the act of September 3, 1954.

(d) In addition to previous authorizations, the sum of $35,674,000 for prosecution of the plan of improvement in the St. Francis River Basin approved in the act of May 17, 1950.

(e) The project for flood protection of Wolf River and tributaries, Tennessee, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 76, 85th Congress, at an estimated cost of $1,932,000.

(f) The project for Greenville Harbor, Miss., substantially in accordance with the recommendations of the Mississippi River Commission, dated April 26, 1957, at an estimated cost of $1,799,500 for dredging 12 feet deep plus 3 feet overdepth and one-half of the 17 feet additional depth: *Provided*, That the cost for dredging the remaining one-half of the additional 17 feet depth, estimated to cost $383,500, shall be returned to the Federal Government by the local interests in 40 annual payments.

The project for flood protection and related purposes on Bayou Chevreuil, La., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 347, 84th Congress, at an estimated cost of $547,000; *Provided*, That work already performed by local interests on this project, in accordance with the recommended plan as determined by the Chief of Engineers, may be credited to the cash contribution required of local interests.

Trinity River Basin, Texas

Notwithstanding clause (b) of paragraph 5 of the report of the Chief of Engineers dated May 28, 1954, with respect to the project for the Navarro Mills Reservoir on Richland Creek, Tex., authorized by section 203 of the Flood Control Act of 1954, local interests shall be required to pay $300,000 as the total cost of the project attributable to increase in net returns from higher utilization of the downstream valley lands.

Red-Ouachita River Basin

The general plan for flood control on Red River, Tex., Okla., Ark., and La., below Denison Dam, Tex. and Okla., as authorized by the Flood Control Act of 1946, is modified and expanded, at an estimated cost in addition to that now authorized of $53,235,000, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 170, 85th Congress, on Millwood Reservoir and alternate reservoirs, Little River, Okla. and Ark., except as follows:

(1) All flood-control and land-enhancement benefits shall be nonreimbursable.

(2) Penstocks or other facilities, to provide for future power installations, shall be provided in the reservoirs to be constructed above the Millwood Reservoir.

Gulf of Mexico

The project for hurricane-flood protection on Galveston Bay, Tex., at and in the vicinity of Texas City, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 347, 85th Congress, at an estimated Federal cost of $5,662,000: *Provided*, That in lieu of the local cooperation recommended in the report of the Chief of Engineers in House Document No. 347, 85th Congress, local interests contribute 30 percent of the first cost of the project, such 30 percent being presently estimated at $2,427,000, plus, at their option, the additional cost of providing ramps in lieu of closure structures presently estimated at $200,000, and, in addition, hold and save the United States free from damages due to the construction work, and maintain and operate all the works after completion.

Arkansas River Basin

The project for the Trinidad Dam on Purgatoire River, Colo., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 325, 84th Congress, at an estimated cost of $16,628,000.

The first section of the act entitled "An act to provide for the construction of the Markham Ferry project on the Grand River in Oklahoma by the Grand River Dam Authority, an instrumentality of the State of Oklahoma," approved July 6, 1954 (68 Stat. 450), is amended by inserting after "as recommended by the Chief of Engineers," the following: "or such additional flood storage or pool elevations, or both as may be approved by the Chief of Engineers."

White River Basin

In addition to previous authorizations, there is hereby authorized the sum of $57 million for the prosecution of the comprehensive plan for the White River Basin, approved in the act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

Pecos River Basin

The project for flood protection on the Pecos River at Carlsbad, N. Mex., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 224, 85th Congress, at an estimated Federal cost of $1,791,000.

Rio Grande Basin

The project for flood protection on the Rio Grande at Socorro, N. Mex., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 58, 85th Congress, at an estimated Federal cost of $3,102,700.

Upper Mississippi River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $21 million for the prosecution of the comprehensive plan for the Upper Mississippi River Basin, approved in the act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

The project for flood protection on the Rock and Green Rivers, Ill., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 173, 85th Congress, at an estimated cost of $6,996,000.

The project for flood protection on Eau Galle River at Spring Valley, Wis., is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in Senate Document No. 52, 84th Congress, at an estimated cost of $6,690,000.

The project for flood protection on the Mississippi River at Winona, Minn., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 324, 84th Congress, at an estimated cost of $1,620,000.

The projects for flood protection on the Mississippi River at Saint Paul and South Saint Paul, Minn., are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 223, 85th Congress, at an estimated cost of $5,705,500.

The project for flood protection on the Minnesota River at Mankato and North Mankato, Minn., is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 437, 84th Congress, at an estimated cost of $1,870,000.

The project for the Saylorville Reservoir on the Des Moines River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 9, 85th Congress, at an estimated cost of $44,500,000: *Provided,* That if the reservoir is used for water conservation, such use shall be in accord with title III of this act.

The project for the Kaskaskia River, Ill., is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 232, 85th Congress, at an estimated cost of $23 million.

The project for flood protection on the Root River at Rushford, Minn., is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 431, 84th Congress, at an estimated cost of $796,000.

Great Lakes Basin

The project for flood protection on the Bad River at Mellen and Odanah, Wis., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 165, 84th Congress, at an estimated cost of $917,000.

The project for flood protection on the Kalamazoo River at Kalamazoo, Mich., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 53. 84th Congress, at an estimated cost of $5,358,000

The project for flood protection on the Grand River, Mich., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 132, 84th Congress, at an estimated cost of $9,825,000.

The project for flood protection on the Saginaw River, Mich., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 346, 84th Congress at an estimated cost of $16,085,000.

The project for flood protection on Owasco Outlet, tributary of Oswego River, at Auburn, N. Y., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 133, 84th Congress at an estimated cost of $305,000.

Missouri River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $200 million for the prosecution of the comprehensive plan for the Missouri River Basin, approved in the act of June 28, 1938, as amended and supplemented by subsequent acts of Congress: *Provided,* That, with respect to any power attributable to any dam in such plan to be constructed by the Corps of Engineers, the construction of which has not been started, a reasonable amount of such power as may be determined by the Secretary of Interior, or such portions thereof as may be required from time to time to meet loads under contract made within this reservation, shall be made available for use in the State where such dam is constructed.

The Secretary of the Army, acting through the Corps of Engineers, is authorized and directed to undertake the construction and to provide suitable sewer facilities, conforming to applicable standards of the South Dakota Department of Health, to replace certain existing water or sewer facilities of (1) the St. Joseph's Indian School, Chamberlain, S. Dak., by facilities to provide for treatment of sewage or connection to the city system not exceeding $42,000 in cost; (2) Fort Pierre, S. Dak., sewer facilities not exceeding $120,000, and water facilities not exceeding $25,000; and (3) the city of Pierre, S. Dak., sewer facilities not exceeding $210,000; and the Secretary of the Army, acting through the Corps of Engineers, is further authorized and directed to pay to the Chamberlain Water Co., Chamberlain, S. Dak., as reimbursement for removal expenses, not to exceed $5,000, under the provisions of Public Law 534, 82d Congress: *Provided,* That the Secretary of the Army is authorized to provide the sums necessary to carry out the provisions of this paragraph out of any sums appropriated for the construction of the Oahe and Fort Randall Dam and Reservoir projects, Missouri River.

The project for flood protection on the Sun River at Great Falls, Mont., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 343, 85th Congress, at an estimated cost of $1,405,000.

The project for flood protection on the Cannonball River at Mott, N. Dak., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 35, 85th Congress, at an estimated cost of $434,000.

The project for flood protection on the Floyd River, Iowa, is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 417, 84th Congress, at an estimated cost of $8,060,000.

The project for flood protection on the Black Vermillion River at Frankfort, Kans., is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 409, 84th Congress, at an estimated cost of $850,000.

The project for flood protection in the Gering and Mitchell Valleys, Nebr., is hereby authorized substantially as recommended by the Chief of Engineers in Senate Document No 139, 84th Congress, at an estimated cost of $1,214,000.

The project for flood control on Salt Creek and tributaries, Nebraska, is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 396, 84th Congress, at an estimated cost of $13,314,000.

The project for flood protection on Shell Creek, Nebr., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 187, 85th Congress, at an estimated cost of $2,025,000.

Red River of the North Basin

The project for flood protection on Ruffy Brook and Lost River, Minn., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 141, 84th Congress, at an estimated cost of $632,000.

Ohio River Basin

The project for the Saline River and tributaries, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report published as House Document No. 316, 84th Congress, at an estimated cost of $5,272,000.

The project for the upper Wabash River and tributaries, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 435, 84th Congress, at an estimated cost of $45,500,000.

The project for flood protection on Brush Creek at Princeton, W. Va., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 122, 84th Congress, at an estimated cost of $917,000.

The project for flood protection on Meadow River at East Rainelle, W. Va., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 137, 84th Congress, at an estimated cost of $708,000.

The project for flood protection on Tug Fork of Big Sandy River at Williamson, W. Va., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 105, 85th Congress, at an estimated cost of $625,000.

The project for flood protection on Lake Chautauqua and Chadakoin River at Jamestown, N. Y., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 103, 84th Congress, at an estimated cost of $4,796,000.

The project for flood protection on the West Branch of the Mahoning River, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 191, 85th Congress, at an estimated cost of $12,585,000.

The project for flood protection on Chartiers Creek, at and in the vicinity of Washington, Pa., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 286, 85th Congress, at an estimated cost of $1,286,000.

The project for flood protection in the Turtle Creek Basin, Pa., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 390, 85th Congress, at an estimated cost of $13,417,000.

The project for flood protection on Sandy Lick Creek at Brookville, Pa., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 166, 85th Congress, at an estimated cost of $1,188,000.

The general comprehensive plan for flood control and other purposes in the Ohio River Basin is modified to provide for a reservoir at the Monroe Reservoir site, mile 25.6, on Salt Creek, White River Basin, Ind., in accordance with the recommendations of the Chief of Engineers in House Document No. 192, 85th Congress, at an estimated cost of $4,359,000.

Gila River Basin

The comprehensive plan of improvement for the Gila River between Camelsback Reservoir site and the mouth of the Salt River, as set forth in paragraph 41 of the Report of the District Engineer, Los Angeles District, dated December 31, 1957, is approved as a basis for the future development of the

Gila River, subject to further detailed study and specific authorization; and the channel improvement work recommended by the District Engineer in paragraph 58 of that report, is hereby authorized at an estimated Federal cost of $1,570,000, subject to the condition that local interests furnish assurances satisfactory to the Secretary of the Army that they will (a) provide necessary lands, easements, and rights-of-way; (b) maintain and operate the channel improvements in accordance with regulations to be prescribed by the Secretary of the Army at an average annual cost estimated at $50,000; (c) keep the flood channel of the Gila River from the upper end of Safford Valley to San Carlos Reservoir and from the mouth of the San Pedro River to Buttes Reservoir site free from encroachment; (d) hold and save the United States free from all damages arising from construction and operation of the work; and (e) adjust all water-rights claims resulting from construction, operation, and maintenance of the improvements: *Provided,* That in the consideration of benefits in connection with the study of any upstream reservoir, the channel improvements herein authorized and the upstream reservoir shall be considered as a single operating unit in the economic evaluation: *Provided further,* That in the event it is possible as determined by the Secretary of the Interior (a) to identify the organizations directly benefiting from the water conserved by these works and (b) to feasibly determine the extent of such benefit to each organization, the Secretary of the Interior shall enter into contracts with such organizations for the repayment of the portion of the cost of the work properly allocable to such organizations: *And provided further,* That such repayment shall be under terms and conditions satisfactory to the Secretary of the Interior and shall be in installments fixed in accordance with the ability of those organizations to pay as determined by the Secretary of the Interior in the light of their outstanding repayments and other obligations.

Sacramento River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $17 million for the prosecution of the comprehensive plan approved in the act of December 22, 1944, as amended and supplemented by subsequent acts of Congress.

