first time. I would say this too, while an improvement in our social security system, has a severe limitation, for the disability insurance provides benefits only for those who are age 50 and over.

How many people over the age of 50 receive disability insurance? Social security statistics estimate that as of April 1958, 183,000 people throughout the country between the ages of 50–64 are receiving disability benefits. This is approximately 20 percent of the claims which have been filed for disability benefits. Approximately one-half of those disqualified failed because of their wage earnings records, 40 plus percent did not meet the medical definitions contained in the law.

I do not see how this minimum age limitation can be defended on the merits. To me it constitutes an unjust discrimination against disabled workers under 50 and their families. Under the present law, if the disabled worker should die, his wife and children would be eligible for survivor benefits. Certainly the family of an invalid, incapable of engaging in any substantial gainful activity, to use the language of the statute, is in equally dire circumstances—even more so, because of the added burden of medical expenses.

The need for disability insurance coverage for workers under 50 is as great as for those over 50. Their medical and living expenses are no less. Chances are they have less in the way of savings. In this age group are the fathers and mothers of the younger children—children whose needs cannot wait to be supplied until their parents reach eligible age.

I am a Congressman who, several days a week, returns home and interviews his constituents. I have had occasion to interview men and women who were completely disabled with multiple sclerosis or traumatic injuries after they had worked many years. They would be eligible if they were over 50 years of age; however, since misfortune struck them before the age of 50 they are disqualified and must await painfully the passage of time to reach the age of eligibility. The harm to their minds and families is as great as it is to the persons over 50. Since these are workmen who cannot obtain substantial gainful activity, our economy should not leave them stranded on the wayside. Their earnings have qualified them and there is no logical reason why they should be denied benefits because they have not reached 50 years of age.

I hope this committee will give thoughtful consideration to my proposal to lower the retirement age and eliminate it in the case of disability requirement. The interests of many deserving individuals are dependent upon your doing so.

SENATE

MONDAY, JUNE 30, 1958

(Legislative day of Tuesday, June 24, 1958)

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

Rev. Edward L. R. Elson, S. T. D., minister, the National Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal God, our Creator, Redeemer, and judge, who hast called men to serve Thee alike in the councils of the Nation as before the altars of God: invest all Members of this body with a solemn sense of divine vocation. If, at any time, we have walked on the lower levels of life, distant from Thy love and remote from Thy precepts, wilt Thou lift us to the higher pathway of Thy kingdom? If we have grown careless in thought, callous in conscience, or neglectful in discipline, so as to crowd Thee from our lives, wilt Thou open the door of our hearts and enter anew with Thy refining grace? Enable us to welcome Thee here as the source of our being, the benefactor of our liberties, and the light of all our lives.

Vouchsafe to the Senate of the United States this day and every day the clearer vision and the higher wisdom that belong to Thy kingdom. And wilt Thou make this Nation good enough, strong enough, and great enough to be an instrument of Thy purposes upon the earth in this age.

In the Great Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 27, 1958, was dispensed with.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JACKSON, and by unanimous consent, the following committees were authorized to meet during the session of the Senate today:

Committee on the Judiciary.

Committee on Labor and Public Welfare, in executive session.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of other routine business, and that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By. Mr. EASTLAND, from the Committee on the Judiciary:

Charles Swann Prescott, of Alabama, to be United States marshal for the middle district of Alabama; and

Joseph F. Job, of New Jersey, to be United States marshal for the district of New Jersey.

The PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the calendar will be stated.

COMMISSIONER OF THE DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of Robert E. McLaughlin, of the District of Columbia, to be Commissioner of the District of Columbia for a term of 3 years and until his successor is appointed and qualified.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PUBLIC UTILITIES COMMISSIONER

The Chief Clerk read the nomination of George E. C. Hayes, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years expiring June 30, 1961.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF LABOR

The Chief Clerk read the nomination of Clarence T. Lundquist, of Illinois, to be Administrator of the Wage and Hour Division, Department of Labor.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

RAILROAD RETIREMENT BOARD

The Chief Clerk read the nomination of Thomas M. Healy, of Georgia, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1958.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

The Chief Clerk read the nomination of Edward Steidle, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review for the term expiring July 15, 1961.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified forthwith of the confirmation of all these nominations.

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

LEGISLATIVE SESSION

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

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

REPORT OF A COMMITTEE SUBMITTED DURING RECESS—MINORITY VIEWS

Under authority of the order of the Senate of June 27, 1958,

Mr. ELLENDER, from the Committee on Agriculture and Forestry, on June 28, 1958, reported an original bill (S. 4071) to provide more effective price, production adjustment, and marketing programs for various agricultural commodities, and submitted a report (No. 1766) thereon, together with minority views.

EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO ADDITIONAL APPOINTMENTS OF CADETS AT UNITED STATES MILITARY ACADEMY AND UNITED STATES AIR FORCE ACADEMY

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide more flexibility in making additional appointments to bring the number of cadets at the United States Military Academy and the United States Air Force Academy up to full strength (with an accompanying paper); to the Committee on Armed Services.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

Petitions of sundry citizens of West Covina, Calif., praying for the enactment of legislations to provide for the continuation of the improvement of the Big Dalton and San Dimas Washes in the State of California for flood-control purposes; to the Committee on Public Works.

Memorials signed by sundry citizens of the United States, remonstrating against the enactment of legislation to change the east front of the Capitol Building in the District of Columbia; ordered to lie on the table.

A resolution adopted by the Federation of Citizens Associations of the District of Columbia, protesting against the enactment of legislation to change the east front of the Capitol Building in the District of Columbia; ordered to lie on the table.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 92. A bill for the relief of Robert Karia (Rept. No. 1767);

S. 1615. A bill to prohibit the removal to district courts of the United States of actions commenced in State courts under State workmen's compensation laws (Rept. No. 1768);

S. 3031. A bill for the relief of Joseph Daniel Maeda Betterley (Toshikazu Maeda) (Rept. No. 1769);

S. 3676. A bill for the relief of Maria Michela Leo Di Gioia (Rept. No. 1770);

H. R. 3261. An act for the relief of the Oceanside-Libby Union School District, San Diego County, Calif. (Rept. No. 1771); and

H. R. 3720. An act for the relief of Carl J. Warneke (Rept. No. 1772).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2935. A bill for the relief of Mary Louise Shields Wilkinson (Rept. No. 1773);

S. 3401. A bill for the relief of Cho Hack Youn (Rept. No. 1774); and

H. R. 7729. An act for the relief of August Widmer (Rept. No. 1775).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3314. A bill for the relief of the city of Fort Myers, Fla., Lee County, Fla., and the Inter-County Telephone and Telegraph Company, Fort Myers, Fla. (Rept. No. 1776); and

S. 3402. A bill for the relief of Maxim Kadoch (Cadoch) (Rept. No. 1777).

By Mr. O'MAHONEY, from the Committee on the Judiciary, without amendment:

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day (Rept. No. 1778).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

H. R. 4229. An act for the relief of Continental Hosiery Mills, Inc., of Henderson, N. C., successor to Continental Hosiery Co., of Henderson, N. C. (Rept. No. 1779).

By Mr. JOHNSTON of South Carolina, from the Committee on the Judiciary, with amendments:

H. R. 985. An act to provide that chief judges of circuit and district courts shall cease to serve as such upon reaching the age of 75 (Rept. No. 1780).

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. ELLENDER:

S. 4071. A bill to provide more effective price, production adjustment, and marketing programs for various agricultural commodities.

(See reference to above bill as reported by Mr. ELLENDER, from the Committee on Agriculture and Forestry, on June 28, 1958, which appears under a separate heading in Senate proceedings of today.)

By Mr. BIBLE:

S. 4072. A bill to provide for the erection of a Federal building in Reno, Nev.; and

S. 4073. A bill to provide for the erection of a Federal building in Las Vegas, Nev.; to the Committee on Public Works.

By Mr. KNOWLAND:

S. 4074. A bill for the relief of the survivors of Lois G. Eagleton; and

S. 4075. A bill for the relief of Jose Aguirre; to the Committee on the Judiciary.

By Mr. BARRETT:

S. 4076. A bill to require the Surgeon General to undertake a special research program with respect to cystic fibrosis; to the Committee on Labor and Public Welfare.

By Mr. PURTELL:

S. 4077. A bill for the relief of Grover J. Cole; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 4078. A bill to establish a code of ethics for the executive and legislative branches of the Government; to the Committee on Labor and Public Welfare.

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

By Mr. CASE of New Jersey:

S. 4079. A bill for the relief of Lillian Seid and her minor daughter, Denise Tarento; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 4080. A bill to provide for the gathering, evaluation, and dissemination of information, and for the formulation of plans, which will aid in the maintenance of a high level of prosperity in the United States, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. JACKSON:

S. J. Res. 184. Joint resolution authorizing the President of the United States to provide a study of the problems and cost of furnishing an adequate food and fiber stockpiling program to protect the people of the United States against shortages of food and fiber in the event of local, regional, or national emergency; to the Committee on Agriculture and Forestry.

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

By Mr. BUSH:

S. J. Res. 185. Joint resolution proposing an amendment to the Constitution to provide that a new State may be admitted only with the consent of two-thirds of both Houses of Congress; to the Committee on the Judiciary.

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

By Mr. JAVITS:

S. J. Res. 186. Joint resolution to establish a Commission on Ethics in the Federal Government to study and develop necessary conflicts of interest legislation, including a Code of Ethics applicable to Members of Congress and to officers and employees of the executive branch of Government; to the Committee on Labor and Public Welfare.

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

RESOLUTION

Mr. CASE of South Dakota submitted a resolution (S. Res. 319) concerning the classification of the Senators from Alaska when admitted as a State, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CASE of South Dakota, which appears under a separate heading.)

CONTINUING PROSPERITY ACT OF 1958

Mr. KEFAUVER. Mr. President, I introduce, for appropriate reference, a bill to provide for the gathering, evaluation, and dissemination of information, and for the formulation of plans, which will aid in the maintenance of a high level of prosperity in the United States. This bill is identical to House bill 12515, which

was introduced in the House by Representative ELMER J. HOLLAND, of the 30th Congressional District of Pennsylvania, on May 14, 1958.

The bill provides for the establishment of a commission to consist of nine members; and its membership would be drawn from industry, labor, and other fields of endeavor.

The overall or guiding function of the commission would be to take plans both for the present and for the future, to maintain continuing prosperity.

One obvious merit which the commission would have would be to provide the President with first-hand data based on the benefit of the experience of outstanding citizens in various fields.

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

The bill (S. 4080) to provide for the gathering, evaluation, and dissemination of information, and for the formulation of plans, which will aid in the maintenance of a high level of prosperity in the United States, and for other purposes, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADEQUATE FOOD AND FIBER STOCKPILING PROGRAM

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President of the United States to provide a study of the problems and cost of furnishing an adequate food and fiber stockpiling program to protect the people of the United States against shortages of food and fiber in the event of local, regional, or national emergency.

Legislation is long overdue establishing a sound program for stockpiling a reserve of food and fiber for emergency periods resulting from disasters of nature, poor growing seasons, or military attack.

This Nation has an excess supply of certain food commodities and fibers. It is time to heed the Biblical injunction of Joseph's time—7 years of plenty, 7 years of dearth—and stockpile when we have a surplus. Moreover, mass destruction of ordinary food and fiber supplies is a major peril and possible objective in modern warfare. A disasterproof stockpile of food and fiber would render our Nation less vulnerable to attack and thus constitute a deterrent to possible aggression.

One obstacle in getting legislation to implement a stockpiling program is the absence of thorough and up-to-date information on a number of vital questions involving the kinds of foods and fibers storable, the kinds really needed in emergency, methods of preserving food and fiber, the type and location of storage, the impact of such a program on surpluses, and cost estimates.

Therefore, Mr. President, I am introducing a joint resolution requesting the President of the United States to submit a comprehensive and detailed report on these and other questions to the Congress, on or before January 1, 1959, with such comments and recommendations as he deems appropriate. Once a report of this nature is before us, I believe we will be in a position to prepare appropriate legislation to implement a sound food and fiber stockpiling program.

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

The joint resolution (S. J. Res. 184) authorizing the President of the United States to provide a study of the problems and cost of furnishing an adequate food and fiber stockpiling program to protect the people of the United States against shortages of food and fiber in the event of local, regional, or national emergency, introduced by Mr. JACKSON, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

AGRICULTURAL ACT OF 1958—AMENDMENT

Mr. YOUNG (for himself and Mr. MUNDT) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 4071) to provide more effective price, production adjustment, and marketing programs for various agricultural commodities, which was ordered to lie on the table and to be printed.

PROPOSED AGRICULTURAL RESEARCH AND INDUSTRIAL BOARD—ADDITIONAL COSPONSORS OF BILL

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the names of the Senator from Louisiana [Mr. ELLENDER] and the Senator from Wisconsin [Mr. PROXMIRE] may be added as cosponsors of the bill (S. 3697) to create an Agricultural Research and Industrial Board, to define its powers and duties; and for other purposes, introduced by me on April 25, 1958. The Senator from Louisiana and the Senator from Wisconsin were extremely helpful in the drafting of the final form of the proposed legislation, and I am proud to have them desire to cosponsor it with me.

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

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

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

By Mr. KNOWLAND:

Address delivered by him before the American Legion convention at Sacramento, Calif., on June 27, 1958.

Address delivered by him before the Serbian National Defense Council of America, at Chicago, Ill., on June 29, 1958.

ASSISTANCE BY FEDERAL GOVERNMENT FOR EXPANSION OF SCHOOL FACILITIES

Mr. MURRAY. Mr. President, the Washington Post and Times Herald pointed out in an editorial yesterday that the Rockefeller Brothers Fund—

like almost every other agency which has studied the problem, concludes that the Federal Government must play a substantial part, at least on an emergency basis, in financing the expansion of school facilities.