The project for flood protection on the Sacramento River from Chico Landing to Red Bluff, Calif., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 272, 84th Congress, at an estimated cost of $1,560,000.

Eel River Basin

The project for flood protection on the Eel River in the Sandy Prairie region, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 80, 85th Congress, at an estimated cost of $707,000.

Weber River Basin, Utah

The project for flood protection on the Weber River and tributaries, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 158, 84th Congress, at an estimated cost of $520,000.

San Joaquin River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $13,000,000 for the prosecution of the comprehensive plan approved in the act of December 22, 1944, as amended and supplemented by subsequent acts of Congress.

Kaweah and Tule River Basins

In addition to previous authorizations, the completion of the comprehensive plan approved in the act of December 22, 1944, as amended and supplemented by subsequent acts of Congress, is hereby authorized at an estimated cost of $28,000,000.

Los Angeles River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $44,000,000 for the prosecution of the comprehensive plan approved in the act of August 18, 1941, as amended and supplemented by subsequent acts of Congress.

Santa Ana River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $8,000,000 for the prosecution of the comprehensive plan approved in the act of June 22, 1936, as amended and supplemented by subsequent acts of Congress.

San Dieguito River Basin

The project for the San Dieguito River, Calif., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 288, 85th Congress, at an estimated cost of $1,961,000.

Columbia River Basin

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $112,000,000 for the prosecution of the projects and plans for the Columbia River Basin, including the Willamette River Basin, authorized by the Flood Control Act of June 28, 1938, and subsequent acts of Congress, including the Flood Control acts of May 17, 1950, and September 3, 1954.

In carrying out the review of House Document No. 531, 81st Congress, second session, and other reports on the Columbia River and its tributaries, pursuant to the resolution of the Committee on Public Works of the United States Senate dated July 28, 1955, the Chief of Engineers shall be guided by flood control goals not less than those contained in said House Document No. 531.

The preparation of detailed plans for the Bruces Eddy Dam and Reservoir on the North Fork of the Clearwater River, Idaho, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 51, 84th Congress, is hereby authorized at an estimated cast of $1,200,000.

Sammamish River Basin

The project for flood protection and related purposes on the Sammamish River, Wash., is hereby authorized substantially as recommended by the Chief of Engineers in House Document No. 157, 84th Congress, at an estimated cost of $825,000.

Territory of Alaska

The project for flood protection on Chena River at Fairbanks, Alaska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 137, 84th Congress, at an estimated cost of $9,727,000.

The project for flood protection at Cook Inlet, Alaska (Talkeetna), is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 34, 85th Congress, at an estimated cost of $60,000.

SEC. 204. That, in recognition of the flood-control accomplishments of the multiple-purpose Oroville Dam and Reservoir, proposed to be constructed on the Feather River by the State of California, there is hereby authorized to be appropriated a monetary contribution toward the construction cost of such dam and reservoir and the amount of such contribution shall be determined by the Secretary of the Army in cooperation with the State of California, subject to a finding by the Secretary of the Army, approved by the President, of economic justification for allocation of the amount of flood control, such funds to be administered by the Secretary of the Army: *Provided,* That prior to making the monetary contribution or any part thereof, the Department of the Army and the State of California shall have entered into an agreement providing for operation of the Oroville Dam in such manner as will produce the flood-control benefits upon which the monetary contribution is predicated, and such operation of the dam for flood control shall be in accordance with rules prescribed by the Secretary of the Army pursuant to the provisions of section 7 of the Flood Control Act of 1944 (58 Stat. 890): *Provided further,* That the funds appropriated under this authorization shall be administered by the Secretary of the Army in a manner which shall assure that the annual Federal contribution during the project construction period does not exceed the percentage of the annual expenditure for the Oroville Dam and Reservoir which the total flood-control contribution bears to the total cost of the dam and reservoir: *And provided further,* That, unless construction of the Oroville Dam and Reservoir is undertaken within 4 years from the date of enactment of this act, the authority for the monetary contribution contained herein shall expire.

SEC. 205. (a) In order to provide adjustments in the lands or interests in land heretofore acquired for the Grapeville, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoir projects in Texas to conform such acquisition to a lesser estate in lands now being acquired to complete the real estate requirements of the projects the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey any such land heretofore acquired to the former owners thereof whenever he shall determine that such land is not required for public purposes, including public recreational use, and he shall have received an application for reconveyance as hereinafter provided, subject to the following limitations:

(1) No reconveyance shall be made if within 30 days after the last date that notice of the proposed reconveyance has been published by the Secretary in a local newspaper, an objection in writing is received by the former owner and the Secretary from a present record owner of land abutting a portion of the reservoir made available for reconveyance, unless within 90 days after receipt by the former owner and the Secretary of such notice of objection, the present record owner of land and the former owner involved indicate to the Secretary that agreement has been reached concerning the reconveyance.

(2) If no agreement is reached between the present record owner of land and the former owner within 90 days after notice of objection has been filed with the former owner and the Secretary, the land made available for reconveyance in accordance with this section shall be reported to the Administrator of General Services for disposal in accordance with the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377).

(3) No lands heretofore conveyed to the United States Government by the city of Dallas in connection with the Garza-Little Elm Reservoir project shall be subject to revestment of title to private owners, but shall remain subject to the terms and conditions of the instrument or instruments of conveyance which transferred the title to the United States Government.

(b) Any such reconveyance of any such land or interests shall be made only after the Secretary (1) has given notice, in such manner (including publication) as regulations prescribe to the former owner of such land or interests, and (2) has received an

application for the reconveyance of such land or interests from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of 90 days following the date of issuance of such notice, but on good cause the Secretary may waive this requirement.

(c) Any reconveyance of land therein made under this section shall be subject to such exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as the Secretary may determine are in the public interest, except that no mineral rights may be reserved in said lands unless the Secretary finds that such reservation is needed for the efficient operation of the reservoir projects designated in this section.

(d) Any land reconveyed under this section shall be sold for an amount determined by the Secretary to be equal to the price for which the land was acquired by the United States, adjusted to reflect (1) any increase in the value thereof resulting from improvements made thereon by the United States (the Government shall receive no payment as a result of any enhancement of values resulting from the construction of the reservoir projects specified in subsection (a) of this section), or (2) any decrease in the value thereof resulting from (A) any reservation, exception, restrictions, and condition to which the reconveyance is made subject, and (B) any damage to the land caused by the United States. In addition, the cost of any surveys or boundary markings necessary as an incident of such reconveyance shall be borne by the grantee.

(e) The requirements of this section shall not be applicable with respect to the disposition of any land, or interest therein, described in subsection (a) if the Secretary shall certify that notice has been given to the former owner of such land or interest as provided in subsection (b) and that no qualified applicant has made timely application for the reconveyance of such land or interest.

(f) As used in this section the term "former owner" means the person from whom any land, or interests therein, was acquired by the United States, or if such person is deceased, his spouse, or if such spouse is deceased, his children or the heirs at law; and the term "present record owner of land" shall mean the person or persons in whose name such land shall, on the date of approval of this act, be recorded on the deed records of the respective county in which such land is located.

(g) The Secretary of the Army may delegate any authority conferred upon him by this section of any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(h) Any proceeds from reconveyances made under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

(i) This section shall terminate 3 years after the date of its enactment.

SEC. 206. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its Territorial possessions, which include the following-named localities: *Provided*, That after the regular or formal reports made on any survey are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress if such review is required by the national defense or by changed physical or economic conditions: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this title until the project for the proposed work shall have been adopted by law:

Short Sands section of York Beach, York County, Maine.

Streams, river basins, and areas in New York and New Jersey for flood control, major drainage, navigation, channel improvement, and land reclamation, as follows: Hackensack River, Passaic River, Raritan River, Arthur Kill, and Kill Van Kull, including the portions of these river basins in Bergen, Hudson, Essex, Middlesex, Passaic, Union, and Monmouth Counties, N. J.

Deep Creek, St. Marys County, Md.

Mills Creek, Fla.

Streams in Seminole County, Fla., draining into the St. Johns River.

Streams in Brevard County, Fla., draining Indian River and adjacent coastal areas including Merritt Island, and the area of Turnbull Hammock in Volusia County.

Lake Ponchartrain, La., in the interest of protecting Salt Bayou Road.

San Felipi Creek, Tex., at and in the vicinity of Del Rio, Tex.

El Paso, El Paso County, Tex.

Rio Grande and tributaries, at and in the vicinity of Fort Hancock, Hudspeth County, Tex.

Streams at and in the vicinity of Alamogordo, N. Mex.

Missouri River Basin, S. Dak., with reference to utilization of floodwaters stored in authorized reservoirs for purposes of municipal and industrial use and maintenance of natural lake levels.

Stump Creek, tributary of North Fork of Mahoning Creek, at Sykesville, Pa.

Little River and Cayuga Creek, at and in the vicinity of Cayuga Island, Niagara County, N. Y.

Bird, Caney, and Verdigris Rivers, Okla. and Kans.

Watersheds of the Illinois River, at and in the vicinity of Chicago, Ill., the Chicago River, Ill., the Calumet River, Ill. and Ind., and their tributaries, and any areas in northeast Illinois and northwest Indiana which drain directly into Lake Michigan with respect to flood control and major drainage problems.

All streams flowing into Lake Saint Clair and Detroit River in Oakland, Macomb, and Wayne Counties, Mich.

Sacramento River Basin, Calif., with reference to cost allocation studies for Oroville Dam.

Pescadero Creek, Calif.

Soquel Creek, Calif.

San Gregorio Creek and tributaries, California.

Redwood Creek, San Mateo, Calif.

Streams at and in the vicinity of San Mateo, Calif.

Streams at and in the vicinity of South San Francisco, Calif.

Streams at and in the vicinity of Burlingame, Calif.

Kellogg and Marsh Creeks, Contra Costa County, Calif.

Eastkoot Creek, Stinson Beach area, Marin County, Calif.

Rodeo Creek, tributary of San Pablo Bay, Contra Costa County, Calif.

Pinole Creek, tributary of San Pablo Bay, Contra Costa County, Calif.

Rogue River, Oreg., in the interest of flood control, navigation, hydroelectric power, irrigation, and allied purposes.

Kihei District, Island of Maui, Territory of Hawaii.

SEC. 207. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $200 million for the prosecution of the comprehensive plan adopted by section 9 (a) of the act approved December 22, 1944 (Public No. 534, 78th Congress) as amended and supplemented by subsequent acts of Congress, for continuing the works in the Missouri River Basin to be undertaken under said plans by the Secretary of the Interior.

SEC. 208. That for preliminary examinations and surveys authorized in previous river and harbor and flood-control acts, the Secretary of the Army is hereby directed to cause investigations and reports for flood control and allied purposes, to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

SEC. 209. Title II may be cited as the "Flood Control Act of 1958."

TITLE III—WATER SUPPLY

SEC. 301. (a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple-purpose projects.

(b) In carrying out the policy set forth in this section, it is hereby provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That before construction or modification of any project including water supply provisions is initiated, State or local interests shall agree to pay for the cost of such provisions on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction as determined by the Secretary of the Army or the Secretary of the Interior as the case may be: *Provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further*, That the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project, but in no event to exceed 50 years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed 10 years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for 15 years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Rec-

lamation Projects Act of 1939 (53 Stat. 1187) relating to the same subject.

(c) The provisions of this section shall not be construed to modify the provisions of section 1 and section 8 of the Flood Control Act of 1944 (58 Stat. 887), as amended and extended, or the provisions of section 8 of the Reclamation Act of 1902 (32 Stat. 390).

(d) Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b), which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.

SEC. 302. Title III of this act may be cited as the "Water Supply Act of 1958."

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, I should like for the Senate to be on notice we expect to vote on this bill in a very short time.

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

Mr. JOHNSON of Texas. I yield.

Mr. WATKINS. I do not find a copy of the hearing record, the report, or the bill itself on my desk.

Mr. JOHNSON of Texas. They will be delivered to the Senator as soon as a page can get them.

Mr. WATKINS. This is pretty short notice, is it not, to take up a bill?

Mr. JOHNSON of Texas. We have been notifying the Senator each day for the last several days. I have cleared the bill with the Senator's leader and with the ranking member of the committee on the minority side. All of the Members were informed. I thought we had close to total agreement on the bill.

Mr. WATKINS. We may have, but after several days of attendance for long hours, I thought we could at least let the bill go over until morning, so that we could have an opportunity to get our bearings before we begin consideration of such an important bill.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New Mexico is recognized.

Mr. CHAVEZ. Mr. President, I understand that the pending business is Senate bill 3910, which is the omnibus rivers and harbors and flood control bill. This bill is a substitute for Senate bill 497, which passed both the Senate and House and was vetoed by the President.

The President in his veto message pointed out that S. 497 contained 14 projects which he contended did not provide sufficient local participation. Additional hearings were held on these projects under the leadership of the chairman of the subcommittee, the Senator from Oklahoma [Mr. KERR], who devoted long hours to the hearings.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Senators will desist from conversation.

The Senator from New Mexico may proceed.

Mr. CHAVEZ. Additional hearings were held on these projects under the chairmanship of the able Senator from Oklahoma [Mr. KERR] in the Subcommittee on Flood Control and Rivers and Harbors. The Members of the subcommittee devoted many an hour and many a day to the holding of the hearings, and the bill now before the Senate is the result of their work.

Those projects now included in the bill either conform completely with the recommendations of the Bureau of the Budget, or have been adjusted to agree with compromises considered appropriate by the Senate Public Works Committee.

In his veto message, the President mentioned four projects on which adequate reports had not been submitted to Congress. Two of these projects, the Hidden and Buchanan Reservoirs in California, have been eliminated from the bill, and in the case of the other two projects, general agreement has been reached concerning cost sharing, and it has been agreed that adequate reports are now available.

The President questioned the cost-sharing arrangements on three hurricane flood protection projects, and adjustments have been made which are in general accord with the views of the Bureau of the Budget.

The President objected to three projects which he contended do not have economic justification. Two have been eliminated from the bill, and the other, which has considerable intangible benefits, was left in the bill.

The President objected to the allowance of credit for works already accomplished by local interests on one project. Agreement has been reached on this matter and this project is included in the bill.

The President in his veto message questioned the ability of local interests to meet the cost-sharing arrangements on one project. However, the committee felt that such ability to meet local contribution should be determined by the local people, and accordingly the project was left in the bill.

The President objected to certain Missouri Basin damage claims. In considering these claims, it was concluded that there was equity in the claims made and accordingly those items were left in the bill.

The President objected to a portion of the section dealing with inclusion of water storage in reservoirs. The portion which was objectionable has been deleted and this section, which is now designated as title III of the bill, appears to have complete agreement.

In view of the very careful consideration that has been given to the wishes of the President by the Senate Public Works Committee, it is my feeling that there should be absolutely no basis on the part of the President or his staff for objecting to approval of Senate bill 3910.

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

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

Mr. KERR. Mr. President, I send to the desk three amendments which are being offered by the committee, in line with the suggestions of the Director of the Bureau of the Budget.

If Senators will refer to the bill, they will find the first one on page 32. After line 17, it is proposed to strike out lines 18 through line 6 on page 33 and substitute in lieu thereof:

(f) The project for Greenville Harbor, Miss., substantially in accordance with the recommendations of the Mississippi River Commission, dated April 26, 1957, at an estimated Federal cost of $1,799,500 for dredging 12 feet deep plus 3 feet overdepth, and one-half of the 17 feet additional depth: *Provided*, That the cost for dredging the remaining one-half of the additional 17 feet depth, estimated to cost $383,500, shall be returned to the Federal Government with interest at 3 percent in 40 equal annual payments.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. MARTIN of Pennsylvania. I should like to ask the distinguished Senator from Oklahoma a question. As I understand, that amendment has been approved by the Bureau of the Budget.

Mr. KERR. It was requested by the Director of the Bureau of the Budget. The Senator is correct.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. CASE of South Dakota. Let me say very briefly that, so far as I know, every provision in the bill has been gone over by the Bureau of the Budget. The amendments which the Senator from Oklahoma offers at this time represent two or three "clean-ups" in order that we might have complete approval, so far as I know, by the Bureau of the Budget with respect to every item in the bill.

Mr. KERR. The Senator is correct. With the addition of these amendments, as the Senator from Oklahoma understands, and on the basis of the testimony of the Assistant Director before the committee, every project in the bill is either approved or accepted and acquiesced in by the Bureau of the Budget.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that it would simplify the procedure if these amendments were considered as original text.

Mr. KERR. I ask unanimous consent that that may be the case, after I have completed stating them.

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

Mr. KERR. The next amendment occurs on page 34. After line 23, it is proposed to strike out line 24, and lines 1 and 2 on page 35, and insert in lieu thereof:

(2) Penstocks or other facilities, to provide for future power installations, shall be provided in the reservoirs to be constructed above the Millwood Reservoir, if approved by the Secretary of the Army on the recommendations of the Chief of Engineers and the Federal Power Commission.

The Bureau of the Budget requested the addition of the language "if approved by the Secretary of the Army on

the recommendations of the Chief of Engineers and the Federal Power Commission."

The third amendment is on page 21, between lines 10 and 11, to insert the following:

Water route from Albany, N. Y., into Lake Champlain, N. Y. and Vt., including the advisability of modifying existing Federal and State improvements, with due consideration of ultimate connection with the St. Lawrence River in Canada.

Mr. President, I ask unanimous consent that these amendments may be incorporated into the language of the bill as though they had been reported by the committee.

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

Without objection, the three amendments offered by the Senator from Oklahoma will be considered en bloc; and, without objection, they are agreed to.

Mr. KERR. Mr. President, on the basis of those amendments we are very happy to be able to advise the Senate that, after many weeks of negotiation, hearings, and discussion, the language of the bill has the unanimous support of the committee, with the exception of one minority viewpoint, represented by the Senator from Oregon [Mr. MORSE], with reference to one of the authorizations in the bill. The bill, as it is now before the Senate, has been approved and accepted by the Bureau of the Budget.

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

Mr. KERR. I yield.

Mr. COTTON. It is not my purpose vigorously to oppose the bill. I think the distinguished Senator from Oklahoma and the other members of the committee have been most constructive and fair in preparing a bill which is satisfactory in all respects. However, because of the fact that the Senator indicated that it was the unanimous opinion of the committee, I merely wish to make it clear that because of the fact that we already have 576 projects, involving $7.7 billion worth of work on projects which have not even been started, and 180 projects, involving $3.8 billion of projects which have been started but not completed, or a total of 756 projects, involving a cost of $11.5 billion, and this bill authorizes 137 new projects, at a total cost of $1.5 billion, and authorizes surveys of 59 more potential projects, for reasons which have been expressed heretofore, the Senator from New Hampshire is compelled to dissent from the committee. Aside from that, he desires to interpose no objection, because the Senator from Oklahoma and other members of the committee have been most generous and fair in the consideration of the bill.

The figures I have quoted are from the 1959 budget. They show the status as of June 30, 1958.

I merely wish to reserve my right to vote against the bill, because of the inadvertent statement made by the Senator from Oklahoma that the committee was unanimous.

Mr. KERR. I thank the Senator from New Hampshire. My understanding of his position is that he was not averse to reporting the bill, but reserved the right to vote against it on the floor.

Mr. COTTON. The Senator is absolutely correct.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a brief memorandum showing the figures to which I have referred.

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

BACKLOG OF WATER RESOURCE DEVELOPMENT PROJECTS

1. Authorized but not started: Corps of Engineers, $4.7 billion; Bureau of Reclamation $3 billion: total, $7.7 billion, involving 576 projects for both agencies.

2. Work started but not completed: Corps of Engineers, $3.8 billion, involving 180 projects:

Total, 756 projects at a cost of $11.5 billion.

At the current rate of spending for construction, it will take about 16 years to complete work on this backlog, up to 1974.

3. The bill authorizes 137 new projects, with a total cost of $1.5 billion, and authorizes surveys of 59 more potential projects.

(Figures are from Bureau of Budget and 1959 budget. They show status as of June 30, 1958.)

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. KERR. I yield.

Mr. MARTIN of Pennsylvania. I wish to commend the chairman of the Public Works Committee and the chairman of the subcommittee. Each item in the bill was considered by the Board of Engineers and approved by the Board of Engineers.

We also had before us a representative of the Budget Bureau. There were one or two cases in which he could not approve the projects. He went back to his chief, and they were all finally approved.

So far as I can see, the bill now meets all the objections which were raised when the President vetoed the other bill.

I commend the Senator and the other members of the committee.

Mr. KERR. I thank the distinguished Senator not only for his remarks, but also the great work he has done. I shall have a few more remarks to make in that regard later, but at this time I wish to express my appreciation and that of the other members of the committee to the Director of the Budget. There were considerable differences between the committee and the Bureau of the Budget. In the negotiations, discussions, and hearings with reference to the pending bill there was an attitude on the part of representatives of the Bureau of the Budget, which, in my judgment, is worthy of the highest commendation, in that they endeavored in every way, consistent with their convictions, to resolve differences between the Bureau and the committee. The bill before the Senate has been made possible by reason of that attitude on the part of the Bureau of the Budget.

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

Mr. KERR. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I should like to ask the Senator to turn to the bottom of page 25 and the top of page 26 of the bill. I refer to the provision relating to New Bedford, Massachusetts. I am very happy that the committee saw fit to include that project, and I am not questioning it at all. I should like to ask the Senator from Oklahoma with reference to the 30 percent that has been fixed as the local contribution on that project. There has been some thought by people in the New Bedford area that, because of the financial condition of New Bedford, and because the amount that could be borrowed would depend on its industry, the amount of 30 percent is rather high. I understand that the Bureau of the Budget insists on a fixed percentage, and that that is the way all these projects are financed. However, I should like to ask the distinguished chairman of the subcommittee how it would work out.

Mr. KERR. The Bureau of the Budget asked for local participation of 33 percent. The committee urged the acceptance by the Bureau of a figure not in excess of 25 percent. However, after a number of days of discussion and visits back and forth between the committee and the Director of the Budget, we were advised that the 30 percent figure was the lowest figure the Bureau could accept at this time.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. It was understood that the Bureau of the Budget originally thought that 50 percent would be an appropriate local contribution. It was felt that that was the amount that should be used in starting a program of hurricane projects. The Corps of Engineers suggested 25 percent. The committee wanted to keep these projects in the bill.

Mr. SALTONSTALL. We appreciate their being kept in the bill.

Mr. CASE of South Dakota. Originally the recommendation was that such projects should be treated separately, and that we might establish a policy with regard to hurricane projects.

The Senator from Oklahoma and the Senator from South Dakota held several conferences with the Bureau on this subject, and also some public hearings, as well as informal conferences, in which we talked across the table. Finally we thought it might be appropriate to use the figure of 30 percent. That was the figure used on many PWA projects in the Public Works Administration's program, as the amount of the local contribution on those projects. Thirty percent is also the amount of the local contribution under the Antipollution Act.

Someone suggested that we use the 30 percent as a precedent. It seemed to us that we could get agreement on that figure, and that amount was agreed on. The sum of 30 percent was also used for the so-called Hyacinth project in Florida.

Mr. KERR. And in Louisiana also.

Mr. CASE of South Dakota. And in Louisiana also. The committee wanted

to include that project in the bill, and that was the figure agreed upon.