It is difficult—

Says the Post—

to understand how the administration can turn its back upon the need for school construction, in the face of the facts presented by this (Rockefeller) report—facts long ago presented by the administration's own Office of Education.

Mr. President, the administration's failure to support proposed legislation providing for school construction and higher teacher salaries is, of course, distressing. But this failure does not absolve Congress of its responsibility. We must endeavor to enact this needed legislation this session, despite administration opposition. In this connection, let me say that the Education Subcommittee of the Committee on Labor and Public Welfare will hold further hearings tomorrow morning, at 10 a. m., on Senate bill 3311, which would provide Federal assistance for classroom construction and/or teacher salaries.

Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following these remarks, the excellent Washington Post editorial entitled "Pursuit of Excellence," which appeared in the June 29 issue.

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

PURSUIT OF EXCELLENCE

"Ultimately," the Rockefeller Brothers Fund report on United States educational needs reminds us, "the source of a nation's greatness is in the individuals who constitute the living substance of the nation." Education is simply the vital process of developing the capabilities of this living substance. Appropriately, therefore, the report is titled and focused upon "the pursuit of excellence." It makes a most significant contribution to public understanding of the function of education in a democratic society.

The report renders an important service also in underscoring once more what other investigators have already pointed out—that the public-school system in this richest of democracies has fallen, through neglect and niggardliness, into a desperate plight. There is a pressing need, the report makes clear, for a redefinition of educational goals, for a reemphasis on democratic ideals and ethical values, for a resourceful examination of new educational techniques, for strengthening of the curriculums, for the identification and encouragement of talent. All of these needs must be met—and met imaginatively—if the Nation's public schools and colleges are to prove equal to the challenge of these times.

But basic to them is a need for commitment of a far larger share of this rich country's economic substance than is committed at present to the education of its youth. "All of the problems of the schools," the report declares, "lead us back sooner or later to one basic problem—financing. It is a problem with which we cannot afford to cope halfheartedly." And the report points out what all but the willfully myopic have recognized for more than a decade:

"Our schools are overcrowded, understaffed, and ill equipped. In the fall of 1957, the shortage of public school classrooms stood at 142,000. There were 1,943,000 pupils in excess of normal classroom capacity. These

pressures will becomes more severe in the years ahead. Elementary school enrollments will rise from some 22 million today to about 34 million by 1960–61. By 1969 high schools will be deluged with 50 to 70 percent more students than they can now accommodate; by 1975, our colleges and universities will face at least a doubling and in some cases a tripling of present enrollments."

The Rockefeller Brothers Fund, like almost every other agency which has studied the problem, concludes that the Federal Government must play a substantial part, at least on an emergency basis, in financing the expansion of school facilities. It approves Federal aid of the sort embraced in the administration's aid to education bill in the form of scholarships and improvement of testing services. But it adds what is, indeed, inescapable, that "to the extent that the Federal Government can assist in building construction, either through loans or outright grants, it will be engaging in one of the most helpful and least hazardous forms of support to education."

It is difficult to understand how the administration can turn its back upon the need for school construction, in the face of the facts presented by this report—facts long ago presented by the administration's own Office of Education. It is difficult to understand how the administration can ignore the compelling need to raise the salaries of teachers and enlarge the teaching profession. "An educational system grudgingly and tardily patched to meet the needs of the moment will be perpetually out of date," the report asserts. This is a lesson which should long ago have been learned. In the face of a challenge which may entail nothing less than national survival, boldness, and generosity and vision must be brought to the resolution of school problems.

MILWAUKEE SENTINEL DOES GREAT JOB FOR ALASKA STATEHOOD

Mr. PROXMIRE. Mr. President, I support statehood for Alaska with all my heart. Moreover, I am convinced that the people of Wisconsin are wholeheartedly and overwhelmingly in favor of bringing Alaska into the Union.

One of the reasons why Wisconsin people are aroused to the merits of statehood for Alaska is that the newspapers have done a good job of informing them of the justice of Alaska's case and the great advantages to America which lie in adding this 49th star to the flag. The Milwaukee Sentinel has done better than a good job—it has done a great job.

Again and again the Milwaukee Sentinel has told the Alaska story, and just as often it has put its editorial strength behind the argument for statehood. The Sentinel made it easy for its readers to make their wishes known to their representatives in Congress. The Sentinel ran a cartoon, with a box for the reader to sign, with his address, showing his support for statehood. After every editorial, the Sentinel had a coupon which could be filled in by the reader and mailed to either of his Senators. I have received hundreds of these coupons.

I think the friends and champions of statehood for Alaska ought to know how much help their cause has received from the Milwaukee Sentinel. When the Senate votes this week to bring Alaska into the Union, as I am sure it will, its vote will mark the culmination of a long fight waged by many people on behalf of Alaska. An honored place on that long roll of Alaska's friends belongs to the Milwaukee Sentinel.

STATEHOOD FOR ALASKA

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). If no other Senator has morning business to submit, morning business is concluded.

The Chair lays before the Senate the pending business.

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

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.

INTEGRATION IN SCHOOLS

Mr. ROBERTSON. Mr. President, a commission established by the 85th Congress now is engaged in planning for a suitable observance of the 100th anniversary of the War Between the States which was fought from 1861 to 1865. That observance will remind many people of other States of a fact which Virginians cannot forget—that our State was the major battleground of that fratricidal war.

And Virginians also are very conscious of the fact that our State has been chosen as a new battleground to test whether or not the Federal Government can force a sovereign State to operate racially mixed schools against the will of a majority of the people and in violation of the State's constitution.

Present indications are that this conflict will lead to the closing next fall of public schools in several cities and counties of Virginia, because school officials who attempt to operate on a segregated basis will be in contempt of a Federal court and those schools which admit both white and colored pupils will be closed by requirements of our State laws.

Certainly no one, white or colored, will benefit from closed schools, and if they cannot be operated in the future as they have been in the past, some acceptable substitute means must be found for educating our youth.

This approaching school crisis cannot be ignored by saying that it is a Virginia problem, but not one which concerns the United States Senate. Since the Senate has demonstrated over a long period of time its interest in the education of colored students, I respectfully ask why my State, if so inclined, should not be permitted to adopt, for the benefit of its white children, a plan which the Congress adopted 91 years ago for the benefit of colored students, and has repeatedly affirmed by annual appropriations.

The plan to which I refer is simply the giving of Government property and of Government funds to a private institution to carry on an educational program which the Government itself could not undertake.

The latest endorsement of such a program is proposed in S. 3626, a bill introduced in the Senate on April 16, 1958, by the Senators from New Jersey and New York, and other Senators, and referred to the Committee on Labor and Public Welfare. Its title is "A bill to establish a teaching hospital for Howard University, to transfer Freedmen's Hospital to the university, and for other purposes."

I desire to outline briefly to the Senate the provisions of that bill, to recall the history of the institutions with which it deals, and to draw an analogy between the relation of the Federal Government to Howard University and Freedmen's Hospital, and the relation which might exist between a Southern State and independent nonprofit corporations which would be given buildings and funds for carrying on educational programs, details of which would be entirely within the discretion of the governing boards of these corporations.

The point I wish to make clear is that those who approve of the operation of Howard University and Freedmen's Hospital and want to see them continued, and particularly those who favor the expansion program which has been proposed in S. 3626, cannot with consistency criticize similar operations which might be considered by Virginia or other States to deal with an educational emergency.

To obtain the proper perspective on this matter, it is necessary to go back to the Constitutional Convention of 1787 and observe that authority for the Congress to establish a national university was sought and was refused.

The proposed drafts for the Constitution submitted by both Charles Pinckney and James Madison would have authorized such an institution, and their joint resolution to implement their recommendations was supported by Virginia, North Carolina, South Carolina, and Pennsylvania, but was opposed by a majority of the representatives of other States and was defeated.

That ended the matter, so far as the Constitutional Convention was concerned, but our first President, George Washington, still cherished the idea to such an extent that his will bequeathed 50 shares of Potomac Canal stock toward the establishment of a university "if the National Government is inclined to extend a fostering hand toward it."

The interest in higher education indicated by Washington's will was emphasized in the ceremonies in 1904, when the institution founded in the District of Columbia in 1821 under the name of Columbian College changed its name to George Washington University; but that institution never has claimed to be a national university, nor has it received direct aid or appropriations from the Congress for its buildings or operations, other than the type of research grants which are shared by colleges and universities generally.

Meanwhile, however, there had been established in the District of Columbia, under an act of Congress approved March 2, 1867, "a university for the education of youth in the liberal arts and sciences under the style and title of Howard University."

Now, there are several interesting features about the establishment of Howard University. As I have pointed out, there was no constitutional authority for the Congress to found and operate a university, and it did not do that in this case. What the act approved in 1867 did was to set up the university as a "body politic," with power to sue and to be sued, to own and convey property, and with its government vested in a board of trustees. Except for the fact that the trustees were required to make an annual report to the Congress, this was an independent educational institution, operating along the same lines as any privately endowed university conducted on a nonprofit basis.

The second point to be noticed is that while there were no racial restrictions in the original act creating Howard University, there was nothing in the law which would have prevented the trustees from operating it as a segregated institution, and as a matter of fact, it was so operated for many years. Even today the racial division of students in Howard University is so one-sided that it can be considered integrated only in the technical sense.

At the time Howard was founded there was, of course, an urgent need to do something about the education of recently freed slaves, and all the circumstances point to the intention of Congress to deal with this problem, in an indirect way, rather than simply to create another institution of higher learning in the Nation's Capital.

The university was named in honor of Gen. Otis O. Howard, of Maine, who was the director of the Freedmen's Bureau, and General Howard, as its first president, led the fight to obtain Congressional support for the school in its early days.

The Freedmen's Bureau, as it was commonly known, but which officially was designated as the Bureau of Refugees, Freed Men and Abandoned Lands, was established in 1865, when the War Between the States was drawing to a close. It had the power to take over land in Southern States which was confiscated or abandoned and, by sale or otherwise, to make it available to refugees or freed men in units of not more than 40 acres for their protected use and enjoyment for 3 years. The Bureau also was given power previously exercised by the Treasury and War Departments to seize and sell the lands held by the Confederate States, as well as abandoned lands, and to use the proceeds of such sales for the education of freed slaves.

It was through the exercise of this power to seize southern land and sell it that funds were obtained to purchase property on which Howard University and Freedmen's Hospital were established. Although the hospital made the purpose more evident in its name, there can be no question about both hospital and university being intended to serve recently freed colored persons and not the public generally.

The Congressional Globe of March 3, 1871, indicates that Howard University received $528,955.95 from the Freedmen's Bureau, and the incorporators of the university paid $147,500 of this amount for the purchase of 150 acres of land. This tract included the land on which Freedmen's Hospital was built and title to it clearly was vested in the trustees of the university, creating the unique situation of a Government-owned institution being built on land to which the Government did not hold title.

Congress ordered the Freedmen's Bureau abolished in 1872 after its political and financial operations had become a national scandal and General Howard had been charged with responsibility for shortages in its accounts, but Congress continued to make annual appropriations for the operation of Howard University.

The school was under the eye of the Office of Education and the Interior Department until 1940 and then under the Federal Security Administration until 1953, when it was placed under the Secretary of the Department of Health, Education, and Welfare. It should be emphasized, however, that the supervision which the Federal Government has exercised has been only the kind of restrictive oversight which a donor of money is able to demand in checking on its expenditure, plus the influence gained from the fact that if past spending was not approved, future donations might not be made. It is the same kind of indirect control the Federal Government could exercise over local public school systems if Congress should inaugurate a program of Federal aid for school operating costs.

The Department of Health, Education, and Welfare estimates that Howard University has received more than $26 million from the Federal Government for capital investments. Annual appropriations for operating costs have varied but have risen from $218,000 in 1927 to around $4 million in recent years. The budget for the 1959 fiscal year proposes an allowance of $4 million for salaries and expenses and an additional $596,000 for continuation of a major construction program started in 1945.

The 1959 budget message notes that 54.2 percent of the school's operating costs are paid by Federal funds. On the basis of current enrollment this Federal contribution amounts to around $1,000 a year toward the education of each Howard student.

This assistance has been given to an institution which the budget itself says "is administered by a private board of trustees and staff of officers." The trustees hold title to the property and are legally empowered to make and change its policies, subject only to the threat of withdrawal of future support. Apparently there is nothing which would prevent them from seeking additional private support, if they chose to do so, and then completely altering the character of the university while still benefiting from $26 million worth of property bought with public funds.

Now, let us take a look at the pending Senate bill dealing with Freedmen's hospital. Briefly stated, the provisions of S. 3626 are as follows:

First. It would transfer the hospital, which has been owned and operated by the Federal Government, to Howard University "for the purpose of assisting in the provision of teaching hospital resources for Howard University, thereby assisting the university in the training of medical and allied personnel and in providing hospital services for the community." All the physical property involved would be transferred without reimbursement of any kind.

Second. Career employees of the hospital would be given job protection, including arrangements for them to continue to participate in the Federal Government's liberal civil-service retirement and group life insurance plans.

Third. Authorization would be given to appropriate Federal funds to construct new buildings and revise existing ones to provide a hospital capacity of 500 beds. The value of the present hospital plant, which would be given away, is estimated at $1,914,000. Increasing it from 150 to 500 bed capacity is estimated to cost another $9,157,000.

Fourth. Future annual appropriations would be authorized of such sums as the Congress may determine, for the partial support of the operation of teaching hospital facilities which the Government would expect to become progressively more self-supporting, so that the Federal contribution could be gradually reduced. The current annual Federal appropriation to Freedmen's is $3 million with the remainder of its $4.5 million budget coming from fees charged to patients.