Mr. SALTONSTALL. I am sure that my colleague agrees with me—and he will speak for himself, I am sure—that we appreciate the fact that the committee put this project in the bill, because it is a project that we in Massachusetts very much want to have authorized. I am glad that the committee included it in the bill.

Mr. KERR. I thank the distinguished Senator from Massachusetts. The bill we previously passed required no local participation. That was the viewpoint of the committee. Certainly there is nothing in the bill that cannot be looked at again in the future in other measures that will be before us. If showings are made as to local situations which would be worthy of special consideration, I am sure the subject can be examined again. So far as I am concerned, as chairman of the subcommittee, we will welcome any opportunity in the future to study this subject again, in the hope that, if equitable considerations exist, it may be called to the attention of the committee and submitted to the Bureau of the Budget for its recommendation.

Mr. SALTONSTALL. The Senator makes a very generous offer.

Mr. KERR. I now yield to the Senator's colleague.

Mr. KENNEDY. Mr. President, I wish to express my appreciation to the committee for its consideration and inclusion in the bill by the committee of the New Bedford project. New Bedford is a distressed area, with 12 percent unemployed, and it is difficult, in view of the devastation caused by a hurricane several years ago, to raise its contribution, even though I know the committee has done the best it could. It will be impossible to raise its contribution and the project necessarily will have to be delayed. I hope it will be possible, as the Senator suggests, on another occasion to do something substantial for the city, because it is vitally important that something be done.

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

Mr. KERR. I yield.

Mr. WATKINS. I should like to call to the Senator's attention section 301. As I understand, that is equivalent to section 205 of the bill that was vetoed by the President.

Mr. KERR. I believe that is title III.

Mr. WATKINS. Yes; title III. I call attention to the language which appears in subparagraph (c), beginning at line 20.

Mr. KERR. That is at page 63.

Mr. WATKINS. Page 63. The language I refer to reads: "Nor shall any storage provided under the provisions of this section be operated in such manner as to adversely affect the lawful uses of the water."

That language was deleted. I wish to make a legislative history on that point. As I understand, the deletion of that language does not indicate in any way that its deletion is made with prejudice to the definition of what is meant by "water rights."

Mr. KERR. Yes; subsection (c), beginning at line 16, in the opinion of the Senator from Oklahoma and the distinguished Senator from South Dakota [Mr. CASE], who worked very zealously, not only on the pending bill, but especially on this section, takes care of the preservation of water rights referred to by the distinguished Senator from Utah. One of the highlights of our hearings was the presentation of view made to the committee by the Senator from Utah. It was the feeling on the part of the committee that the deletion of the language would eliminate considerable confusion which might be created or which exists in anyone's mind with reference to existing water rights as contained in sections 1 and 8 of the Flood Control Act of 1944, as amended and extended, and as provided in section 8 of the Reclamation Act of 1902. Those provisions would be fully preserved.

Mr. WATKINS. The intent was clearly to eliminate the question of definition of State water rights.

Mr. KERR. The Senator is correct.

Mr. WATKINS. It gives recognition to what has already been adopted in the Flood Control Act of 1944 and the Reclamation Act of 1902.

Mr. KERR. The Senator is correct.

Mr. WATKINS. So there would be no prejudice to the water claims of the various States by reason of the deletion of that language.

Mr. KERR. That is correct.

Mr. WATKINS. I should like to make this observation. With respect to title III, I believe it is a greatly improved part of the bill, as compared with the language in the previous bill. The Senator may not agree with me. However, I point out that one of the provisions I particularly objected to in the previous bill was the open-ended authorization for low waterflow, which provided that in the future all projects must be built by the Reclamation Bureau or by the Corps of Army Engineers. That provision has been eliminated. I am not against the building or remodeling of projects to increase the capacity or use. However, I have had the feeling that each of the projects ought to be brought before the committee and studied on its merits, instead of the committee making a blanket authorization. I appreciate the elimination of that provision, and also of the provision requiring, before any projects are authorized under title III, that there be a review of the contract.

I commend the committee for cooperating with the executive department and the various Senators of the States that are interested in this particular program.

I am not against flood-control projects. I have served on the committee for 4 years with the Senator from Oklahoma, and I enjoy that service very much. I feel that this kind of project should be built. I do not want my criticism of the other bill to be taken as an indication that I am opposed to water resources projects of the type covered by the pending bill. I am for it. I think the bill is greatly improved. I shall be glad to vote for it.

Mr. CASE of South Dakota. Mr. President, I think the Senator from Utah has made a distinct contribution in his appearance before the committee and in the suggestions he made. The changes in section 301 are partly the result of his suggestions.

Because title III of the bill establishes a sort of new field on water supply and is substantive legislation, I ask unanimous consent that the portion of the report of the committee which begins at the bottom of page 132 and ends at the top of page 134, entitled "Title III," be printed at this point in the RECORD.

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

TITLE III

This title provides authority for the Corps of Engineers and the Bureau of Reclamation to include storage for immediate and future water supply in Federal navigation, flood control, irrigation, or multiple-purpose projects on a basis which will permit the Federal Government and local interests to share equitably in the benefits of multiple-purpose construction. This title also provides that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by these agencies.

The committee believes that title III prescribes a sound division of water-supply responsibility between the Federal Government and States and local interests by declaring it to be the policy of Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connnection with the construction, maintenance and operation of Federal navigation, flood control, irrigation, and multiple-purpose projects.

The committee considers title III to be one of the most important parts of the bill because of the increasingly acute water shortages which are developing not only in the more arid sections of the country but also in humid areas.

The committee believes that title III provides a framework within which the Corps of Engineers and the Bureau of Reclamation may proceed to develop the best overall use of water resources in river basins in the service of water supply and other needs. While it is true that water supply storage may be provided under certain conditions under existing law, title III makes possible provision of water-supply storage in reservoirs where it is apparent that there will be a future demand for such storage but where the demand is not pressing at the time of construction. Arrangements are made for deferral of initial repayment of costs allocated to water-supply storage until storage is first used for this purpose and for final repayment of such costs within the life of the project and not to exceed 50 years from the date of first use for water supply. An interest-free period of up to 10 years will be allowed. The interest of the Federal Government is protected by the requirement that prior to initiation of construction or modification of a project including water-supply provisions State or local interests shall agree to pay for the cost of such provisions on a basis permitting sharing of the benefits of multiple-purpose construction between all authorized project purposes, and the requirement that in the case of water-supply storage for future demands State or local interests give reasonable assurances that they will contract for use such storage

on a basis permitting paying out the costs allocated to water supply within the times specified.

It is the intention of the committee that where possible, without interference with the purpose of existing plans or projects under construction, the agencies should approve capacity allocations for municipal and industrial water supplies.

Where such municipal and industrial water supply is being delivered under existing contracts, there is no intention of the committee to cause interference with such arrangements. In cases where contracts have not been entered into or where the actual delivery of water has not begun, it is intended that contracts may be made or modified in accordance with the provisions of title III.

It is the intention of the committee that the application of the portion of title III dealing with future water supplies would be as follows:

(1) It is expected that when a portion of such capacity is first utilized then repayment for that portion will be started and repaid within the life of the project but not to exceed 50 years.

(2) The portion of such capacity which is allocated to future use or demands would require no payments for 10 years. After 10 years interest payments would be made and repayment of principal would not be required until the reserved future capacity is first used. When use is first made of any portion of the capacity reserved for future use, then payment would be made on both the interest and principal component. The total cost allocated to future water supply would be repaid within a period not to exceed 50 years, including the 10-year interest-free period.

Mr. CASE of South Dakota. Mr. President, I commend the staff of the Committee on Public Works for their excellent work in preparing the report on the bill as a whole. It is one of the most complete and comprehensive reports we have had. Each individual project has been listed together with specific data as to its cost, including the Federal share, the local share, and the benefit-cost ratio, and enough description of the project so that anyone may know exactly what the several items in the bill cover. The committee staff is, I am sure, entitled to and does have the appreciation of the members of the committee.

Mr. KERR. Mr. President, I again wish especially to thank every member of the committee for the long hours of work, service, and effort which they expended in connection with reporting the bill. Too much could not be said with reference to each of them.

I could not close my remarks without paying special tribute to the distinguished Senator from South Dakota [Mr. CASE], who was present during every minute of every conference with the Bureau of the Budget and during the hearings on the bill, and who rendered such heroic service in bringing the bill back to the Senate.

Mr. CASE of South Dakota. Mr. President, the Senator from Oklahoma is very generous. We would not have the bill had it not been for the leadership offered by him. He was the one who never gave up. He had patience.

We started with what is called the Knowland bill, the bill which was introduced following the President's veto. From that bill we went on to a consideration of many other proposals. But nothing is included in the bill except those projects which had the approval and acquiescence of the Corps of Engineers and the Bureau of the Budget.

I do not wish to take more time; I simply assure Senators that the major credit for the bill being before the Senate in its present form is due to the leadership of the Senator from Oklahoma [Mr. KERR].

Mr. STENNIS. Mr. President, I thank the Senator from Oklahoma especially for the untiring effort he made in behalf of a relatively small project in my State. The Senators who assisted him certainly have my special thanks, as I know they have the gratitude of the entire Senate. I appreciate their efforts.

Mr. KERR. I thank the Senator from Mississippi.

Mr. NEUBERGER. Mr. President, I am very much pleased with the favorable things which have been said about the chairman of the full committee, the able Senator from New Mexico [Mr. CHAVEZ], and the able chairman of the Subcommittee on Rivers and Harbors, the Senator from Oklahoma [Mr. KERR]. They deserve all the kind statements which have been made about them.

Inasmuch as my position on one particular project has been mentioned, I desire the Senate to know why I have stated opposition in the committee report. I want the record to show my reasons.

I have opposed the inclusion of $1,200,000 of planning funds for the Bruces Eddy project on the north fork of the Clearwater River in Idaho because that project has never been authorized. The project has been opposed by every leading national conservation organization in the country. A few of the organizations which have opposed the project are: The National Wildlife Federation, the Wildlife Management Institute, the Izaak Walton League of America, and innumerable other organizations.

Twice the House of Representatives has refused to recommend any authorization for this project. Despite the stand of the House of Representatives, the Senate bill contains $1,200,000 of planning funds for a project which may never be built. I think this is a poor project to consider. I think it is poor legislation. I think it is unwise from the conservation standpoint. Therefore, I have stated my position in the report.

It is not my purpose to offer an amendment to strike the planning funds from the bill, because my particular stand in this respect received relatively scant support from my colleagues in the committee. I certainly respect their reasons, although I do not wholly agree with them. Therefore, for purposes of registering my opposition, it will suffice to have this explanation appear in the RECORD.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my very brief statement of individual views, occupying less than a page and a half, which appear on pages 134 and 135 of the report on S. 3910.

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

INDIVIDUAL VIEWS OF SENATOR RICHARD L. NEUBERGER

In general, this is an excellent bill, which authorizes many useful and urgently needed projects for development of our precious water resources.

However, I do want to voice a protest against the procedure involved in the authorization of $1,200,000 in planning funds for the Bruces Eddy Dam and Reservoir on the North Fork of the Clearwater River in Idaho.

This project has never been authorized for construction by Congress and the President. Why should planning funds be voted for a project which may never be built?

There is just as much logic and reason, for example, to provide planning funds for the proposed Hells Canyon project as for Bruces Eddy. Hells Canyon has never been authorized because of opposition to its construction by private power companies, despite recommendation of Hells Canyon in the 308 Report of the Corps of Engineers. Bruces Eddy has never been authorized because of opposition to its construction by conservation and outdoor groups, despite the fact that this project also has been recommended by the Corps of Engineers. The two situations are not greatly different from this standpoint. Both projects are controversial, albeit, for different reasons.

The Senate will be setting a perilous precedent if it decides to authorize $1,200,000 in planning funds for a dam and reservoir not authorized for construction.

Congressional policy for sound fiscal management will be jeopardized by the practice of permitting the appropriation of large sums for preparation of detailed plans for the myriad projects which have been investigated but not authorized by Congress. This procedure for providing funds for Bruces Eddy Dam in advance of full project authorization is most unusual. I think it unwise for the Senate to embark on such a policy because it opens floodgates for funding innumerable projects which never have been authorized and which may never be authorized.

I want to summarize, only very briefly, the reasons why leading outdoor and conservation organizations in our Nation have opposed construction of the Bruces Eddy project on the Clearwater River, which is the heart of one of the last great virgin wilderness realms within the limits of continental United States. I have hiked and ridden through these solitudes many times, so I do not speak of these scenic resources only from vicarious knowledge or contact.

Bruces Eddy Reservoir would flood out 49 miles of the Clearwater River in the heart of one of America's finest scenic outdoor areas. The Clearwater drainage provides wintering grounds for the Nation's largest remaining elk herd. Possibly the Clearwater elk herd can be sustained by careful game management. If dams are built thousands of acres of low valley ranges, winter feeding grounds for the elk, will be flooded out.

The Clearwater also is a major spawning ground for migratory steelhead and the source of angling for thousands of trout fishermen. The Bruces Eddy Dam would form a permanent barrier between migrant fish and any upstream spawning grounds at the source of the North Fork of the Clearwater.

In Congress, we often hear appeals for consideration of the rights of States to determine policies for use of water resources within their boundaries. The Senate should know that the Idaho State Fish and Game Department, after a 4-year study, has concluded that dams should not be built at

the Bruces Eddy and Penny Cliffs sites on the Clearwater because of fish and wildlife values at stake. Two teams of Idaho State game biologists—one studying effects on big game and the other on fish—came up early this year with the same principal recommendation: The dams should not be built.

I object to the authorization of funds to provide detailed plans for Bruces Eddy Dam because it represents poor fiscal policy and bad wildlife management practices, especially in view of the recommendations made by experts in this field.

Mr. NEUBERGER. Mr. President, I also thank the Senator from Oklahoma, who has consistently been very patient with my long record of opposition to the Bruces Eddy project.

Mr. DOUGLAS. Mr. President, I am sure the Senator from Oklahoma will be somewhat surprised when I say that I heartily support the revised rivers and harbors bill, and congratulate the Senator from Oklahoma on his most excellent work in tearing out some projects which I think were unadvisable, in an effort to pass a very good bill.

I hope this may be a happy harbinger that the Senator from Illinois and the Senator from Oklahoma may, at least on certain limited issues, march together in the future.

Mr. KERR. That is a great comfort to me. I will put real and sincere effort into implementing the very kind and generous wish that has been expressed by the Senator from Illinois.

Mr. CURTIS. Mr. President, the Senator from Oklahoma is to be commended for bringing the bill back to the Senate. As one who voted against the previous proposal and supported the veto of the President, I appreciate the chance now to support the bill.

Because of the long delay necessitated by the situation, I shall not offer an amendment. I merely want the RECORD to show my protest of the language on page 40, beginning in line 23 and extending through line 5 on page 41. That language repeals the electric power preference clause for the Missouri River Basin. I do not approve of it. But because so many projects are waiting to be authorized, I shall not offer an amendment.

Mr. PASTORE. Mr. President, I could not allow this moment to pass without expressing sincere gratitude to the distinguished Senator from Oklahoma for the fine cooperation and consideration he rendered to me, with particular reference to when the item which has to do with the authorization of the so-called Fox Point Dam, Narragansett Bay, was being considered by his subcommittee.

The Senator from Oklahoma knows that I am not wholly satisfied with the formula which was ultimately devised and included in the bill. But I expressed my views at the time I appeared before the Subcommittee on Public Works. I think the Senator from Oklahoma understands my position.

My only hope now is that while we are accepting, with a sense of gratitude, the formula of 30 percent for local participation, which was finally adopted, sometime in the future we will have a brighter day and, I hope, a brighter formula before that project is completed.

Mr. COTTON. Mr. President, I regret exceedingly being unable to vote for the measure. But as a member of the Committee on Public Works and of the subcommittee which worked on the bill, I may say that no one could be more ardently and ably devoted to the development of public works anywhere in the country than was the able Senator from Oklahoma. No one could have been more fair or considerate toward any member of the committee. That is true also of the chairman of the full committee, the distinguished Senator from New Mexico [Mr. CHAVEZ]. I appreciate the courtesies which they always afforded.

Mr. JOHNSON of Texas. Mr. President, I associate myself with the tribute which the Senator from New Hampshire and other Senators have paid to the chairman of the full committee and the chairman of the subcommittee.

I express my very warm congratulations to all the members of the Public Works Committee for the splendid work they have done on this measure.

Particular gratitude is due to the chairman of the committee, Mr. CHAVEZ, and the senior Senator from Oklahoma [Mr. KERR]. They worked long and hard on a difficult problem and produced a satisfactory and effective solution.

They did not set out to override a veto impetuously. Instead, they held careful hearings, combed over the bill point by point, listened to the views of all concerned, and produced a measure which all of us can support.

They demonstrated the validity of the Biblical quotation: "Come now, and let us reason together."

This type of approach may not produce issues but it does produce effective legislation which serves the American people.

For many years, I have admired and worked with the Senator from Oklahoma [Mr. KERR]. I know of no abler, no more dedicated, no more patriotic, and no more effective public servant.

He carried a heavy share of the load, and every Senator and every American can be grateful to him. All of us are in debt to him and to the chairman of the committee for the work which they have done.

Mr. REVERCOMB. Mr. President, as a member of the Committee on Public Works and also of the subcommittee which handled the bill, under the direction of the chairman of the full committee, the able Senator from New Mexico, and the chairman of the subcommittee, the able Senator from Oklahoma, I join with those who have already expressed themselves upon the leadership and work done under those two Senators.

Without the constant effort, the wise guidance, and the earnestness of purpose of the Senator from Oklahoma [Mr. KERR] in the hearings held by the subcommittee, we could not have accomplished, in the same session of Congress, a new bill, after the previous one had been vetoed. I followed the hearings all the way through; and I desire to express my personal thanks and my sincere appreciation for his leadership.

Mr. KERR. I thank the Senator from West Virginia.

Mr. MARTIN of Pennsylvania. Mr. President——

Mr. KERR. I yield to the Senator from Pennsylvania.

Mr. MARTIN of Pennsylvania. Mr. President, I apologize for detaining the Senate so late in the evening; but I should like to point out that this measure has been handled in the finest American manner. There was a possibility of overriding the President's veto; but the method we have followed is so much better, because in this way the legislative branch will be in accord with the executive branch.

So I wish to express my appreciation to the distinguished chairman of the committee, the senior Senator from New Mexico [Mr. CHAVEZ], and to the distinguished chairman of the subcommittee, the senior Senator from Oklahoma [Mr. KERR.] The bill represents Americanism at its best. We are now in full accord, and that has largely been brought about by the able and hard work done by the distinguished Senator from Oklahoma [Mr. KERR].

Mr. KERR. I thank the Senator from Pennsylvania.

Mr. FULBRIGHT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The amendment will be stated.

The CHIEF CLERK. On page 36, in lines 17 through 24, it is proposed to restore the matter stricken out by the committee amendment.

Mr. FULBRIGHT. Mr. President, I wish to make a brief statement on the purpose of my amendment and my reasons for offering it.

First, Mr. President, I wish to commend the Committee on Public Works for again presenting to the Senate, for its consideration, an omnibus river and harbors-flood control bill. It is especially heartening to me that, in spite of President Eisenhower's veto—not once, but twice—of omnibus flood-control measures which the Congress in its wisdom has previously passed, the members of this committee still recognize and insist that there is urgent need for speedy authorization of these important water projects.

I agree with the members of the committee that the time for enactment of an omnibus flood-control bill is long overdue. I endorse the committee's view that further delay would have the extremely unfortunate result of retarding many of the projects under construction and others which must be built, not only to protect lives and property from flood damage, but also to enhance the Nation's economy.

Of great importance to the orderly development of the White River Basin, in my State, are the projects known as the Lone Rock Reservoir and the Gilbert Reservoir. Senate bill 497, the omnibus flood-control bill passed by the Congress and vetoed by the President on April 15, 1958, contained a provision authorizing preparation of detailed plans for power development in conjunction with

the flood-control project authorized as the Lone Rock Reservoir, and also for the preparation of detailed plans for Gilbert Reservoir for flood control, power generation, and other purposes. The committee has, in reporting this bill, recommended that these authorizations be stricken out.

The amendment I have offered is very simple: It will restore to the bill the language authorizing development of plans for Lone Rock and Gilbert Reservoirs, on the White River, in Arkansas.

Mr. President, I shall not take the time of the Senate to argue the merits of this amendment, since authorization for Lone Rock and Gilbert Reservoirs has twice been approved by the Senate. Suffice it to say that, in my estimation, these projects must be constructed soon.

I urge the Senate, therefore, to adopt my amendment.

Mr. KERR. Mr. President, nothing would give me greater pleasure than to urge the adoption of this amendment, except to urge the adoption of an amendment which would restore to the bill the projects which had been provided for Oklahoma, but which have been taken out of the bill, and which were taken out of it for the same reason that the projects for the State of my dear friend, the Senator from Arkansas, were taken out. That reason was that we were assured that unless they were taken out, this bill would be vetoed.

Therefore, Mr. President, in view of the existing situation, I hope that either the distinguished Senator from Arkansas will not urge the adoption of his amendment at this time, or that if he does continue to press for its adoption, the Senate will reject it.

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

The amendment was rejected.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN] the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senators from Connecticut [Mr. BUSH and Mr. PURTELL] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is absent on official business because of duty with the Air Force.

The Senator from Maryland [Mr. BEALL], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. CARLSON], the Senator from Vermont [Mr. FLANDERS], the Senator from New York, [Mr. IVES], the Senator from Kansas [Mr. SCHOEPPEL], the Senator from New Jersey [Mr. SMITH], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Vermont [Mr. FLANDERS], the Senator from New York [Mr. IVES], the Senator from Connecticut [Mr. PURTELL], the Senator from Kansas, [Mr. SCHOEPPEL], the Senator from New Jersey [Mr. SMITH], and the Senator from North Dakota, [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 75, nays 1, as follows:

YEAS—75

Aiken	Hickenlooper	Monroney
Allott	Hill	Morse
Anderson	Hoblitzell	Morton
Barrett	Holland	Mundt
Bennett	Hruska	Neuberger
Bible	Humphrey	Pastore
Bricker	Jackson	Payne
Butler	Javits	Potter
Capehart	Johnson, Tex.	Proxmire
Carroll	Johnston, S. C.	Revercomb
Case, N. J.	Jordan	Robertson
Case, S. Dak.	Kennedy	Russell
Chavez	Kerr	Saltonstall
Church	Knowland	Smathers
Cooper	Kuchel	Smith, Maine
Curtis	Langer	Sparkman
Dirksen	Lausche	Stennis
Douglas	Long	Symington
Dworshak	Magnuson	Talmadge
Eastland	Malone	Thurmond
Ellender	Mansfield	Thye
Ervin	Martin, Iowa	Watkins
Frear	Martin, Pa.	Wiley
Fulbright	McClellan	Williams
Hennings	McNamara	Yarborough

NAYS—1

Cotton

NOT VOTING—20

Beall	Goldwater	Murray
Bridges	Gore	O'Mahoney
Bush	Green	Purtell
Byrd	Hayden	Schoeppel
Carlson	Ives	Smith, N. J.
Clark	Jenner	Young
Flanders	Kefauver	

So the bill (S. 3910) was passed.

Mr. KERR. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. 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 Illinois to lay on the table the motion of the Senator from Oklahoma.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, I ask unanimous consent that the bill as passed be printed.