Mr. President, I ask Members of the Senate to consider the parallel between those provisions of S. 3626 and a bill which might be passed by the General Assembly of Virginia authorizing the transfer of title to certain public school properties to boards of trustees of nonprofit corporations established for the purpose of improving the education and carrying on the training of children displaced by the closing of public schools.

Suppose the suggested bill gave those trustees only the same kind of latitude as to their policies which has been given to the trustees of Howard University. Suppose the bill should provide that the property be transferred without reimbursement and should further provide that career teachers who had been employed in the public schools might continue to participate in State retirement and insurance plans after transferring to the private institutions. Suppose, finally, that the bill authorized appropriation of State funds for operation of these privately controlled schools for an indefinite period during which they would be expected to become progressively more self-supporting.

S. 3626 is an administration bill, prepared by a member of the Cabinet. Would the sponsors of S. 3626 and other Members of the Senate, disposed to support that bill, question the propriety of

similar State legislation, or would they feel that it could not stand a court test of constitutionality?

I realize that it may be said that the purpose of any State law of this kind would be to allow white children to continue to attend racially segregated schools. But, was not the obvious purpose of Howard University and Freedmen's Hospital to take care of educational and health needs of colored persons in separate institutions, rather than to try to make room for the former slaves in existing institutions which could have been enlarged to serve both races? And where in the Constitution is a Federal court given the power to tell a State or its political subdivisions the terms on which publicly owned property can be disposed?

The purpose stated in the kind of State law I have described would be simply to assist in giving pupils a better education than they otherwise might obtain in the communities involved, just as the purpose stated in S. 3626 is to assist privately controlled and operated Howard University in providing teaching hospital resources and hospital services for the District of Columbia area.

If we are to consider practical results as well as stated purposes, the facts of the case are that the Federal Government has spent millions of dollars and proposes to spend more millions in a program which has been almost exclusively for the benefit of one race.

Property seized from the white people of the South was sold and some of the proceeds which were not dissipated by corrupt bureaucrats were used to found a college for colored students and a hospital for colored patients in the District of Columbia. Education and hospital treatment have continued for 91 years on a subsidized basis.

If the purpose is merely to provide medical education and hospital instruction in the Washington area, perhaps on the ground that the Federal Government has a special responsibility to the District of Columbia, why should the program be limited only to Howard University?

Howard has a few white medical students. George Washington University, named, as I have indicated, for an early champion of a national university supported by Congress, has, I am advised, at least one colored student in its medical school. Why, then, if a Federal aid program is desirable, should not George Washington share the kind of grant proposed for Howard in S. 3626? Or why should not any funds taken from the Federal Treasury for medical education in the District of Columbia be equally divided among all the local schools which do not have an openly admitted racial exclusion policy?

Is it not perfectly obvious that this proposal involves turning over Federal property and operating funds to a privately controlled institution which, although not required to do so by its charter, will carry on for the principal, if not exclusive, benefit of the colored race?

If Members of the Senate approve of what has been done in regard to Howard University and Freedmen's Hospital and are willing to repeat the process again through enactment of S. 3629, I frankly do not see how they could reasonably criticize a State which chose to turn over school properties to private corporations and to help those corporations carry on a program of education.

The ninth verse of the fifth chapter of the Gospel by St. Matthew is as applicable to the home front as to the foreign field.

JURISDICTION OF THE SUPREME COURT

Mr. THYE. Mr. President, I regret that I was not present during the morning hour, but I was in attendance at the hearing of the Appropriations Subcommittee on the Defense Department appropriations. I am in receipt of a letter from the Minnesota Bar Association signed by Burt A. McKasy, executive secretary, and I ask unanimous consent that the letter and the accompanying resolution be printed in the body of the RECORD.

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

MINNESOTA STATE BAR ASSOCIATION,
Minneapolis, Minn., June 27, 1958.

The Honorable EDWARD J. THYE,
The Senate Office Building,
Washington, D. C.

DEAR SENATOR THYE: We are taking the liberty of enclosing to you a copy of a resolution adopted by the convention of the Minnesota State Bar Association, June 20, 1958, having to do with the Jenner-Butler bill, known as S. 2646.

This resolution is respectfully submitted for your consideration.

Very truly yours,

BERT A. MCKASY,
Executive Secretary.

RESOLUTION

Whereas the so-called Jenner-Butler bill, known as S. 2646, if enacted in its present form would constitute a threat to the independence of the judiciary; would be contrary to the intention of the balance of the powers set up in the Constitution between the executive, legislative, and judicial branches of our Government; and in other ways would diminish the historic jurisdiction of the Supreme Court of the United States and is detrimental to the national interest and to the structure of the Government under the Constitution: Now, therefore, be it

Resolved, That the Minnesota State Bar Association, in annual convention assembled, does hereby oppose the enactment into law of that part of said bill which would in any way limit the jurisdiction of the courts or interfere with their right of review;

Resolved further, That the Secretary of this association be authorized to transmit copies of this resolution to the members of the Senate Committee on the Judiciary and to the Members of the Senate and House of Representatives from the State of Minnesota and to such other individuals or committees as the executive committee of this association may consider proper.

CONFLICT OF INTEREST—WHO POLICES THE POLICEMEN?

Mr. NEUBERGER. Mr. President, it seems to me that in the furor and public discussion relative to conflict of interest, as it relates to the executive branch of the Government, we in the Senate and the House should make certain that any policies we apply to the executive branch of the Government are applied also—equally, impartially, and equitably—to ourselves.

I have asked the question on the floor of the Senate, Who polices the policemen? In my opinion this is a timely question, a fair question, and a pertinent question.

One of the most outstanding and distinguished columnists I know in the field of public affairs is Mr. Roscoe Drummond. In his syndicated column, as it appeared in the Oregon Daily Journal, of my home city of Portland, Oreg., for June 27, 1958, Mr. Drummond put to his readers some of the questions I have voiced on the floor of the Senate.

I ask unanimous consent that this pertinent, effective, and cogent column by Roscoe Drummond be printed in the RECORD at this point as a part of my remarks.

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

NEUBERGER QUESTIONS PERTINENT

(By Roscoe Drummond)

WASHINGTON.—It will be hypocrisy of the worst kind if the politicians succeed in filling the air with such virtuous condemnation of Sherman Adams that they can hide behind their own pretensions and turn aside basic reforms which need to apply to themselves as much as, if not more, than to many others.

The present tactic, apparently, is to so becloud the issue with moral finger pointing at Adams that Members of Congress can conceal their own gift, campaign-contribution, conflict-of-interest habits, which dwarf those they so piously deplore, and end up by conveniently neglecting the remedies.

The politicians love to dispense scapegoats as long as they can escape themselves. The elected Republicans orate about General Vaughan and the elected Democrats orate about Sherman Adams, even though their own offenses are more pernicious.

One courageous voice is being raised in the Senate to expose this conspiracy of mutual tolerance among politicians.

The voice is that of Senator RICHARD L. NEUBERGER, Democrat, of Oregon, who asks these pertinent questions:

"When Sherman Adams committed his errors of judgment in doing favors for his friend, the public is being left to infer that he did this because of Mr. Goldfine's coats and hotel suites. Yet is Sherman Adams any more indebted to Mr. Goldfine for gifts than a man who sits in the Senate or in a governor's chair is indebted to those who collected $100,000 from big businessmen or from trade union political education funds for his campaign expenses?

"Is Sherman Adams, with his $2,400 rug and $700 vicuna cloth coat, more obligated to render unethical favors than is a member of Congress who is dependent every few years on 20 times that amount from bankers, natural gas, and private utility owners and distillery executives to finance his billboards and radio and TV shows?

"Is it morality for a Senator to collect $500 or $1,000 speaking fees from many labor unions or liberal groups and then to oppose a Federal right-to-work law, but immorality for Harry Vaughan at the White House to be given a deep freeze or Mr. Adams a coat?"

Senator NEUBERGER is not extenuating Adams' mistake. (Adams had the decency to admit his own imprudence.) NEUBERGER is pointing out that "Mr. Adams is the victim of a system" under which the spending of

large sums of money on politics and on politicians is widely taken for granted, and he would like to see the politicians do a little something about the system.

There are three practical reforms which would reach in the right direction:

The regulatory agencies ought to be put out of the reach of pressure by both legislative and executive officials.

Presidential and Congressional elections ought to be freed from massive contributions, which often involve underworld money, lobby money, and appointment-hungry money.

Finally, is there any reason why Congressmen should not apply the same laws against conflict of interest to themselves that they apply to others in Government and provide for disclosure of their own gifts and outside income?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3778) to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. ROBERTS, Mr. STAGGERS, Mr. ROGERS of Texas, Mr. FRIEDEL, Mr. FLYNT, Mr. MACDONALD, Mr. WOLVERTON, Mr. O'HARA of Minnesota, Mr. HALE, Mr. SPRINGER, Mr. DEROUNIAN, and Mr. YOUNGER were appointed managers on the part of the House at the conference.

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 bill (H. R. 12716) to amend the Atomic Energy Act of 1954, as amended.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 325) to authorize the Joint Committee on Atomic Energy to print for its use 10,000 copies of the public hearings on "Physical research program as it relates to the field of atomic energy," in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 325) to authorize the Joint Committee on Atomic Energy to print for its use 10,000 copies of the public hearings on "Physical research program as it relates to the field of atomic energy," was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Joint Committee on Atomic Energy be authorized to have printed for its use 10,000 copies of the public hearings on "Physical research program as it relates to the field of atomic energy," held by the Subcommittee on Research and Development during the 85th Congress, 2d session; and be it further

Resolved, That the joint committee be authorized to have printed 10,000 copies of the report on the above hearings; and be it further

Resolved, That the joint committee be authorized to have printed 2,000 copies of the index of the above hearings.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. JACKSON. 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. JACKSON. 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. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from Mr. O. E. Darling, president of the Brown & Hawkins Commercial Co., of Seward, Alaska. He has been in business for 61 years, and has kept records relating to the economy of Alaska for 41 years. On that basis he is satisfied that the economy of Alaska cannot afford the luxury of statehood.

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

BROWN & HAWKINS COMMERCIAL CO.,
Seward, Alaska, June 27, 1958.

Senator A. WILLIS ROBERTSON,
Washington, D. C.

DEAR SENATOR: I would like to corroborate the letter you have received from Mr. Henry F. Tobin which categorically states that Alaska is not yet ready for statehood. I know Mr. Tobin to be a very competent observer of the economic scene here in Alaska.

I would like to further corroborate his letter with the evidence of an Alaskan businessman who is actually trying to develop some industry for Alaska.

The company I head has been an integral part of Alaska's historically erratic economy for almost 60 years. We have kept very complete business records of our experience with Alaska's economy that go back 41 years. These records give us an accurate picture of just what makes Alaska's economy perform. We know that Alaska is not yet ready for statehood.

At the present time I am most actively engaged in trying to create a market for two of Alaska's most prolific natural resources, steam coal and peat moss. I am being frustrated because of our excessively high labor costs, our punitive tax structure (which is one of the highest in the world) and logistics.

Statehood will in no way assist my efforts. It will only add to them because statehood will increase our labor costs, force us to increase our present punitive tax structure to a prohibitive one and only huge Federal subsidies will help us surmount our logistical problems.

I together with many, many thousands of other responsible Alaskan businessmen hope that your efforts will be successful in blocking statehood for Alaska at this time.

Sincerely,

O. E. DARLING,
President.

Mr. BIBLE. Mr. President, I wish to join with my illustrious colleagues on both sides of the aisle in calling upon the Senate to grant statehood to Alaska and thus redeem a pledge made to that Territory 91 years ago.

In article 3 of the treaty of cession, by which we acquired Alaska in 1867, we pledged Alaskans ultimate statehood. In my opinion, Mr. President, the people of Alaska have waited long enough to see this pledge translated into affirmative action at this session.

Both of our great political parties are on record in favor of granting Alaska statehood. The great majority of American citizens—their feelings reflected in nationwide polls—have expressed themselves in support of statehood for Alaska by a margin as high as 12 to 1. The citizens of Alaska have made known their wishes, as only last year the Territorial legislature voted unanimously for statehood.

The wishes of the citizens of my State toward granting Alaska statehood were enunciated in a joint resolution adopted by the Nevada Legislature in 1949, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

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

Assembly Joint Resolution 26

Joint resolution memorializing Congress to pass legislation permitting the Territory of Alaska to become a State

Whereas Alaska, by the census of 1940, had a population of 72,524 which figure by now may have been doubled; and

Whereas even by the census of 1940, Alaska has more population now than several of our States had at the time they were admitted into the Union, namely: Arkansas, Florida, Missouri, Nevada, Oregon, and Wyoming; and

Whereas Alaska has a Representative in Congress, but he has no vote, and his position is little better than that of a lobbyist; and

Whereas it is inconceivable that a region as large as Alaska and possessing its great multiplicity and richness of mining and general resources and its strategic military position should remain indefinitely under the American flag in a condition of political servitude; and

Whereas the Territory of Alaska has been a part of our great Nation for many years and has been a vital part of the economic structure of our great United States of America; and

Whereas during all times and during all crises in which we, as a Nation, have passed, the Territory of Alaska has played her part; and

Whereas the Territory of Alaska has heretofore operated as a Territory; and

Whereas she could better operate as a State of the Union; and

Whereas she has proven herself well capable of being a sister State: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada (jointly), That the Legislature of the State of Nevada memorialize the Congress of the United States to pass legislation permitting the Territory of Alaska to become a State of our great Union of States; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each Member of the Senate and the House of Representatives of the United States from Nevada, and that the Senators and Representatives representing the State of Nevada in Congress be urged actively to support such legislation.

PETER A. BURKE,
Speaker of the Assembly.
CLIFF JONES,
President of the Senate.

Approved March 15, 1949.