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

Mr. KERR. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a breakdown of the bill showing the construction projects by States.

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

BREAKDOWN OF OMNIBUS BILL, S. 3910, 85TH CONGRESS—CONSTRUCTION PROJECTS

Following is a breakdown of the Army Corps of Engineers civil works construction projects authorized in the omnibus bill, with estimated total Federal cost of each project. The initials before each project designate (N) navigation; (FC) flood control; (MP) multiple purpose; (BE) beach erosion, and (HFC) hurrican-flood control:

	Estimated cost
ALABAMA	
(FC) Tombigbee River	$19,311,000
(FC) Alabama River at Montgomery	1,300,000
Total	20,611,000
ALASKA	
(N) Cook Inlet	5,199,200
(N) Douglas and Juneau Harbors	1,394,000
(N) Dillingham Harbor	372,000
(N) Naknek River	19,000
(FC) Chena River at Fairbanks	9,727,000
(FC) Talkeetna	60,000
Total	16,771,200
ARIZONA	
(FC) Gila River Basin	1,570,000
ARKANSAS	
(FC) Boeuf and Tensas Rivers	1,212,000
(FC) Red-Ouachita River Basin, Okla. and Ark. (See Oklahoma.)	
(FC) St. Francis River Basin, Mo. and Ark	35,674,000
(FC) White River backwater area	2,380,000
Total	39,266,000
CALIFORNIA	
(BE) Santa Cruz County	516,000
(N) Santa Cruz Harbor	1,612,000
(BE) San Diego County	289,000
(FC) Chico Landing to Red Bluff, Sacramento River	1,560,000
(FC) EEL River	707,000
(BE) Humboldt Bay	38,200
(FC) Oroville Reservoir (Federal participation)	50,000,000
(FC) San Dieguito River	1,961,000
Total	56,683,200
COLORADO	
(FC) Trinidad Reservoir	16,628,000
CONNECTICUT	
(BE) Connecticut shoreline, areas 8 and 11	229,000
(N) Bridgeport Harbor	2,300,000
(BE) Area 9, East River to New Haven Harbor	12,000
(FC) Mad River Dam	5,430,000
(FC) Hall Meadow Brook Dam	1,960,000
(FC) East Branch Dam	1,780,000
Total	11,711,000
DELAWARE	
(BE) Delaware coast	28,000
(N) Delaware River Anchorages	24,447,000
Total	24,475,000

FLORIDA	Estimated cost
(BE) Palm Beach County	$222,500
(N) Port Everglades Harbor	6,683,000
(N) Intracoastal Waterway, Jacksonville to Miami (maintenance.)	
(N) Escambia River	61,000
(FC) Hendry County	3,172,000
Total	10,138,500

HAWAII	
(BE) Waimea Beach and Hanapepe Bay, Island of Kauai	20,000

IDAHO	
(MP) Bruces Eddy Reservoir	1,200,000

ILLINOIS	
(N) Calumet-Sag Channel	9,884,000
(N) Mississippi River at Alton, commercial harbor	246,000
(N) Mississippi River at Alton, small boat harbor	101,000
(N) Mississippi River between Missouri River and Minneapolis, Minn. (damage to levee and drainage districts)	2,476,000
(N) Mississippi River between St. Louis, Mo. and Lock and Dam No. 26	5,802,000
(N) Illinois and Mississippi Canal	2,000,000
(FC) Saline River	5,272,000
(FC) Kaskaskia River	23,000,000
(FC) Rock and Green Rivers	6,996,000
Total	55,777,000

INDIANA	
(FC) Upper Wabash River	45,500,000
(FC) Salt Creek, Monroe Reservoir	4,359,000
Total	49,859,000

IOWA	
(N) Mississippi River at Clinton, Iowa, Beaver Slough	241,000
(N) Mississippi River at Clinton, Iowa, damages	147,000
(FC) Floyd River	8,060,000
(FC) Saylorville Reservoir	44,500,000
Total	52,948,000

KANSAS	
(FC) Black Vermillion River at Frankfort	850,000

KENTUCKY	
(N) Licking River (maintenance).	

LOUISIANA	
(N) Chefuncte River and Bogue Falia	48,000
(N) Barataria Bay	1,647,000
(FC) Bayou Chevreuill	547,000
(FC) Old and Atchafalaya Rivers	28,200,000
Total	30,442,000

MAINE	
(N) Josias River	258,400

MARYLAND	
(N) Baltimore Harbor	28,161,000
(N) Betterton Harbor	78,000
(N) Herring Creek	110,000
Total	28,349,000

MASSACHUSETTS	
(HFC) Narragansett Bay area. (See Rhode Island.)	
(HFC) New Bedford-Fairhaven and Acushnet	10,480,000
(N) Boston Harbor	720,000
(N) Salem Harbor	1,100,000
(FC) Littleville Reservoir	5,090,000
(N) East Boat Basin	360,000
Total	17,750,000

MICHIGAN	Estimated cost
(N) Rouge River	$101,500
(N) St. Joseph Harbor (maintenance).	
(FC) Kalamazoo River at Kalamazoo	5,358,000
(FC) Saginaw River	16,085,000
(FC) Grand River	9,825,000
(BE) Berrien County	226,000
Total	31,595,500

MINNESOTA	
(N) Minnesota River	2,544,000
(N) St. Anthony's Falls. (No increase in cost.)	
(FC) Minnesota River at Mankata and N. Mankata	1,870,000
(FC) Root River at Rushford	796,000
(FC) Mississippi River at Winona	1,620,000
(FC) Ruffy Brook and Lost River	632,000
(FC) Mississippi River, St. Paul and South St. Paul	5,705,500
Total	13,167,500

MISSISSIPPI	
(FC) Greenville Harbor	1,799,500
(N) Gulfport Harbor (maintenance).	
(FC) Tombigee River. (See Alabama.)	

MISSOURI	
(FC) St. Francis River Basin, Mo. and Ark. (See Arkansas.)	
(N) Point of Rocks Dam. (See Illinois.)	

MONTANA	
(FC) Sun River at Great Falls	1,405,000

NEBRASKA	
(FC) Shell Creek	2,025,000
(FC) Salt Creek and Tributaries	13,314,000
(FC) Gering and Mitchell Valleys	1,214,000
Total	16,553,000

NEW JERSEY	
(BE) Atlantic Coast of New Jersey	6,755,000

NEW YORK	
(N) Irondequoit Bay	1,938,000
(N) New York Harbor	1,678,000
(BE) Fair Haven Beach State Park	114,000
(BE) Fire Island Inlet, Long Island	2,724,000
(BE) Hamlin Beach State Park	404,000
(FC) Owasco Outlet at Auburn	305,000
(FC) Mohawk River	2,069,000
(FC) Lake Chautauqua	4,796,000
(FC) Susquehanna River Basin, N. Y. and Pa	30,000,000
Total	44,028,000

NEW MEXICO	
(FC) Pecos River at Carlsbad	1,791,200
(FC) Rio Grande at Socorro	3,102,700
Total	4,893,900

NORTH CAROLINA	
(N) Morehead City Harbor	1,197,000
(FC) Pantego and Cucklers Creeks	413,000
Total	1,610,000

NORTH DAKOTA	
(FC) Cannonball River at Mott	434,000

OHIO	Estimated cost
(N) Vermilion Harbor	$474,000
(N) Ohio River at Gallipolis	66,000
(FC) West Branch Mahoning River	12,585,000
(N) Toledo Harbor	859,000
(N) Cleveland Harbor	14,927,000
Total	28,911,000

OKLAHOMA	
(FC) Red-Ouachita River Basin, Okla. and Ark	53,235,000
(FC) Markham Ferry Reservoir. (Language.)	

OREGON	
(N) Yaquina Bay	19,800,000
(N) Siuslaw River	1,693,100
Total	21,493,100

PENNSYLVANIA	
(FC) Sandy Lick Creek at Brookville	1,188,000
(FC) Chartiers Creek	1,286,000
(FC) Susquehanna River Basin, N. Y. and Pa. (See New York.)	
(N) Delaware River Anchorages. (See Delaware.)	
(FC) Turtle Creek	13,417,000
Total	15,891,000

PUERTO RICO	
(N) San Juan Harbor	6,476,800

RHODE ISLAND	
(HFC) Narragansett Bay area, Massachusetts and Rhode Island	11,550,000

SOUTH DAKOTA	
(FC) Missouri River, damage payments	402,000

TENNESSEE	
(FC) Wolf River	1,932,000

TEXAS	
(N) Galveston Harbor-Houston Ship Channel	17,196,000
(N) Freeport Harbor	317,000
(N) Matagorda Ship Channel	9,944,000
(N) Pass Cavallo to Port Lavaca	413,000
(N) Port Aransas-Corpus Christi Waterway	6,272,000
(N) Channel to La Quinta	954,000
(HFC) Texas City	5,662,000
(FC) Navarro Mills Reservoir	590,000
Total	41,348,000

UTAH	
(FC) Weber River	520,000

VIRGINIA	
(N) Hull Creek	269,800

WASHINGTON	
(N) Bellingham Harbor	83,700
(N) Port Townsend Harbor	387,000
(FC) Sammamish River	825,000
Total	1,295,700

WEST VIRGINIA	
(FC) Brush Creek at Princeton	917,000
(FC) Meadow River at East Rainelle	708,000
(FC) Williamson, W. Va	625,000
Total	2,250,000

WISCONSIN	
(N) Upper Fox River	300,000
(N) Two Rivers Harbor	66,000
(N) Port Washington Harbor	2,181,000
(BE) Manitowoc County	50,000
(FC) Bad River at Mellen and Odanah	917,000
(FC) Eau Galle River	6,690,000
(N) Saxon Harbor	393,500
Total	10,597,500

VARIOUS STATES

	Estimated cost
(N) Water Hyacinths (North Carolina, South Carolina Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas)	$4,725,000
Grand total	758,445,600

Basin authorizations

Connecticut [1]	$24,000,000
Hartwell Reservoir, Ga	44,300,000
Central and South Florida	40,000,000
White	57,000,000
Upper Mississippi	21,000,000
Missouri (C. E.)	200,000,000
Missouri (B. R.)	200,000,000
Sacramento	17,000,000
San Joaquin	13,000,000
Kaweah and Tule	28,000,000
Los Angeles	44,000,000
Santa Ana	8,000,000
Columbia	112,000,000
Total	808,300,000
Total construction projects	758,445,600
Total basin authorization	808,300,000
Total	1,566,745,600
Less Connecticut projects	−10,520,000
Grand total	1,556,225,600

[1] There is included $10,520,000 for Connecticut projects.

SURVEYS AUTHORIZED

Surveys authorized in the bill follow, with (N) indicating navigation (BE) beach erosion, and (FC) flood control:

CALIFORNIA

(BE) Camp Pendleton Harbor and Oceanside.

(BE) Anaheim Bay.

(FC) Sacramento River Basin re cost allocation for Oroville Dam.

(FC) Pescadero Creek.

(FC) Soquel Creek.

(FC) San Gregorio Creek and Tributaries.

(FC) Redwood Creek, San Mateo.

(FC) Streams at and in vicinity of San Mateo.

(FC) Streams at and in vicinity of South San Francisco.

(FC) Streams at and in vicinity of Burlingame.

(FC) Kellogg and Marsh Creeks, Contra Costa County.

(FC) Eastkoot Creek, Syinson Beach Area, Marin County.

(FC) Rodeo Creek, tributary of San Pablo Bay, Contra Costa County.

(FC) Pinole Creek, tributary of San Pablo Bay, Contra Costa County.

CONNECTICUT

(N) Sachem's Head Harbor at Guilford.

(N) Poquonock River at Groton.

DELAWARE

(N) Indian River Bay to Assawoman Canal known as White's Creek, and up White's Creek.

(N) Indian River Bay via Pepper's Creek to Dagsboro.