VAIL PITTMAN, *Governor.*

Mr. BIBLE. Mr. President, at the present time Alaska's population is esti-

mated at 212,500. Twenty-two of our States had fewer people when they were granted admission to the Union. My own State of Nevada, for example, had less than 7,000 citizens at the census preceding the granting of statehood in 1864.

Mr. President, one of the most illustrious United States Senators in Nevada's history was the late Key Pittman. Senator Pittman served in this body for 28 years and rose to the exalted posts of President pro tempore and Chairman of the Committee on Foreign Relations. I mention Senator Pittman in these remarks on Alaskan statehood because as a young attorney, fired by the enthusiasm of the times, he joined other thousands of adventurous Americans in their rush to the Klondike. Key Pittman did not make a stake in Alaska as a miner, but he left his mark as the man responsible for the establishment of consent government in the city of Nome. In later years, as a Member of the Senate, he was recognized as both an expert on and a champion of the Territory of Alaska, and he introduced proposed legislation calling for a commission form of government for Alaska. I am sure that if he were here today he would be leading the good fight to see that Territory achieve its long overdue statehood.

My own State of Nevada was admitted to the Union on October 31, 1864, at a time when the Nation was torn asunder by a fratricidal conflict. In retrospect, it can be seen that Nevada's acceptance into the comity of States was not altogether a gesture of altruism on the part of Congress at that time. The Federal Government was in dire need of money, and Nevada's Comstock mines were then in full production, yielding millions of dollars in gold and silver. I mention this to draw a parallel between Nevada and Alaska, because the latter Territory, which is now seeking to become a State, has also contributed richly to the well-being of our Government.

Far from becoming a drain on the Union, Alaska will more than shoulder its financial responsibilities as a State. Under the statehood bill, Alaska will be granted more than 100 million acres of public land now held by the Federal Government, thus broadening Alaska's tax base and assuring adequate revenues. The new State will be entitled to 70 percent of the net proceeds from the seal furs from the Pribilof Islands, amounting to more than $1 million annually; to 5 percent of the proceeds from the sale of Federal lands, to be used for public school support; to 37½ percent of the net proceeds from Federal timber sales, also to be used for support of public schools during the first 10 years of statehood, and 25 percent thereafter; and to 90 percent of the net amounts for mineral leases and from the profits of Federal coal mines, of which 37½ percent will be earmarked for roads and educational purposes.

Alaska's contributions are nothing new. For example, on October 24, 1911, a citizen of Valdez, Alaska, George E. Baldwin, delivered an address before the American Mining Congress. I shall read an excerpt from his remarks because of their relevancy to the question we are now discussing. Mr. Baldwin said:

> It has been urged by certain people utterly unacquainted with the risks and hardships of pioneering, and who have never wandered far from their firesides, that Alaska was bought and paid for out of the taxes paid by the American people, and they are entitled to get something out of it. Our answer is that they have gotten something out of it and are getting something out of it. The nearly $200 million of Alaskan gold which has been poured into the channels of trade of the Nation, stimulating industry in all its branches, has more than paid any debt that Alaska owes the Nation. During the panic of 1907 our bankers were begging the money power of Europe for a loan of $20 million in gold. Alaska that year produced nearly that amount of the yellow metal, all of which went to the United States, not loaned, but to purchase commodities from almost every State in the Union.

Those words were spoken almost 50 years ago, Mr. President, and I believe I can say without fear of contradiction that Alaska's contributions to America in the intervening years have reached heights undreamed of by Territorial citizens of that time.

Again I say let us act now and give our solid stamp of approval to Alaskan statehood, not only as the fulfillment of a solemn obligation made 91 years ago, but as the endorsement of legislation that will further strengthen our great Nation.

In conclusion, Mr. President, I wish to inject a personal note. In November of this year I will observe my birthday, and as I behold a birthday cake with 49 gleaming candles I fervently hope that I will also be able to look upon an American flag with 49 stars.

Mr. JACKSON. Mr. President, I commend the able junior Senator from Nevada for a very fine statement on Alaskan statehood. I know that his great State of Nevada has much in common with the new State of Alaksa.

Mr. BIBLE. I appreciate the expression by the Senator from Washington.

Mr. THYE. Mr. President, I favor the bill to admit the Territory of Alaska as another State in the Union. Why do I feel that Alaska should be added as another State in the Union? I believe that the land area and the vast resources which it contains will be developed much more speedily if Alaska becomes a State and is a sovereign unit of the Union of States. I think the citizens of the State of Alaska will feel a sense of pride in developing their new State within the Federal Union. As citizens of a State they will feel more confident and positive about their future.

Moreover, the psychological effect which the admission of Alaska will have throughout the world will be tremendous. How can we attempt to influence the people of some areas of the world by saying that we are a democracy, that we want all peoples to be free and to be self-governing under their own forms of government, if we do not grant to the people of the Territory of Alaska their full rights as citizens of their own State? How can we say that we are opposed to the colonizing of any area of the world if we continue to hold Alaska as a Territory?

The same is true of the Hawaiian Islands. We shall be defeating our objectives in Asia and in other parts of the world where people have been colonized if we continue to hold Hawaii and Alaska as Territories.

In these days, when all the efforts of mankind are directed toward assisting people who desire to remain free and toward attracting those who want to be free, the United States should set an example by granting the full freedom which is implicit in statehood for the people of Alaska.

Let us, by the admission of Alaska to statehood, counteract the Russian dictatorial philosophy and the enslavement of people throughout the world by demonstrating by the admission of Alaska the real meaning of freedom. So I believe that psychologically we have much to gain by giving Alaska her right as a sovereign State within the United States.

When we consider the land area of Alaska, we find that Alaska comprises 365 million acres, or more than twice the size of Texas and more than 3½ times the size of California. The land area of Alaska is vast. Then when we consider the possibilities of developing more greatly the fishery industry in Alaska, and when we think of her vast timber area which can be developed as a pulpwood industry and as a lumber industry, all the considerations are on the side of giving to the people who live in that vast area the right to control their own affairs, under the sovereignty of a State leadership.

So, Mr. President, I hope the Senate will quickly conclude the debate and will begin to vote on the legislative proposal to admit Alaska as another State within the United States of America.

Mr. McNAMARA. Mr. President, at this very late hour in the debate on Alaska statehood, I do not believe there are any further arguments, either for or against, that can be made.

To my mind, the arguments in favor of statehood have been considerably more impressive than those against.

But since I think this is one of those issues on which no one's mind is being changed—no matter how persuasive the rhetoric—I shall not detain the Senate with a new speech.

I shall only say this, Mr. President: I feel that it is a tremendous personal honor for me to be a Member of the Congress that is to make Alaska our 49th State, and to vote for its admission to the Union.

SENATE BILL 2646 AND RESOLUTION OF THE RHODE ISLAND BAR ASSOCIATION

Mr. BUTLER. Mr. President, on June 26 the Senator from Rhode Island [Mr. GREEN] inserted in the RECORD the text of a resolution of the executive committee of the Rhode Island Bar Association opposing the bill, Senate bill 2646. This resolution appears on pages 12291–12292 of the CONGRESSIONAL RECORD for June 26.

So as to keep the RECORD straight, I want to point out that this resolution of the Rhode Island Bar Association contains several misstatements.

The Bar Association resolution declares that "the proposed bill withdraws appellate jurisdiction from the Supreme Court in disbarment cases." The fact is that section 1 of the bill affects, not disbarments, but admissions to the practice of law in State courts. The Rhode Island Bar Association statement does not, therefore, correctly recite the facts on this point.

The Rhode Island Bar Association statement says that Senate bill 2646 "frees Congressional committee from all judicial review in respect to questions asked by such committees." This statement also is inaccurate. As I have repeatedly pointed out here on this floor, enactment of Senate bill 2646 would have no effect whatsoever upon the jurisdiction of the courts, either the lower courts or the Supreme Court, over a question of whether a Congressional committee had exceeded its jurisdiction in asking a question or questions. Such an issue is a question of law, to be decided by the courts; and Senate bill 2646 would leave the decision of it to the courts.

The Rhode Island Bar Association resolution goes on to say that Senate bill 2646 "directly reverses two Supreme Court decisions (in the Nelson and Yates cases) having to do with constitutional rights of citizens." That statement is inaccurate and misleading in more than one respect.

First, Senate bill 2646 does not directly reverse either the Nelson case decision or the Yates case decision. Insofar as those decisions constituted a determination of the cause of action which was pending before the Court, enactment of Senate bill 2646 would have no effect whatsoever. Nelson would stay free; and so would the Smith Act defendants in the Yates cases.

All that Senate bill 2646 does with respect to the Smith Act is to amend the statute previously enacted by the Congress, so as to give it a different effect and meaning than the meaning and effect ascribed to it by the Supreme Court. But this is not to reverse the Court. The Court may have a right to declare the meaning of an Act of Congress after it has been enacted; but the Court has never claimed, and no one has ever claimed for it, the right to freeze a statute, so that Congress cannot later change or amend it. Congress can always amend a previously passed statute, regardless of whether its meaning has been declared by the Supreme Court. After the Supreme Court has declared the meaning of the statute, that becomes and remains the meaning of the statute, in the eye of the law, until the statute is thereafter amended, modified, or repealed; but the statute is in no way less subject to amendment or modification by reason of the Supreme Court interpretation of its meaning. The impact of the statute flows from the statute, and not from the Supreme Court's declaration of the statute's meaning and intent. The Supreme Court's decision in this regard is wholly declaratory, and, in legal contemplation, neither infuses new meaning into the statute nor subtracts meaning from it, but only declares and clarifies the meaning which it has and must be presumed to have had from the moment of its enactment. The Supreme Court's decision in this respect is not in any sense a declaration of what the statute should be, but is only a declaration of what it is, as the Supreme Court finds it. To change a statute is always the prerogative of the legislative body which enacted it, never of any court.

All that Senate bill 2646 proposes with respect to the Nelson case decision is that Congress declare its intention not to preempt from the States the field of antisubversive legislation. The Supreme Court in the Nelson case found and declared that the Congress had intended so to preempt this field. But the Supreme Court did not find, and had no jurisdiction to find, that the field should be preempted; for this is a wholly legislative decision.

Another fault with the resolution of the Rhode Island Bar Association is the fact that, whereas the bar association referred to the decisions in the Nelson and Yates cases as "having to do with constitutional rights of citizens," the Nelson case decision has nothing whatsoever to do with the constitutional rights of citizens, and did not involve any constitutional question at all; and in the Yates cases, the Supreme Court itself declared that its decision was based upon only four points, namely, first, the meaning of the term "organize"; second, erroneous instructions by the trial court to the jury; third, insufficiency of evidence; and fourth, in the case of Schneiderman, collateral estoppel. None of these four points involves a constitutional-rights question.

After making all the misstatements to which I have called attention, the resolution of the Rhode Island Bar Association goes on to declare that Senate bill 2646 "is intended to penalize and intimidate" the Supreme Court. This reflects a viewpoint commonly expressed by those who do not realize that a court has no vested interest in its jurisdiction. The jurisdiction of a court is not the same as the jurisdiction of a State or a nation. No sovereignty is involved in court jurisdiction.

The Rhode Island Bar Association's resolution goes on to repeat the well-worn charge that Senate bill 2646 "violates the doctrine of the separation of powers under which our governmental system has prospered." But, as also has been pointed out here on many occasions, it cannot be possible to violate the "doctrine of the separation of powers" by using—as section 1 of this bill would—a specific provision of the Constitution, one of the check-and-balance provision of that document, for a purpose for which it was intended. And certainly, amendment of existing criminal statutes, as in sections 2 and 4 of this bill, and declaration of Congressional intent with respect to the preemption of legislative authority in a specified field, as in section 3 of this bill, cannot by the wildest stretch of the imagination be considered as violating the doctrine of the separation of powers. Since there is nothing in the bill but sections 1, 2, 3, and 4, it is clear that this charge also is inaccurate.

Mr. President, I have no quarrel with the Rhode Island Bar Association because its board of governors saw fit to oppose enactment of Senate bill 2646. They have a perfect right to oppose this bill or any other proposed legislation. But, Mr. President, I submit that they do not have a right, in view of their duties to their own membership, as well as their responsibility as leaders of the bar, to be forthright and accurate in their dealings with the Congress—and this they have not been. In view of these obligations, Mr. President, I say they did not have any right to support their disapproval of the bill by misleading and inaccurate statements.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED—CONFERENCE REPORT

Mr. PASTORE. 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. 12716) to amend the Atomic Energy Act of 1954, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BIBLE 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 27, 1958, pages 12559–12560.)

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. PASTORE. Mr. President, I should like to make a short statement explaining the action of the committee of conference.

The House passed H. R. 12716 in the same form as recommended by the Joint Committee on Atomic Energy. The Senate adopted four amendments to the House bill. The first two of these amendments affected section 1 of the bill, or subsection 91 c. of the act, and amended it by striking out the proviso in clause (4) of section 91 c. and inserting a new proviso which would be applicable to both clause (1) and clause (4) of subsection 91 c. The committee of conference resolved the differences between the House and Senate versions as follows:

First, the Senate receded from its amendment No. 1, and thereby restored the proviso to clause (4), and the House receded from its disagreement to the amendment of the Senate No. 2 and agreed to it with an amendment. Subsection 91 c., clause (1) has been amended to read as follows:

(1) Nonnuclear parts of atomic weapons provided that such nation has made substantial progress in the development of atomic weapons, and other nonnuclear parts of atomic weapons systems involving restricted data provided that such transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability; for the purpose of improving that nation's state of training and operational readiness.

In other words, under the agreement of the conference, the substantial prog-

ress test will apply to transfer of nonnuclear parts of atomic weapons. On the other hand, the test for transfer of nonnuclear parts of atomic weapons system involving restricted data is a different one in that the requirement is that such transfer will not contribute significantly to the transferee nation's atomic weapon design, development, or fabrication capability. It is understood that there are certain parts in an atomic weapons system, such as adaption accessories, et cetera, which would not in themselves reveal design information of the weapon.

Therefore, under the agreement of the committee of conference, it is believed that no transfer of nonnuclear parts can take place which will help promote the entry of a fourth nation into the atomic weapons field.

The amendments numbered 3 and 4 of the Senate eliminated section 144b, clause (5) on page 7 of the bill, and in the conference committee the House receded from its disagreement to the amendments of the Senate.

It is understood that clause (5) is not necessary, because the types of information described to be transferred under this clause could be transferred under Section 144b clause (1) or clause (2), or other sections of the Atomic Energy Act of 1954, as amended.

Mr. President, the conference report has been signed by all Members of the committee of conference and has been approved by the House, and I recommend that it be approved by the Senate.

I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

RETIREMENT OF DANIEL R. FITZPATRICK, CARTOONIST

Mr. MONRONEY. Mr. President, the Chinese have an old proverb that one picture is worth a thousand words. Many times in our history eminent cartoonists who have been able to portray political issues in caricature have proved that one good cartoon is worth a million words.

It is therefore with regret that we receive news of the retirement of Daniel R. Fitzpatrick, the dean of American cartoonists, who is retiring from the St. Louis Post-Dispatch after some 45 years of interpreting, with the sharpness of his pen and the crusading spirit of his soul, the daily life and issues before our country.

The world will lose a great interpreter of issues which could be so succinctly spotlighted in the panel which Fitz occupied for so many years. It is encouraging to learn that Bill Mauldin, one of the great GI cartoonists who served in World War II, is being placed in the spot which Fitz has so long graced with his trenchant drawings.

Mr. President, I ask unanimous consent that I may have printed at this point in the RECORD an editorial entitled "Fitzpatrick Steps Down," which was published in the Washington Post and Times Herald of Sunday, June 29.

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

FITZPATRICK STEPS DOWN

It is melancholy news that Daniel R. Fitzpatrick, the dean of American cartoonists, has decided to retire. He leaves a void which cannot easily be filled. For nearly 45 years Fitzpatrick's cartoons have graced the editorial page of the St. Louis Post-Dispatch, where he has been inseparably associated with the crusading tradition of the late Joseph Pulitzer, Sr. We are proud that Fitzpatrick's signature has often appeared on this page on days when our own Herblock has taken a respite from the drawing board.

In the best Pulitzer tradition, Fitzpatrick has been drastically independent and his crayon has been a scourge to those who would corrupt or smother free institutions. As a craftsman, he is known for his massive strokes depicting clashing behemoths—although, his pen sharpened, Fitzpatrick can also deflate with his puckish sense of satire. It is fitting that his successor will be Bill Mauldin, whose memorable wartime cartoons reflect the same passion for decency and scorn for cant. But Fitzpatrick's many admirers will hope (as he has promised) that he will return occasionally to the drawing board for further forays against jingoism and pretense in whatever form.

RETIREMENT OF GEORGE ST. JOHN PERROTT AND DR. VANE M. HOGE FROM THE UNITED STATES PUBLIC HEALTH SERVICE

Mr. HILL. Mr. President, today two fine public servants who have dedicated years of their lives to advancing the health of our people are retiring from Government service. It seems to me most fitting that we in the Senate of the United States pause in our deliberations today to pay tribute to George Perrott and to Dr. Vane Hoge, whose work has brought comfort and better health to the lives of millions of people.

Dr. Hoge, Assistant Surgeon General of the United States Public Health Service, is retiring after 30 years with our principal health agency. Before World War II Dr. Hoge organized the Hospital Facilities Section for the Public Health Service and recruited an outstanding staff of physicians, architects, engineers, and others essential to the planning and construction of hospitals. They were called in for consultation on projects ranging from infirmaries for war workers in Washington to hospitals on the Amazon River Basin and along the Alcan Highway to Alaska. Dr. Hoge's advice was sought by the War Department, numerous Government agencies, and many foreign countries.

By the end of the war, the hospital resources of the Nation were critically depleted. Literally millions of our citizens had no hospital service available to them. Dr. Hoge then worked closely and well with the commission on hospital care of the American Hospital Association evaluating the condition of the Nation's hospitals and medical-care facilities. That work was of material assistance to Justice Burton and myself when we undertook to formulate a program for sound Federal, State, and local community cooperation in solving the vast problem. The resulting program was, as we know, enacted into law as the Hospital Survey and Construction Act.

Now more than 10 years old, that program continues to receive the hearty support of my colleagues on both sides of the aisle. Since 1946 nearly 4,000 projects, including more than 2,000 hospitals, have been built. Hundreds of communities throughout the land which never had a hospital before now enjoy modern hospital care. The success of the Hill-Burton program provides eloquent testimony to the sound qualities of thoughtful planning upon which it was based. Dr. Hoge contributed much to both the planning and, later, to the successful administration of the act.

George Perrott has been chief of the Division of Public Health Methods in the Public Health Service since 1939. Under his skilled direction, that Division has compiled and published data which have been of inestimable value in the development of public health programs not only in the Public Health Service but throughout the Nation.

Mr. Perrott's first contribution to public health was the direction of the National Health Survey of 1935–36. The findings of that survey have, until this year, provided the only national figures we had on the overall health of the Nation. The facts which he compiled and lucidly interpreted gave us that awareness of the awesome toll being taken annually by killing and crippling diseases which stirred a Nation's conscience and made it possible for us to bring into existence the magnificent National Institutes of Health which are playing so great a role in our war against disease and untimely death. Fortunately for us, George Perrott's retirement comes 2 years after we enacted the law creating the continuing National Health Survey upon which we will be able to rely for those constant and current facts on the health of the Nation which will enable us to make better and more farseeing plans.

Ours is a fortunate country in having men like Vane Hoge and George Perrott. They have given us much. They will give us more. For men such as these, while they may retire from Government service, never do retire from public service. We thank them for the much that they have done. We wish them well in whatever they may undertake. And now, when we review their years of service to our country, we can say—and I know that in so doing I speak for all my colleagues—"Well done, thou good and faithful servants."

THE UNITED PRESS INTERNATIONAL

Mr. MONRONEY. Mr. President, recently all of us were startled and I was more than a little saddened by the announcement that two great news services had combined. The emergence of United Press International, in the place of two former rivals in the wire-service fields, United Press and International News Service, may very well be as necessary as its owners believe it is, in order to provide a sounder basis for competition with the larger Associated Press. But there was more competition with 3 rivals in the field than there will be

with 2. The readers of American newspapers are the losers whenever the number of good reporters scratching for news is reduced and the drive for a news beat lessened.

As a former newspaperman, I also cannot help being distressed now, as I always am when two individual newspapers merge, at the shrinkage in jobs for newspapermen and newspaperwomen. The Wireport, official publication of the wire-service group of the American Newspaper Guild, reports in its June issue that 385 INSers lost their jobs in the union of the two organizations. I understand there were 40 newsmen and photographers separated here in Washington. I am told that the new UPI has employed 12 of them here or elsewhere and that 8 or 9 others have found permanent jobs, while the other half still are struggling either by free-lancing or starting new independent ventures, which we naturally hope will succeed. Fortunately, those employes in the United States are covered by contracts which have provided some severance pay, so the situation is not so bleak as it would have been 25 years ago, but it is not a desirable one.

It is not a healthy thing, in my opinion, to have the yearly increase of newspaper mergers, and now one in the wire-service field, reducing the number of funnels through which a constantly increasing number of press-relations employees seek to reach the American newspapers.

I am not unaware, Mr. President, that the exigencies of the situation, with a decline in the number of clients because of mergers constantly going on in the newspaper field, coupled with the vast increase in demand for complete, worldwide news coverage, have thrust an economic situation upon the wire services which they find hard to meet while still selling services to their clients at a fee which small newspapers and television and radio stations can afford. In the old days it was perfectly sufficient to cover the spots, such as St. Petersburg, London, Paris, and Rome, but today coverage on the worldwide scene by any wire service which purports to have international coverage demands correspondents based in all the out-of-the-way places from Ghana to Afghanistan and Rangoon to Timbuctoo. The news of the world requires newsmen in the far-off station to report it. Consequently it must be very difficult in such an economic situation to enlarge the scope of the coverage. The greater demands of the closer knit world must be met in a way which makes it possible for clients to pay the fee, despite the ever-growing requirements for worldwide news service.

Mr. President, in spite of my disappointment at the consolidation and the human problems it has caused in the newspaper fraternity, I wish, as a former Scripps-Howard hand who also covered for free for the United Press at one point in my newspaper experience, to express my resentment, at any allegation that the merger will result in any way in the covering up or suppression of the news. I disagree sharply with statements made by one of my colleagues in the Congress that this merger will result in a downplaying or a minimizing of news on big bread-and-butter issues—the high crimes of high finance, the half-hidden manipulations of government for special advantage of groups holding great concentrations of wealth, the struggles for domination over the minds of men, and all varieties of fact which fail to flatter this administration and the big-business leaders who run it.

Mr. President, this is not true. It is an unfounded charge and one which I, as a former newspaperman, do not accept. I do not believe, that, as has been charged, we may expect adequate reporting only on such things as street crimes, violence and sudden death, labor rackets, spy intrigues, philanthropies of the great corporations, White House handouts, and attacks on Democratic ex-Presidents.

Certainly the runs of the United Press wires or the AP wires do not always gratify the junior Senator from Oklahoma, but I know that the reports which go out over the wires as to what is said on the floor of the Senate are carried by the wires with no way of determining which telegraph editor will consider my statements newsworthy, or the statements of the distinguished minority leader newsworthy, or the statements of any of the other 96 Senators newsworthy. This is a matter of news judgment, which has gone on since time began. Certainly there has been no conspiracy on the part of any wire service, during my experience, which would add a vestige of truth to the statement that the wire services are one sided or heavily biased in their leanings and in their reporting of news.

For instance, the United Press, late last year, carried Donald Gonzales' stories disclosing trouble in the top ranks of the State Department's protocol section; an admission by one officer that his family had accepted a $3,000 gift automobile from King Saud; news that the State Department had classified a warehouse containing gifts, and finally a report that the State Department had overhauled its rules regarding gifts.

The United Press also did not spare this administration embarrassment, nor fail to expose a completely hidden activity of the Government in 1956 when it revealed that 18 light United States tanks were at a Brooklyn pier ready for shipment to Saudi Arabia. As a result, we had an on-again, off-again performance of this administration during which the tanks were held up for 43 hours, then released for shipment as originally approved by the State Department several months previously. In this case, the United Press investigated an anonymous tip in New York, confirmed the story in Washington, and thereby let the public in on some legitimate news which was particularly important because of the turmoil in the Middle East.

A recent book on the United Press by Joe Alex Morris, Deadline Every Minute, records earlier occasions when the United Press uncovered history. One milestone in wire service presentation of both sides of a controversial story was coverage by Marlen Pew in 1912 of the bitter textile workers' strike at Lawrence, Mass.

"Pew told it all as he saw it," Morris reports, "the fact that it was more often the hired guards of the company than the police who attacked strikers, the harassment of strikers by militiamen who broke up their parades, the viciousness of strikers who dug bricks and chunks of ice from the streets to hurl at trolley cars or at factory guards or at factory windows."

In the same period the UP did an outstanding job of portraying a "bread-and-butter issue" in its objective stories of the battle at Ludlow, Colo., during the bloody Colorado Fuel & Iron Co. strike in 1913.

Some present Members of the Senate, I am sure, remember the reporting job that Paul Mallon and Ken Crawford did back in the 1920's for the United Press in the campaign which broke up the custom of having discussion in the Senate on the confirmation of presidential nominations in completely executive session and closed entirely to public view.

Since the consolidation a few weeks ago, if proof were needed, I think we have had proof of the fearlessness and objectivity in reporting of the new UPI, and proof of the fact that the UPI has no intention of covering up for any administration.

Anyone who read the full question-and-answer text carried on the UPI wire June 14 of the Jim Hagerty press conference on the Sherman Adams disclosures could have no doubt of that. Every Hagerty evasion—and it was a masterpiece of evasion—was evident, along with the very pointed questions of the reporters. The complete coverage of the question-and-answer conference, from the shorthand transcription, was carried in full by the United Press International wires to all the subscribers to that service. The tone of the press conference was completely objective because of the questions by reporters and the answers by Mr. Hagerty.

I hope and believe we shall see more of that kind of story moving on the wires which reach American newspapers, and I hope the newspapers will print stories which are as complete and revealing.

THE DEFENSE REORGANIZATION PLAN

Mr. SYMINGTON. Mr. President in an article this morning the Washington Post says that, although I have been one of President Eisenhower's critics on military matters during the past 5 years, I support his defense reorganization plan.

That is correct.

Whatever the cost of adequate defense, we must pay that cost. But we should try to obtain that adequate defense at absolute minimum cost.

We are not meeting the expenses of our Government. Income is not equaling outgo. If this continues for any extended period, as a nation we will have 1 of 2 courses—unilateral disarmament against communism, or printing press inflation.

Each, in my opinion, would destroy our way of life.

Therefore, in order to obtain maximum defense at minimum cost, I support the proposed reorganization plan.

Unfortunately, however, various persons are not only attacking the President's recommendation, but also attacking the House bill.

As I have said before, and intend in the future to detail, in my opinion failure to pass this proposed legislation would be inimical to the security of the United States.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "Cates, Douglas Score Ike's Pentagon Plan," from the Washington Post this morning.

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

CATES, DOUGLAS SCORE IKE'S PENTAGON PLAN

(By Edwin B. Haakinson)

Spokesmen for the Marine Corps, both in and outside Congress, took some new shots yesterday at the broad defense reorganization powers asked by President Eisenhower.