FLORIDA

(N) Little Gasparilla Pass, Charlotte County.

(N) Frenchman Creek.

(N) Streams and harbor facilities and needs therefor at and in vicinity of Bayport, Fla.

(N) Channel from Lynn Haven Bayou, Fla., into North Bay, Fla.

(N) Small-boat channel from port of Panacea into Apalachee Bay.

(N) Dredged channel, vicinity of Sunshine Skyway, Tampa Bay.

FLORIDA—continued

(N) Tampa Bay, to determine feasibility of fresh water lake.

(N) Apalachicola River Chipola Cutoff, via Wewahitchka.

(N) Apalachicola River, in vicinity of Bristol and Blountstown.

(N) Streams at and in vicinity of Gulfport.

(FC) Mills Creek.

(FC) Streams in Brevard County, draining into St. Johns River.

(FC) Streams in Brevard County, draining Indian River and adjacent coastal areas, including Merritt Island, and the area of Turnbull Hammock in Volusia County.

GEORGIA

(N) Savannah River, re 9-foot navigation to Augusta.

HAWAII

(FC) Kihei District, Island of Maui.

ILLINOIS AND INDIANA

(FC) Watersheds of the Illinois River at and in the vicinity of Chicago, Chicago River, Calumet River, and their tributaries, and any areas in northeast Illinois and northwest Indiana which drain directly into Lake Michigan.

KANSAS AND OKLAHOMA

(FC) Bird, Caney, and Virdigris Rivers, Oklahoma, and Kansas.

LOUISIANA

(FC) Lake Ponchartrain to protect Salt Bayou Road.

MAINE

(N) Stave Island Harbor at South Goldsboro.

(FC) Short Sands section of York Beach.

MARYLAND, DELAWARE AND VIRGINIA

(N) Chesapeake Bay and tributaries, re elimination of chestnuts.

MARYLAND

(N) Area from Cuckold Creek through Neale Creek and Neale Sound to the Wicomico River, Charles County.

(FC) Deep Creek, St. Marys County.

MASSACHUSETTS

(N) Tashmoo Pond, Martha's Vineyard.

MICHIGAN

(N) Channel from Port Inland to deep water in Lake Michigan.

(FC) All streams flowing into Lake Saint Clair and Detroit River in Oakland, Macomb and Wayne Counties.

MINNESOTA

(N) Connecting channel between Namakan Lake and Ash River.

IOWA, SOUTH DAKOTA, AND NEBRASKA

(N) Missouri River, re extending 9-foot navigation from Sioux City, Iowa to Gavins Point Dam, S. Dak. and Nebr.

NEW MEXICO

(FC) Streams at and in the vicinity of Alamogordo.

NEW YORK

(N) Hammonds Cove, entrance to Locust Point Harbor, Long Island Sound.

(FC) Little River and Cayuga Creek, at and in vicinity of Cayuga Island, Niagara County.

NEW YORK AND NEW JERSEY

(N) and (FC) Streams, river basins, and areas in New York and New Jersey for flood control, major drainage, navigation, channel improvement, and land reclamation, as follows: Hackensack River, Passaic River, Raritan River, Arthur Kill, and Kill Van Kull, including portions of these river basins in Bergen, Hudson, Essex, Middlesex, Passaic, Union, and Monmouth Counties, N. J.

NORTH CAROLINA

(N) Wright's Creek.

OREGON

(FC) Rogue River.

PENNSYLVANIA

(FC) Stump Creek, tributary of North Fork of Mahoning Creek, at Sykesville.

SOUTH DAKOTA

(FC) Missouri River Basin re utilization of floodwaters stored in authorized reservoirs for purposes of municipal and industrial use and maintenance of natural lake levels.

TEXAS

(N) Trinity River.

(FC) San Felipi Creek at and in vicinity of Del Rio.

(FC) El Paso, El Paso County.

(FC) Rio Grande and tributaries at and in vicinity of Fort Hancock, Hudspeth County.

VIRGINIA

(N) Curtioman Bay.

(N) Tabba Creek, Lancaster County.

VERMONT

(N) Water route from Albany, N. Y., into Lake Champlain, N. Y. and Vt., including the advisability of modifying existing Federal and State improvements, with due consideration of ultimate connection with the St. Lawrence River in Canada.

EXTENSION OF CORPORATE AND EXCISE TAX RATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1737, House bill 12695.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 12695) to provide a 1-year extension of the existing corporate normal tax rate and of existing excise tax rates.

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

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

EXECUTION OF CERTAIN LEADERS OF RECENT REVOLT IN HUNGARY

Mr. HUMPHREY. Mr. President, earlier today, in presenting to the Senate a copy of the statement of Mr. George Meany, president of the AFL-CIO, condemning the atrocious action of the Communist government of Hungary and its collaborators, the Soviet Union, in the liquidation of the former Prime Minister, Mr. Nagy, and other Hungarian patriots, I indicated it was my intention to submit a concurrent resolution.

I do that now, and I call to the Senate's attention to the resolving portion of the resolution, which reads as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that the President of the United States express through the organs of the United Nations and through all other appropriate channels, the deep sense of indignation of the United States at this act of barbarism and perfidy of the Hungarian Communist regime and the Government of the Soviet Union which cooperated with it in the suppression of the independence of Hungary; and be it further

Resolved, That it is the sense of the Congress of the United States that the President of the United States express through all appropriate channels the sympathy of the people of the United States for the people of Hungary on the occasion of this new

expression of their ordeal of political oppression and terror.

I send the concurrent resolution to the desk, and ask that it be appropriately referred, and also that the text of the concurrent resolution be printed at this point in my remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 94) was referred to the Committee on Foreign Relations, as follows:

Whereas the revolt of the Hungarian people in 1956 against Soviet control was acclaimed by freedom-loving people throughout the world;

Whereas the suppression of the Hungarian revolt of 1956 by the armed forces of the Soviet Union was condemned by the General Assembly of the United Nations;

Whereas the leader of the Hungarian Government and people in the unsuccessful revolt against Soviet oppression was induced to leave the sanctuary of the Yugoslavian Embassy in Bucharest on promises of safe conduct and fair treatment on the part of the Hungarian Communist regime and its Soviet sponsors;

Whereas these promises were treacherously ignored and Imry Nagy was seized and held incommunicado;

Whereas the Soviet imposed Communist regime of Hungary has now announced that Imre Nagy, together with his colleagues Miklos Gimes, Pal Maleter, and Jozsef Sziagyi have been tried and executed in secret;

Whereas this brutal political reprisal shocks the conscience of decent mankind: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that the President of the United States express through the organs of the United Nations and through all other appropriate channels, the deep sense of indignation of the United States at this act of barbarism and perfidy of the Hungarian Communist regime and the Government of the Soviet Union which cooperated with it in the suppression of the independence of Hungary; and be it further

Resolved, That it is the sense of the Congress of the United States that the President of the United States express through all appropriate channels the sympathy of the people of the United States for the people of Hungary on the occasion of this new expression of their ordeal of political oppression and terror.

SOVIET EDUCATION

Mr. HUMPHREY. Mr. President, there has been a great deal of discussion about the relative merits of intensive teaching disciplinary methods as opposed to the free-choice method of teaching in some communities.

One of the most interesting discussions of these differing methods of education was the recent article by Walter T. Ridder, chief of the Ridder Publications Bureau, entitled "United States Youths Prefer Individuality After Soviet-Type Teaching Test."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, the article by Walter Ridder.

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

UNITED STATES YOUTHS PREFER INDIVIDUALITY AFTER SOVIET-TYPE TEACHING TEST

(By Walter T. Ridder)

WASHINGTON.—We were rather fascinated by a news story the other day which may well give a clue as to what's wrong with American education.

In a small California town, the local school in one of its grades attempted an experiment. It junked for a week the so-called "American" system of education and substituted for it the so-called Russian system.

As far as one could make out from the news account, the Russian system included such apparently novel ideas—and I quote—as "strict discipline," "paying attention to the teacher," "no horseplay," and "students were required to rise whenever an adult entered the classroom."

The students were "ordered, not asked" to do their classroom assignments and homework. Joking with the teacher during class hours also was thrown out the window. In short, according to the story, the 44 pupils—who ranged in ability from "gifted" to "retarded"—were told to pretend that they were Soviet citizens and to act and study accordingly.

The net result of the experiment? At the end of a week of this onerous regime, the children were given a stiff test and the average grades of the class rose spectacularly from D to B-minus.

Having discovered how to teach the children more in less time and raise their achievement ratings substantially is the school continuing the program? Ha. Don't be silly. Of course not.

Among the reasons given for abandoning this promising new system of education was that the children grew tired of it. "It was hard for us," complained one girl student according to the North American Newspaper Alliance, "not to joke with the teacher and not to talk." The teachers admitted the experiment had been worthwhile, but gave up on it because, one said, "the children lost their individuality."

So, as far as we can make out, the experiment was tried, was successful, and was discarded. The classroom of the school has, one is led to believe, returned to its normal American routine. This means, one gathers, that the children are conversing with each other whenever the mood seizes them, indulge in horseplay while the teacher struggles manfully against great odds to inculcate into them some learning, and the kids fill the air with jokes a la Bob Hope as the instructor drones helplessly.

We don't want to sound too fuddy-duddy about this, but the so-called Russian system of education appears to us very much like that of several American schools we've attended. Back in our day, we didn't make with the big jokes to the teacher, we didn't have a Kaffeeklatsch with the guy seated at the next desk, and the subject of whether we did or did not do our class assignments and homework was not a matter for collective bargaining between us and the instructor. We did it—or else. We also rose from our chairs when an adult entered the room, otherwise many of us wouldn't have sat down again for a day or so.

Our classroom regime, fashioned, I hasten to add, long before the Russian revolution and therefore not Communist-inspired, may have constricted somewhat our individualities and was, viewed politically, authoritarian, dictatorial, and essentially undemocratic.

Under normal circumstances, I would hesitate to say the old system—or the Russian system—is better, but when the evidence from the California school points to a two-grade improvement within one week, it is not too difficult to draw a certain conclusion. The only thing that leaves one completely baffled is why in the name of heavens the school so quickly reverted to the modus operandi which demonstrably turns out inferior students?

ONE CODE FOR PUBLIC OFFICIALS

Mr. WILLIAMS. Mr. President, I have read Mr. Adams' statement as presented to the House committee very carefully, and regret that I cannot accept his explanation as clearing up the implications involved.

Under the preceding administration the acceptance of lavish entertainment and large gifts by officials was strongly condemned, and it cannot be condoned now any more than it was then. I see no difference in the acceptance of a $2,400 rug and a vicuna coat than in acceptance of a deep freeze. I condemned the deep freezes, and I will not defend the rugs now.

In 1952 the American people repudiated the corruption and loose practices exposed as existing under the preceding administration and returned the Republican Party to power largely on our promise that we would restore integrity to public office. During that campaign we said that the test of the character of any administration was not to be based upon the fact that a few men violated their trust—human nature being what it is such instances will happen—but the real test lies in the manner in which that administration meets the challenge when wrongdoings on the part of any of its officials have been called to its attention.

Today the Republican administration stands confronted with that challenge. The acceptance by Mr. Sherman Adams, the administrative assistant to the President, of lavish entertainment and large gifts from a private citizen and allowing that same citizen to use the prestige of his office to further his case before Government agencies must not be condoned. It must not be condoned now any more than such practices were to be condoned under the preceding administration. There can be but one code for public officials. Mr. Adams' resignation is in order.

THE AMERICAN ECONOMY

Mr. MARTIN of Pennsylvania. Mr. President, last October the Russian sputnik created a great sense of humiliation and frustration among the American people. Throughout the land was a great sense of failure—a failure in our education, in our scientific progress, in our ability to keep ahead in our defenses. Out of this came renewed resolve to do and to spend whatever was necessary to achieve adequate strength in all matters that pertained to our national defense.