Gen. Clifton B. Cates, former commandant of the leathernecks, said the authority, already voted by the House, may jeopardize our country.

Senator PAUL H. DOUGLAS, Democrat, of Illinois, wounded during World War II as a marine lieutenant colonel, predicted that if the Senate accepts the bill "within a few years we shall find that the combat functions of the Marine Corps and of naval aviation will be transferred."

Chairman RICHARD B. RUSSELL, Democrat, of Georgia, has asked Secretary of Defense Neil McElroy to return for additional public questioning by the Senate Armed Services Committee Tuesday.

In brief, the Eisenhower reorganization plan calls for greater authority by the Secretary of Defense to run military affairs without operating through the Secretaries of the Army, Navy, and Air Force.

RUSSELL and McElroy feuded publicly last week after the Secretary criticized testimony of Adm. Arleigh A. Burke, Chief of Naval Operations, which was critical of the reorganization plan.

Later McElroy assured RUSSELL in writing that Pentagon military or civilian leaders were free to testify frankly and without reprisal on this or any other issue.

RUSSELL said Gen. Randolph McC. Pate, present commandant of the marines, and Gen. Maxwell D. Taylor, Army Chief of Staff, will testify Wednesday. He refused to call them until he got assurances from McElroy of unrestricted testimony.

Cates' criticism of the House version of the reorganization bill was on a recorded television program with Senator ESTES KEFAUVER, Democrat of Tennessee, a member of the Armed Services Committee.

The former Marine head denied he was opposing the reorganization moves on account of being scared something will happen to the Marine Corps.

Cates said he opposes efforts to bypass the service secretaries in issuance of orders to unified commands.

He also said a member of the Joint Chiefs of Staff also should retain the right to appeal to Congress on major defense issues.

DOUGLAS and Senator MIKE MANSFIELD, Democrat, of Montana, also a former marine, have written to other Senators protesting that the House bill involves a dangerous surrender of constitutional responsibilities by Congress.

DOUGLAS told the Senate that when President Eisenhower was Army Chief of Staff in 1946 he urged that the Marine Corps be reduced to 55,000 or 60,000 men with many of its combat duties taken over by the Army.

That is why, DOUGLAS continued, the Congress wrote into law a requirement that the Marine Corps be maintained at not less than 3 divisions, 3 air wings, and necessary supporting forces. The corps strength now is around 200,000.

Mr. SYMINGTON. Mr. President, I have great admiration for General Cates. But I believe the record will show that when he came before the Armed Services Committee recently he was not entirely cognizant of the details of the proposed legislation he was criticizing.

After hearing the testimony of General Cates, a former combat correspondent with the Marines, now manager of the National Defense Department of the Chamber of Commerce of the United States, wrote General Cates. The last two paragraphs of the letter to General Cates read as follows:

In conclusion, I want to thank you for inviting me, as one marine to another, to take advantage of another opportunity to fight our country's battles. I accept your invitation. This time, however, I prefer to fight for the enactment of a bill that I am certain is in the best interest of both the Nation and the Marine Corps.

In a period of $40-billion-plus defense budgets, we no longer can afford to be saved separately by the Army, Navy, Air Force, and Marine Corps.

Mr. President, no truer words than those of this last paragraph have ever been spoken.

This letter from this marine demolishes the assertions from General Cates about how this bill would harm the Marine Corps.

I ask unanimous consent that at this point in the RECORD the entire letter from Mr. Rice to General Cates be printed.

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

Gen. CLIFTON B. CATES,
United States Marine Corps,
Edgewater, Md.

DEAR GENERAL CATES: Ten days ago when I received your letter and enclosures regarding the pending defense reorganization bill I successfully resisted the temptation to dash off a dispassionate letter blasting the mistakes, distortions and half-truths they contained.

I was equally disturbed by the fact that the addressograph plates maintained by the Marine Combat Correspondents Association had been made available to you for such a mailing.

By the time I saw you at the Senate Office Building yesterday, I had cooled off sufficiently and was able to tell you pleasantly how sorry I was we had to be on opposite sides of this issue. But after hearing your testimony before the Senate Armed Services Committee yesterday, for the first time in my life I am ashamed of the fact that I was a marine.

The net effect of your June 16 letter and yesterday's testimony, as far as I am concerned, is renewed determination on my part to do everything I possibly can to discredit the propaganda you are disseminating and to work for enactment of the legislation sought by the President.

During my 5 years as a newspaper reporter, and during the 7 years I have worked in my present job, I have heard a great deal of testimony of all kinds before committees of Congress. But I don't believe I have ever heard a more irresponsible collection of generalities than those you lent your name to yesterday.

I would like to believe that you were simply reading a statement prepared for you by others who are putting vested interests ahead of the national interest. This conclusion would be easy to arrive at because you displayed an amazing lack of knowledge of the legislation before the committee in your evasive responses to the excellent questions posed by Senator SYMINGTON.

On the one hand, you used your former position as Commandant of the Marine Corps to persuade the committee to give you the opportunity to blast the pending legislation. Then you turned right around and ducked direct answers to most of Senator SYMINGTON'S questions, using as your excuse the fact that you left active duty 6 years ago and would rather have General Pate answer certain questions. If you are knowledgeable enough to attack the legislation, you should be knowledgeable enough to defend your own position, rather than rely upon others to do it. The marines I knew and was proud to serve with fought their own battles.

This letter would never end if I attempted to enumerate all of the mistakes—including clever errors of omission—made in your June 16 letter and yesterday's testimony. In lieu of that, I would like to ask you some questions that go to the heart of the major charges and claims you have made.

First of all, how can you "weaken" civilian control of the Military Establishment by clarifying and strengthening authority of the civilian Secretary of Defense; by putting all research and development under his direct supervision; by putting the unified commands directly under him; by giving him greater authority to order a halt to duplication and triplication in combatant and support activities; or by putting legislative liaison activities under the direction of a civilian instead of a military man as at present?

Second, why do you display such a complete lack of self-confidence in the future of the Marine Corps when you know very well that the pending legislation contains specific protective safeguards on that point? I am beginning to believe the entire high command of the Nation's finest fighting force has developed an inferiority complex and has lost sight of the fact that the American people simply would not condone any action that would wipe out the Marine Corps.

Third, how can you possibly believe that the pending legislation would "wipe out Congressional influence on the strength and balance of military power" as long as the Armed Forces must go to Congress each year for appropriations? The most essential ingredient in effective control of any activity or organization is control of its funds, and you can rest assured Congress has no intention of relinquishing its control over the purse strings.

Fourth, in what way does this legislation change the status of the Joint Chiefs of Staff as a "corporate body," as you claimed? And in what way does it bar "collective judgment" in strategic planning? You know very well that the Joint Chiefs would remain a corporate body. Furthermore, they would be able to devote 75 percent of their time to unified strategic planning, instead of having to give it a lick and a promise as they now must because of the heavy burden of dual responsibilities as heads of their respective military services.

Fifth, how can you say the pending bill would establish a "supreme high command answerable to no one" when you certainly must know that the Joint Chiefs would continue as heads of their services and that they are answerable not only to the Secretary of Defense but to the President as Commander-in-Chief and to the Congress? Furthermore, the bill would not establish a "Supreme High Command" because the tour of

duty of officers assigned to the Joint Staff would be limited.

Sixth, why did you state in one of June 16 enclosures that the House Armed Services Committee "was forced to end its hearings abruptly without having heard a single witness from outside the Defense Department"? I know of at least three non-government organizations that asked to be heard, and one was told in writing that it would be heard. When Chairman VINSON was reminded of this fact the morning he announced hearings were to be terminated, he gaveled down the committee member who called the matter to his attention and said "we have all the information we need."

Seventh, and similarly, why did you send me Chairman CARL VINSON'S April 16 speech, in which he used every cliché in the book to attack the President's reorganization proposals, but said absolutely nothing about the same Mr. VINSON'S equally vigorous speeches in defense of the bill that you now label as "dangerous"? Contrary to the impression you sought to create, you and Mr. VINSON are now on opposite sides of the reorganization fence because the distinguished Chairman of the House Armed Services Committee finally saw the wisdom of most of the President's proposals, abandoned his April 16 position, and in response to a groundswell of public opinion persuaded his committee to give the President 16 of the 19 things he asked for.

I now would like to comment briefly on the three amendments to H. R. 12541 that you are advocating.

First of all, you say the authority of the Secretary of Defense to transfer, reassign, abolish, or consolidate functions is "confusing and complex." On that we can agree. But you would resolve this problem by making it possible for a simple majority of either the House or Senate to overrule the carefully considered judgment of the President, the Secretary of Defense, and a majority of the Joint Chiefs of Staff. It's bad enough that the bill, in its present form, would permit a simple majority of the House and Senate to do just this. But your "solution" would be tantamount to prescribing green apples as a cure for indigestion. And I should add that a concurrent resolution of disapproval, such as the bill now provides for, requires only a simple majority of "those present and voting." This means that if no one questions the presence of a quorum—and this often happens—a mere handful of legislators sympathetic to a particular military service could block a vital adjustment in or realinement of our combatant forces or their supporting elements.

Your second amendment relates to removing the service Secretaries from the chain of command to the unified commands. In this connection, you contend that this would "strip" the civilian Secretaries of most of their authority. This claim simply is not true because, even under the present "executive agent" arrangement, which is cumbersome and useless as a wartime arrangement, the three service Secretaries actually exercise very little "command" over the so-called unified commands. This is largely done by the military Chiefs of the three services and, to all intents and purposes, would continue to be under them, in their capacity as the Joint Chiefs, if the pending bill were enacted. I should add, however, that, technically speaking, the unified commands would be under the Secretary of Defense, who would exercise his command over them through the Joint Chiefs. As you erroneously stated in your testimony yesterday, the Joint Chiefs, as such, would not have a command function.

And while we are talking about the unified commands, you stated yesterday that "we already have them." I'm sure you must know, however, that they are unified commands in name only because each military Chief, under the present arrangement, can pull any of his units out of a unified command without first having to obtain the approval of the so-called unified commander. This has happened on several occasions.

The third amendment you are advocating is difficult to analyze because the amendment itself is stated in broad ambiguous terms. For example, you say the provision relating to the Joint Chiefs and the Joint Staff must be amended "so as to limit the authority" etc. But no specific language is suggested so it is not clear just how you would rewrite this section to, as you say, "prevent the Joint Staff from becoming involved in day-to-day operations."

Under the circumstances, I can only repeat what I said earlier. The bill would not—as you again contend in advocating this amendment—create a "single" chief of Staff or an "Armed Forces general staff."

In conclusion, I want to thank you for inviting me, as "one marine to another," to take advantage of another opportunity to "fight our country's battles." I accept your invitation. This time, however, I prefer to fight for the enactment of a bill that I am certain is in the best interest of both the Nation and the Marine Corps.

In a period of $40-billion-plus defense budgets, we no longer can afford to be saved separately by the Army, Navy, Air Force, and Marine Corps.

Semper fidelis.

TERRY RICE,
Former Combat Correspondent,
with MAG 31 and MAG 13.
ARLINGTON, VA.

Mr. SYMINGTON. Mr. President, it is clear our situation is deteriorating in the world today.

It is also clear that the cost of maintaining an adequate defense is taxing our economy heavily.

With these thoughts in mind, I urge all Senators to read Mr. Rice's letter, a logical and carefully prepared answer to this latest effort to prevent reorganization of the Pentagon in the interest of progress.

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

Mr. SYMINGTON. I am glad to yield to my friend from Connecticut.

Mr. BUSH. I wish to commend the distinguished Senator from Missouri very highly for the statement he has made today, and also for the very intense interest he is taking in this most important piece of proposed legislation, as well as for the strong support which he is giving to the reorganization recommendations. His experience in this field has equipped him better than almost any other Member of the Senate to judge the merits of the situation. I have been very deeply impressed by the questions he has asked of the witnesses and the statements he has made in the hearings before the Armed Services Committee with respect to the entire subject.

I urge Senators who are not present today to read the letter which the Senator from Missouri has had inserted in the RECORD, because I think it has a very strong bearing on certain phases of the Defense Reorganization argument.

I am very happy to join the Senator from Missouri on this occasion in strong support of this measure, and I compliment him upon the able and effective approach which he is making in support of the bill.

Mr. SYMINGTON. I thank the distinguished Senator from Connecticut for his gracious remarks.

One of the most constructive additions to the Senate Armed Services Committee since I became a member of that committee has been the addition of the senior Senator from Connecticut. I know the able Senator has devoted a great deal of time to this defense work, and believe the country fortunate to have the benefit of his services. I deeply appreciate what he has just said.

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

Mr. SYMINGTON. I am glad to yield to my able friend from Arizona.

Mr. GOLDWATER. I wish to join my distinguished colleague from Connecticut, who is a member of the Armed Services Committee, in recognizing the good work which my friend from Missouri is doing in this field.

I wish to add that it has become perfectly obvious, not only to those in the military, but to the people of the Nation as a whole, that the unification approach made in 1947 has not worked. I believe that the testimony of the then General Eisenhower, General Doolittle, and other witnesses who appeared prior to the enactment of the legislation referred to still holds true. We must have unification of the armed services, particularly when all three services are fighting for one weapon, and that weapon is command of the air.

I intend not only to support the President's recommendation for reorganization by my vote, but by whatever effect my voice may have on the floor of the Senate.

I commend the Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished Senator from Arizona very much for his kind remarks. As we all know, he was a combat pilot in World War II. He has devoted a great deal of his time to the study of the problems of national security. I agree with him in his observations with respect to the efforts made not only, in 1947, but also in 1949, and again in 1953.

Although the efforts made in those years were made with good intentions, they simply are not adequate from the standpoint of the position the United States now occupies in the world as we enter this space-atomic age.

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

Mr. SYMINGTON. I yield.

Mr. SALTONSTALL. I listened with interest to what the Senator from Missouri said, and I commend him for it.

Mr. SYMINGTON. I thank the able Senator from Massachusetts for his kind remarks.

Mr. SALTONSTALL. Mr. President, with the permission of the Senator from Missouri, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Nation Is Loser in Pentagon War," written by Charles A. Coolidge, who is an assistant to Secretary McElroy, and who helped to draft the reorganization bill. This article supports what the Senator from Missouri has just said. I hope we can materially

improve the bill before it leaves the Armed Services Committee.

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

[From the Boston Sunday Globe of June 29, 1958]

NATION IS LOSER IN PENTAGON WAR

(By Charles A. Coolidge)

(Mr. Coolidge, a prominent Boston lawyer, has just completed a mission in Washington as special adviser to President Eisenhower in the row over unification of the armed services.)

The President's plan for reorganizing the Department of Defense is not a drastic one. There is no merger of the services. There is no single Chief of Staff. There is no fourth service of supply. There is no change in the present practice of combining fighting units from more than one service into a number of unified commands, under the operational command of a single officer.

The plan shortens the line of command between the President and these unified commands. It improves the organization of the Joint Chiefs of Staff.

It increases the efficiency of defense research and development by giving supervision over all of it to a new high-rank Director of Defense Research and Engineering.

SAND IN THE GEAR BOX

It seeks to improve team play between the services by requiring evidence of overall-mindedness before officers may be promoted to 3- and 4-star rank.

Lastly, it seeks to clarify the authority of the Secretary of Defense.

The bill passed by the House and now before the Armed Services Committee of the Senate gives the necessary authority for all of the President's plan except the clarification of the authority of the Secretary of Defense. On that the President finds three points of serious deficiency.

The first point involves the relation between the Secretary of Defense and the three military departments.

The present law gives the Secretary of Defense direction, authority and control over the military departments, but at the same time provides that the military departments are to be separately administered.

These words have caused endless arguments in the bowels of the Pentagon.

Service representatives at the lower and intermediate echelons frequently claim that proposed actions designed to eliminate wasteful duplication infringe on the separate administration of the military departments. While the Secretary of Defense could drag these matters upstairs and decide them himself, there are too many of them for him to handle personally. Decisions are thus delayed and in some cases are never made at all. "Separately administered" has proved to be sand in the gearbox.

The President asks that the phrase "separately administered" be stricken out.

The House bill does so but says that the Secretary of Defense must exercise his authority through the Secretaries of the military departments.

The purpose of this new language is to make sure that the Assistant Secretaries of Defense do not bypass the service secretaries and get into daily operations which should be handled by military departments.

REMOVING ROADBLOCK

This new language may prove as bad as "separately administered." If the only line of authoritative communication between the Secretary of Defense and the military departments is through the service secretaries, it is like funneling Sunday traffic on the new Massachusetts Turnpike into a country lane.

The Department of Defense is just too huge for such a narrow line of communication to work.

Maybe it is possible to draft language which would incorporate what the House desires and still not hamper the Secretary of Defense in his difficult job. But the question arises whether it is wise to attempt to freeze into law rules for the administration of this huge and complicated Department.

Is it not better to hold its head responsible for using the managerial technique best adapted to the many facets of the activities of the Department?

At most, the law should state no more than a general rule, such as that policy and control should be centralized and operations decentralized.

The second point in which the President has said that the House bill is deficient is in its provisions dealing with the power of the Secretary of Defense to transfer or abolish functions performed by elements of the Department of Defense.

These provisions are too complicated to outline here, but the most objectionable one provides that if one member of the Joint Chiefs of Staff objects to the transfer of a combatant function, the Secretary of Defense must wait for 60 days after reporting to Congress, while in session—and cannot go ahead if Congress passes a joint resolution opposing his action.

MUST MARINES BE WORRIED?

This means, for example, that the Commandant of the Marine Corps could throw into Congress a decision by the Secretary of Defense to eliminate an overlap in combatant functions in a particular case, even though all the other military chiefs and all the service Secretaries favor it.

That is a pretty stout veto power to give to a single military chief.

It is hard to understand the fear of the Marine Corps and its backers that somehow the Corps will lose its status as an elite professional combat force, specializing in amphibious operations.

If anybody in the Pentagon management has that in mind, they have kept remarkably silent about it; and unless public sentiment changes it would be an impossible move for any Secretary of Defense to make.

The problem is to find language which will allay any justified fear that the Marine Corps or any other important unit will be ruined, and at the same time permit the Secretary of Defense to eliminate overlaps in missions—an important power in an age when modern weapons have fudged the line of demarcation between combat on land or sea or in the air.

LET CONGRESS STAY OUT

The third point in which the President has said the House bill is defective is that it fails to repeal the existing provision that the Secretary or military chief of any service can present any recommendation to Congress he thinks proper, after first notifying the Secretary of Defense. While this provision has never been used, it encourages any member of a military department to run around the end of the Secretary of Defense to Congress in any way he chooses.

The question is simply whether Congress feels it should, or wants to, participate in internal Pentagon rows so much that it will insist on retaining this provision.

To many this point does not seem as important as the first two.

So the President's reorganization plan is not a drastic one. It is to be hoped that Congress will not weaken it to the point where the country will continue to hear endless bickering coming out of the Pentagon, when the country is expecting that the plan will at last produce efficient teamwork between the services.

Mr. SYMINGTON. I thank the Senator from Massachusetts. Let me add that I have great respect for Mr. Coolidge. He is an able public servant.

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

Mr. SYMINGTON. I yield.

Mr. WILEY. Apropos of what the Senator has been discussing, let me say that I enjoyed very much the letter which he wrote. I thought it was very sound.

This morning I received a letter from the American Legion in Wisconsin. The letter reads in part as follows:

The American Legion through its national policy is supporting President Eisenhower on his proposals to reorganize the Department of Defense. Wisconsin is also supporting the President for the amendments that he wants to the Vinson bill.

Two weeks ago the 11th District of Wisconsin comprising 14 counties also went on record asking our Congressman to support the idea of the President. We were assured of this support, but in checking rollcall No. 99 in the House, we find that we were not supported in our request, and the Vinson bill, H. R. 12541, was voted on and passed. At the present time this bill is either in the Senate or will be this coming week.

We again go on record that we, the veterans of this State, want the controls in this bill that the President wants.

After I received that letter I dictated a few ideas on the subject, and I shall refer to them, because they have application to the present discussion.

We must consider the changed and the changing world in which we live. One of the very serious matters which the Senate and the Senate Armed Services Committee have to consider, of course, is the mechanism which will best protect the peace of the world and the interest of America in this age of push-button warfare and missiles, this age of fluidity, as someone has said, when strange new weapons requiring new overall strategies and command setups are appearing. Many things appear now which we did not foresee a few years ago.

That is why I was so interested in the Senator's letter.

History teaches us, of course, that power centralized in a man or in a group can corrupt the individual or the group. It may produce a Hitler or a Stalin; but these lessons which the past has taught us must not be used to interfere with our Nation's adequacy and the ability of the Executive to meet head on the problems incident to this age of missiles and push-button warfare.

I again thank the Senator from Missouri.

Mr. SYMINGTON. I thank my able senior colleague from Wisconsin for his contribution to this discussion. Now I am glad to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, in the light of the experience which the Senator from Missouri has had as Secretary of the Air Force, I am sure his opinion in military matters will bear great weight with the Senate. It is my opinion that one of the problems confronting Congress is the question of unification. There is no doubt that the question deserves great attention on the

part of Congress. Various plans have been suggested. I am reserving my opinion as to the details of some of the plans. However, I wish to commend the able and distinguished Senator from Missouri for the magnificent work he has done on this particular phase of our national defense.

Mr. SYMINGTON. I thank the able and distinguished Senator from South Carolina. There is no man in the Senate who has greater understanding about many of our military problems than he has. This is particularly true in connection with our Reserve forces. The distinguished Senator from South Carolina has served as president of the Reserve Officers' Association of the United States and has always taken a leading interest in the problems of that great organization.

I now yield to my friend from Connecticut.

Mr. BUSH. Mr. President, I thank the Senator from Missouri once more for being kind enough to yield to me. His remarks this morning have touched off an interesting colloquy, and I believe what he has said and the colloquy are very deserving of being read by the Members who are not on the floor at this time and by anyone else to whom the CONGRESSIONAL RECORD is available. Therefore I should like to ask unanimous consent—and I hope my friend from Missouri will approve—that at the end of the colloquy there be inserted in the RECORD the testimony given last week before the Senate Armed Services Committee by Maj. Gen. Otto Nelson, Jr., retired. One of the best arguments in favor of the reorganization plan which has been made in the hearings before the Armed Service Committee was made by him. I ask unanimous consent that his statement, which I shall send to the desk, be included in the body of the RECORD at the end of the colloquy, if it meets with the approval of the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I join in this unanimous-consent request.

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

(See exhibit 1.)

Mr. LAUSCHE. Mr. President, I wish to express my gratitude to the Senator from Missouri for allowing me to have the benefit of his views on the very vital subject of the reorganization of the Armed Forces of our country. I received his letter last week, and I studied it very carefully for some time. The letter placed the entire issue in clear perspective.

A year ago the sentiment was uniform that the reorganization of the military forces was essential. That sentiment was expressed on the floor day after day. It was stated that there was unnecessary duplication and unjustified spending of money. It was said that to get efficiency unification was absolutely essential. That was the voice especially after sputnik was orbited in outer space. The argument was that if we had had unified operations we would not have fallen behind.

My purpose in speaking today is to extend to the Senator from Missouri my gratitude for the fine letter he wrote and the clearness with which he put the issue in perspective.

Mr. SYMINGTON. I thank my friend from Ohio for his kind and gracious remarks. No one has better grasped, in the short space of time he has been in the Senate, the problems of the Senate than has the Senator from Ohio.

It is a sad and thought-provoking situation when some of those who have been the most active in asserting the importance of economy in Government are the most critical when we have here by far the greatest opportunity to achieve economy.

Some 60 cents of every tax dollar now paid by every American citizen goes to the Department of Defense; and 84 cents of every tax dollar goes to pay for past or future wars. Again I thank the able Senator from Ohio for his kind remarks.

Mr. COOPER. Mr. President, I did not receive a copy of the letter written by my distinguished friend from Missouri.

Mr. SYMINGTON. No, I took the liberty of sending a copy of my letter to every Senator, not just Senators on this side of the aisle, because I know the question of our national defense is not a matter for partisanship.

Mr. COOPER. I understand that perfectly. Nevertheless, I had an opportunity to read the Senator's letter, which was inserted in the RECORD. I have also had an opportunity to discuss the subject with him. I applaud him for his position, for his support of the President's plan for reorganization of the armed services. I know his understanding and knowledge of this issue.

In 1953 and 1954 I had the opportunity of serving on the Committee on Armed Services with the Senator from Missouri. In those 2 years of service, I learned, as all of us on the committee did, of his profound interest and understanding of the Nation's defense problems.

Early in the year I introduced a bill on the subject of reorganization of the armed services. It was not so extensive in scope as the bill which has been submitted to Congress by the President of the United States. I was led to introduce the bill because of the tremendous interest and concern about our defense which had been aroused throughout the country, immediately following the scientific achievement of the Soviet Union in sending its satellite into outer space. At that time, as the present occupant of the chair [Mr. LAUSCHE] has said, a great outcry arose, and rightly so, that we should take steps to assure the security of this Nation. This is a good time to come back to the purpose which the President outlined when he submitted his recommendations to Congress. The President said first, that it was to establish a direct chain of command to unified combat forces so that there will be ability to act with the greatest speed in an emergency if an emergency should ever arise. As he said, it is not intended to make war more possible, but to assure such a military strength as could, in effect, deter war, and give a greater chance for peace.

Another purpose of the bill, pointed out by the President, is to reduce duplication and particularly as it relates to research and development vital to the very future of the Nation. The President pointed out that the bill provides the means of channeling the resources and the brains of the Nation into the necessary field of research and development.

Again, it is only through the unification of the armed services, that will it be possible, if not to reduce absolutely today's level of military expenses, at least to prevent them from becoming larger and larger every year.

The chief purpose of the proposal is the security of the Nation. I say to the distinguished Senator from Missouri that there will be many Senators, not only on this side of the aisle, and, I am certain, on his side of the aisle also, who will join to try to enact the kind of law which will assure a better unification of the armed services for security, for economy, for the defense of the Nation, in the hope of deterring aggression and maintaining peace.

I have served in the Army, as has the distinguished Senator from Missouri. I have great love for my service of 4 years in the Army of the United States. But it seems to me to be absolutely meaningless to allow bias and prejudice for a particular service stand in the way of the protection and the economic welfare of the country and of the best and greatest interests of the Nation.

So I shall work with the Senator from Missouri and join with him in the fight he is making.

Mr. SYMINGTON. I thank the distinguished Senator from Kentucky. For almost 40 years we have been personal friends. I always feel a bit better when we agree on questions which come before this body. There is no Member of the Senate, on either side of the aisle, for whom I have greater respect.

Mr. COOPER. I thank the Senator from Missouri.

Mr. SMITH of New Jersey. Mr. President, I take this occasion publicly to thank the distinguished Senator from Missouri for his letter, which I received at the end of last week. I spent a part of the weekend studying the letter and came to the conclusion that the Senator from Missouri has made a valuable contribution to this very difficult and complicated subject.

The Senator from Missouri is an expert in this field because of his long experience as Secretary of the Air Force. I feel that the contribution he has made clarifies the picture, on both sides of the aisle, by putting the matter entirely on a national basis, not on a partisan basis.

I thank the Senator for what he has done. I am glad to identify myself with those who have complimented him on his work.