In due course, and after some disappointments, we launched our own satellites. On that particular score, we are now breathing somewhat easier, perhaps unduly so.

In the meantime we have had a change in our economic pace—production has dropped off and unemployment

has gone up, mostly in the heavy industries, extractive industries and durable goods manufacture, particularly automobiles. Our earlier concern about sputniks has been transferred to recession and unemployment, in some quarters bordering on hysteria. We are in the midst of much debate and discussion as to recession cures, with doleful forecasts by some for the future, unless drastic and immediate steps are taken by the Government.

For some months, we have been swamped with proposals to end the recession and cure unemployment by massive Government spending, large deficits, and increased debt.

Every spending proposal is supported by the argument that, directly or indirectly, it will aid in recovery and provide additional employment, whatever other merit or lack of merit it may otherwise have. When I hear these arguments I am prompted to inquire: Under present conditions, how much spending and lending will it take, how much employment will be created and for how long? That is a question no one has undertaken to answer, to my knowledge.

I sense in all the clamor for remedial action at this time an effort to capitalize on the recession as a great opportunity to promote or extend a wide range of welfare and economic activities, some new, and others resurrected after failure of passage in earlier attempts.

Underlying these programs is a philosophy that increased Government spending and large deficits are not only necessary at this time, but are economically sound for the long pull. In fact, we have heard it stated that budget deficits are only a method of buying economic growth, employment and the general welfare on the installment plan. Deficit spending is cloaked by its advocates with a kind of special virtue for promoting the general welfare as compared with private economic activity. The spenders remind us of the multiplier effect of spending upon the economy, the creation of jobs and income, thus developing a broader tax base, and thereby an increase in taxes to cover the added costs.

The economics involved is made so simple and benefits so alluring that it reminds one of the disposition of the question of increasing debt: "Why worry about the debt, we owe it to ourselves."

This easy solution by Government spending and debt for each and all of our economic problems create lingering and costly legacies to the public at large and even to the intended beneficiaries themselves. A good example of this is our 25 years of experience with the farm programs, which have compounded in many ways both the size and complexity of the original problem.

I am fearful that overdoses of spending at this juncture will merely intensify, as well as repeat, the economic recession we would now escape, and continue the inflationary trend into the years ahead.

In hearings before the Senate Finance Committee on the financial condition of the United States, I have been impressed that two major factors have operated over the past several years, creating the inflationary boom during the 1955–57 period and the recession in 1958. I refer to first, the excessive growth in debt—and spending—by governments, business and individuals; and second, the increases in wage and salary payments in excess of improvements in productivity, resulting in higher costs per unit of product.

In other words, we have spent too much out of future income for current consumption and investment, and we have demanded and received greater dollar incomes than increases in production justified, thus raising costs and prices.

I feel we are now on the way to extend those forces, substituting Government spending and debt for the declines in the private economy, while the wage-push pressure continues in union contracts being negotiated in industry.

I am greatly disturbed because of the lack of concern in Government, in business, and among labor leaders in following economic policies that add fuel to the fires of inflation.

I have had some figures computed from official sources which demonstrate the destructive results of inflation. The years 1955 through 1957 have been pointed to as a period of unprecedented prosperity. New records were set in production, in national income, in employment, in investment, in capacity, and in many other individual items. A new high in price levels and a new low in the value of the dollar are costly offsets to the recent prosperity. They have contributed to the recession and now act as a drag on economic recovery.

The gross national product increased from $391.7 billion in 1955 to $434.4 billion in 1957, an increase of $43 billion, according to the Economic Indicators for May. However, this increase is more fiction than fact. When account is taken of price changes during this period, the net increase is reduced to $17 billion in 1957 dollars, the cheapest dollar we have had in our lifetime. In other words, most of the $43 billion gain was like paper profits in the stock market that were wiped out when the market broke.

But now let us look at another statistic. The May issue of the Survey of Current Business contains a table showing the public and private debt in the United States, for the years 1953 through 1957. The net debt at the end of 1955 was $672 billion.

The value of this $672 billion of net debt has been reduced nearly $51 billion through the operation of inflation during the past 2 years. Considering the increase in debt since the end of 1955, a further loss of value of $1½ billion is indicated.

The funds involved in the debt structure represent the savings of many millions of savers. They are obtained from savings accounts, life insurance premiums, pension funds, and other forms of savings as well as personal holdings of E-bonds, mortgages, and other evidences of debt. It is our money which has been entrusted to the Government, to the banks, savings institutions, trust funds, insurance companies, and other financial institutions. They are the funds put aside by the people for future use—for retirement, for education, for protection against adversity, for widows and dependents, for all those things which call for prudence in current spending and consumption to provide for personal welfare and protection at a later period.

Aside from the personal purpose of savings, the savers have supplied the means for economic growth, jobs, increasing incomes, and standards of living. It is my feeling that this important economic service should and must merit its proper reward if it is to continue, rather than be penalized by almost continuous inflation.

Our recent economic gains of $17 billion from 1955 to 1957, would seem to be built on sand, when during this period of so-called boom prosperity the savings represented by debt are depreciated in amount three times as great, or $51 billion. This is a liquidation of savings out of past labor and production to accommodate and make possible temporary increases in current inflationary incomes. It might be noted in passing that the holders of the national debt have lost nearly $200 billion—in 1958 dollars—in purchasing power since 1940 through inflation.

The purchasing power of the dollar, based on 1940, had dropped to 58 cents in 1948 and is 43 cents at the present time. A continuation of the 7½ percent rate of drop of the past 2 years would result in a 40-cent dollar in 5 years and a 30 cent dollar in 12 years. The $726 billion of net debt—savings—outstanding at the end of 1957 would, through a continuation of this recent inflation, lose $121 billion in value in 5 years and $272 billion in 12 years.

This is indeed a pessimistic prospect. I have reported only what has happened and what is now happening. I see nothing to indicate that the trend of debt-created spending will not continue, nor that any moratorium in union wage-increase demands is in prospect.

Piling debt upon debt through deficit financing has contributed and will continue to contribute to inflation, which is the process through which the debt itself, as well as the savers, are liquidated.

It was hoped that when we established a debt ceiling, it would be useful as a check to excessive Government spending. In the past, I believe it has worked as a deterrent. However, for some months it has been contended before Congressional committees and elsewhere that a debt ceiling had no useful purpose and should be abolished altogether. This is related to the argument that as the economy grew the debt should grow with it. In fact, as a spending argument it is stated that the debt has become smaller in relation to the gross national product, and therefore room is provided for further debt expansion without being a larger burden. I agree that the public debt has shrunk through cheaper dollars by about $20 billion over the past 2 years, but I submit that it is a poor way to reduce the obligations of the United States. It is a simple way of managing the debt but is one which,

if permitted to continue, will threaten the very credit of the country and destroy the value of its currency.

As a people we have slipped into a philosophy that by pouring dollars and credit into the economy, whether by Government or by industry and business, we have found the key to promoting economic growth and the general welfare.

Annual rounds of wage increases with little or no relation to increased production or productivity have been promoted on the very deceptive, although enticing, theory of expanding purchasing power.

As the fallacy of this process has been proved by rising costs and recurring inflation, cost-of-living escalator clauses have been widely adopted in labor contracts, as well as by Government.

By arbitrary increases in so-called purchasing power, the cause of inflationary pressures and devaluation of the dollar is erroneously adopted as its own cure. Continued inflation is thus assured.

Only the recipients of increased Government spending, wage increases and escalation are the temporary beneficiaries. Those whose incomes fall behind in the wage advance, and those left out of escalation adjustments, are correspondingly hurt. So are the millions who put reliance on savings for future needs.

In the long run, the overwhelming majority of people are adversely affected. Inflationary booms inevitably produce recessionary lapses and unemployment. Government spending and debt are then expanded, while taxes are continued at levels which discourage private economic growth, and hold back the expansion of employment.

The goals of maximum employment, real income and welfare are in this process largely sacrificed, the consequence of following the road of so-called increased purchasing power with its resulting inflation.

Mr. President, I wish to thank the acting majority leader, the Presiding Officer, members of the Senate staff at the desk, and the doorkeepers for making it possible for me to complete this address today. It will save time tomorrow when the Senate begins consideration of tax legislation.

Mr. MANSFIELD. The Senator is always kind.

Mr. President, may I inquire what the unfinished business is?

The PRESIDING OFFICER. The unfinished business is Calendar No. 1737, House bill 12695, a bill to provide a 1-year extension of the existing corporate normal tax rate and of existing excise tax rates.

EXTENSION OF EXISTING CORPORATE NORMAL-TAX AND CERTAIN EXCISE-TAX RATES—AMENDMENT

Mr. McNAMARA submitted amendments, intended to be proposed by him, to the bill (H. R. 12695) to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, which were ordered to lie on the table, and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 17, 1958, he presented to the President of the United States the following enrolled bills:

S. 734. An act to revise the basic compensation schedules of the Classification Act of 1949, as amended, and for other purposes; and

S. 3093. An act to extend for an additional period of 2 years the authority to regulate exports contained in the Export Control Act of 1949.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 35 minutes p. m.), the Senate adjourned until tomorrow, Wednesday, June 18, 1958, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 17, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Psalm 40: 4: *Blessed is the man who maketh the Lord his trust.*

Most merciful and gracious God, we invoke the blessing of Thy grace and favor which we so greatly need.

We earnestly beseech Thee that we may cultivate a greater trust in Thee and in the power and possibilities of prayer.

Make us more devoutly and devotedly obedient to Thy counsel and Thy commands.

Grant that our Speaker and the Members of Congress may daily have the unmistakable guidance of Thy divine spirit, making them equal to all their duties and responsibilities.

May we continue to strive for the advent of that blessed day when men and nations everywhere shall be at peace with Thee and with one another.

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 bill and a joint resolution of the House of the following titles:

H. R. 7251. An act to amend the definition of the term "State" in the Veterans' Readjustment Assistance Act and the War Orphans' Educational Assistance Act to clarify the question of whether the benefits of those acts may be afforded to persons pursuing a program of education or training in the Panama Canal Zone; and

H. J. Res. 427. Joint resolution to permit use of certain real property in Kerr County, Tex., for recreational purposes without causing such property to revert to the United States.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 12575. An act to provide for research into problems of flight within and outside the earth's atmosphere, and for other purposes.

The message also announced that the Senate insists on its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON of Texas, Mr. RUSSELL, Mr. GREEN, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. BRIDGES, Mr. WILEY, Mr. HICKENLOOPER, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

SENATE SALAD OF 1958

Mr. HAGEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAGEN. Mr. Speaker, I am happy to join with my fellow Californians in contributing to the Senate salad of 1958 and in inviting all my colleagues to partake tomorrow of this unusual culinary creation.

While it is truly an all-American salad, it surely could not have come into being without the participation of California, which grows more of the produce that goes into salads than any other State.

The ripe olives grown in my District are world-renowned, and I know they will add zest to this unique dish.

I, for one, am anxious to taste Senate salad of 1958, and I hope that all of you will be on hand in the Senate District Committee room tomorrow to join with me in sampling this gourmet treat.

SENATE SALAD

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, Senate salad of 1958, an entirely new version of the world's largest salad, first introduced on the Hill last year, will be unveiled tomorrow at a luncheon in the Senate District of Columbia Committee room between 1 and 3 p. m.

Once again, as was the case last year, the State of California will be a major contributor to Senate salad—proving conclusively—if there were any doubts—that no salad can be completely satisfactory without a sizable share of California produce.

And that share will indeed be sizable. My District alone is contributing 32 heads of iceberg lettuce.

Should you be curious as to how one can put 32 heads of lettuce into a single salad, let me remind you that Senate salad will be served from the world's largest salad bowl, specially made last year for this annual occasion.