Mr. SYMINGTON. I thank my dear friend from New Jersey, who is one of the deans of the Senate. I deeply appreciate the gracious remarks he has made.

EXHIBIT 1

STATEMENT ON DEFENSE REORGANIZATION PRESENTED TO THE SENATE ARMED SERVICES COMMITTEE BY OTTO L. NELSON, JR., JUNE 26, 1958

My name is Otto L. Nelson, Jr. I am a member of the National Defense Committee of the Chamber of Commerce of the United States and chairman of the committee's policy subcommittee.

Since retiring from the Army in 1946, I have been an employee of the New York Life Insurance Co., where I am a vice president.

During the past 10 years, I have served on numerous advisory committees to the Federal Government, particularly in the defense mobilization field. More recently, I worked on the so-called Gaither Committee report.

Since May 13, I have been a temporary and part-time consultant to the Secretary of Defense. However, I appear today—not as a representative of the Department of Defense—but on behalf of the Chamber of Commerce of the United States, which has made an intensive study of the problems involved in modernizing the organization and management of our Defense Establishment. The names of the top business executives who made this study are shown in appendix A.

The chamber is a federation of over 3,450 State and local chambers of commerce and trade, industrial and professional associations, with an underlying membership of 2,500,000 businessmen, plus more than 22,000 direct business members.

The chamber's position on defense reorganization can be summarized as follows:

1. With two exceptions, we support the enactment of H. R. 12541. In approving 16 of the President's 19 legislative recommendations, the House bill represents a major step toward providing the framework for sound, economical, and flexible management of our Defense Establishment.

2. We take exception to two provisions in H. R. 12541 and recommend amendments:

(a) To eliminate the requirement that the Secretary of Defense exercise his direction, authority, and control of the Defense Department through the three departmental secretaries; and

(b) To eliminate the cumbersome procedure for transferring, reassigning, consolidating, or abolishing major combatant functions.

I made a more detailed statement of the chamber's position on this issue in a May 14 presentation to the House Armed Services Committee. Copies of that statement are available here today.

First, may I make a general comment on the difficult problem of effecting orderly and needed change. Of course, I need not tell this committee that change is in the natural order and is a law of life both for individuals and organizations. The annals of business failures and the record of decline of once vigorous and profitable businesses is very largely the story of inability or unwillingness to change and adjust to changing business conditions or competition. The critical problem in business has never been the task of preventing change—proper or improper. All of us are creatures of habit; all of us naturally cling to the tested solution and pattern of the past; all of us have difficulty understanding and realizing the need for and the imperative timeliness of change; and all of us understandably resist change and continue past habits until the inexorable passage of time and circumstances make us realize the inevitability of change. That is also true of business organizations as well as of individuals.

Certainly in business the pressing management problem is rarely, if ever, one of being overly concerned to maintain the status quo. On the contrary, the most typical problem is how do you persuade or spur people on to make the changes that are long overdue. I am sure that most business executives would tell you that their most pressing business problem is not how to keep people standing still, but rather how do you get them to make the adjustments and changes that must be made in products, in services, in methods, in procedures, in functions, and in organization which changing conditions and competition make inevitable.

In the light of these established facts, I sincerely hope a special effort will be made to avoid the enactment of a law that in any way bolsters or strengthens normal tendencies to maintain the status quo and resist needed changes.

My next general comment deals with the manner of making changes. Successful business concerns have as one of their principal identifying characteristics the organizational machinery and the corporate attitude that emphasizes that orderly change is the proper way of life—you do it continually, and the more you can do it in a series of small, orderly steps, none of which involve profound changes, the better it is. In the competitive world business must do this to survive. Witness the great energy and effort expended to come out with new models in products, new types of services, new and more effective advertising and selling programs, and new and better organizational methods and procedures to cope with increasing costs, new products, stiffer competition, and so forth. No business organization could possibly survive if every time they felt they needed to make a realinement of functions of a change in methods or a new model or a new product, they have to circulate all of their stockholders and obtain authority to do so after long and involved discussions and debate. On the contrary, I believe you will find that in most management and stockholder disputes involving proxy battles, the all-important issue is usually that management has been dead on its feet, and they blissfully retained the status quo with their heads in the sand while the world and their competitors were changing, and with the result that their business was going to pot.

Congress can make a tremendous contribution to our national security by rejecting the pressures to stand pat in a period of unprecedented changes in weapons and weapons systems and in lieu thereof push the Department of Defense into the organization attitude that orderly changes is a proper, vital, and continuing process.

My third general comment relates to what you might call either team play or the way of the organization man. At all organizational levels in business, it is common practice for one to express his personal views and preferences vigorously and forthrightly whenever a current problem is discussed or when an action or decision is required. You are then expected after the decision has been made or the action taken to support it loyally to the best of your ability or quit. I am sure that almost everyone in business who has been the head of an operating division will tell you that rarely, if ever, do you get everything that you ask for in the way of personnel, salary increase, and funds that you really feel you should have. But even more rare are the times when the operating head of a major subdivision in a large company pulls an end run on the top management and goes to the members of the board of directors, either individually or as a body. I know of no board of directors that in its bylaws either encourages or tolerates such a procedure.

I would also emphasize that no competent executive in business would put up with a situation where his subordinates are encouraged to bypass him and appeal his day-to-day management decisions. I am certain that the immediate and typical reaction of a business executive to any such practice would be the forthright statement that if such interference or obstacles to the discharge of his responsibilities persisted, he could no longer be held responsible for the proper performance of duties and operations under his control.

However, please do not misunderstand me. I am not arguing against the appropriateness of an audit or of proper review of past performance. From time to time business operations are normally subject to inquiry or review by committees of the board of directors or by auditors or by public agencies. In such circumstances there never has been and cannot be any question that individuals at all levels of organization can be asked for and are expected to give their own opinions and views.

May I now comment briefly on the claims that the authority sought by the President presents a serious constitutional question? I am sure that most experts on constitutional law would contend that what the President considers necessary does not involve a surrender by Congress of fundamental constitutional power.

The President has not requested that Congress give up its power "to raise and support armies," "to provide and maintain a navy," to appropriate funds for defense for a period "not longer than 2 years," or "to make rules for the Government and regulation of the land and naval forces." Significantly, no one is raising a constitutional question as to whether Congress had the authority to create an Air Force, which is not mentioned in the Constitution. Nor is there any controversy over whether Congress can appropriate money for defense beyond the 2-year constitutional limitation, as is now being done. Nor does anyone question whether the President is Commander in Chief of the Air Force. We likewise see nothing in the action of the President that could be interpreted as an attempt to evade the constitutional power of Congress to legislate the organization of our Defense Establishment.

On the other hand, we look upon the issues involved in this bill as merely reflecting a sharp difference of opinion as to what kind of control Congress should exercise over the Military Establishment. The issue is not one of whether Congress should surrender its constitutional power, but whether Congress is willing to give to the President and the Secretary of Defense the degree of flexibility that is necessary to manage the Department of Defense effectively and efficiently in this space age of advanced technology.

It is imperative that we make certain our defense organization is fully responsive to rapidly changing needs and circumstances. And it is equally important that the American people be assured, at long last, that wasteful duplication no longer will continue because of organizational deficiencies.

The inevitable and unacceptable alternative is to gamble as we have in the past—but this time against overwhelming odds—that we again will have time after hostilities commence to convert on a costly and inefficient crash basis to the kind of organization that we have good reasons to believe will be necessary. An equally unacceptable alternative is to write off as inevitable the $50 billion annual defense budget now predicted within 5 years and, ultimately, force ourselves into a position of devoting our energies and resources for defense to the point of weakening the economic system upon which we depend for our real strength.

RESTRICTIONS ON ADMINISTRATION

I would like to discuss now the first of the provisions of this bill to which we take exception—the provision requiring the Secretary of Defense to manage the Department

of Defense by exercising his authority, direction, and control through the respective secretaries of the military departments. The National Chamber believes retention of this provision would:

1. Formalize and straitjacket the internal administration of this vast and complex Military Establishment.

2. Continue to perpetuate the philosophy of separateness that has hampered effective and economical administration.

3. Deny to the Secretary a most important management tool—effective control.

1. Formalizing and straitjacketing internal administration: How necessary is it for Congress to formalize, and by so doing, straitjacket the internal procedures for administering this $40 billion a year operation?

Congress is like a board of directors of any large corporation. Its principal interest should be to provide the Secretary of Defense, as a board of directors would its president, with the authority and flexibility needed to carry on a successful and efficient operation. Only when this authority and flexibility of management is conferred can Congress and the American people hold the President and the Secretary of Defense accountable for efficiency and economy in administration.

Organization is a continuing management problem and process. The Defense Department, like any business organization, should be kept flexible to adjust to changing conditions. It needs the incentive for self-improvement. It is well known in industry that a major cause of business failure is poor management. I realize Congress cannot legislate sound management. But I see no need to risk legislation that would contribute to poor management. Jut as industry must be prepared to meet the challenge of a new competitor or a better product, the Secretary of Defense must have clear authority to adjust promptly to changing conditions and the needs of any threat to our national security.

2. Perpetuating the philosophy of "separateness": Is it the desire of Congress to perpetuate the philosophy of "separateness" that has hampered effective and economical administration of the Defense Establishment?

When the Senate approved the separately administered provision of the National Security Act, the stated intent was to provide for three independently administered military departments. A major objective of the current defense reorganization effort is to get away from this concept to assure every opportunity for unity of purpose and effort.

Although the House-approved bill would eliminate the separately administered provision in existing law, the substitute language is equally unacceptable because it legalizes a procedure that would foster separateness and disunity among the military departments. In fact, the substitute language is even more restrictive than the separately administered provision now in the law because it describes in mandatory language how the Secretary of Defense is to exercise his authority, direction, and control over the three military departments. There is no similar provision in the present law.

The chamber believes that providing any rigid form of legalized procedure for dealing separately with the three military departments will continue to hamper sound administration and impede decision making. Much has been said about the more than 300 coordinating committees established to perform functions which ordinarily could have been carried on through normal staff processes. It seems to have been overlooked, however, that the major reason for the existence of many of these committees is the separate and autonomous nature of the three military departments.

We are not unmindful of legal opinions that have attempted to clarify the authority of the Secretary of Defense. But managing the Defense Department through legal interpretation is no substitute for clear-cut legislative policies and guidelines. It should be pointed out in this connection that this bill would give the Secretary of Defense complete authority over research and development, but it is conceivable that the restrictive language could be interpreted to require that he administer this program through the departmental Secretaries having administrative responsibility.

3. Denying the Secretary management control: Is it the desire of Congress to deny to the Secretary of Defense a most important management tool; namely, effective control, that is necessary to achieve administrative efficiency?

Under the proposed bill and under present law, administration of the military departments is subject to the "direction, authority, and control" of the Secretary of Defense. But the language requiring that the Secretary exercise this responsibility through the departmental secretaries carries the erroneous implication that the management function of the Secretary is limited to the issuance of formal policies and directives.

Effective management control of the vast Defense Department necessitates actions of many types, through appropriate staff agencies, that must vary with the problems involved. It would be a serious mistake to require—as H. R. 12541 does—that this control be exercised solely through the departmental secretaries because the inevitable result would be to cloud the authority of the Secretary of Defense in utilizing his staff assistants to acquit his responsibilities.

We have made a special effort to determine the real purpose and need, if any, for prescribing how the Secretary of Defense should function in managing the Defense Establishment. According to the House Armed Services Committee (Rept. No. 1765), the language is needed "to vest in the military secretaries the responsibility for the functioning of the respective military departments, subject always to the direction, authority, and control of the Secretary of Defense." If this were the real intent of the provision, its inclusion would not be justified because there is no controversy over whether the military departments will function under their respective secretaries.

But the real purpose, according to the House committee report, is to prevent his staff assistants—the Assistant Secretaries of Defense—from exercising direction, authority, and control over the three military departments.

Notwithstanding this stated purpose, the House report concedes that the Secretary of Defense can delegate his authority to the functional assistant secretaries who can exercise it in the name of the Secretary. Consequently, the restrictive language would have no effect where this is done, provided the authority was exercised formally. And this would permit the Secretary to discharge his responsibility through his assistants to the extent of exercising direction and authority. Therefore, the purpose being nebulous, we question the inclusion of language that could provide a basis to question the Secretary's authority.

As previously pointed out, the management responsibility conferred under the bill includes control. How can the assistant secretaries exercise this vital management responsibility in specified functional areas without dealing with their opposite numbers in the military departments? We do not believe it would be practical—even if possible. On the one hand, the House report concedes the need for day-to-day dealings with assistants in the military departments, but, at the same time, reaches the conclusion that control must in some way be formalized and exercised solely through the military secretaries.

This restrictive language is included in that part of the bill which provides for strengthening the direction, authority and control of the Secretary of Defense. The Chamber believes this language would greatly weaken, rather than strengthen, his authority. It would minimize the type of cooperation needed to manage the Department of Defense and would bring about the very administrative chaos that the Committee report says is to be avoided. Therefore, the provision should be eliminated.

During House debate, this issue was described as one reflecting a difference of opinion in the use of language. But it seemed quite clear from the Committee report that certain objectives were sought in describing the relationship of the Secretary of Defense to the military departments. These objectives are: (1) to establish a Department of Defense under the Secretary of Defense; (2) to include within that Department three separately organized military departments, each to be headed by its own secretary; and (3) to provide that the departments are to function under the direction, authority and control of the Secretary of Defense.

I would like to point out that there are two provisions in Section 2 of the bill which deal with these three objectives. These provisions are:

"To provide a Department of Defense including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps) and the Air Force under the direction, authority and control of the Secretary of Defense.

"To provide that each military department shall be separately organized under its own secretary and shall function under the direction, authority and control of the Secretary of Defense exercised through the respective secretaries of such departments."

A careful analysis of these two provisions would indicate that they overlap in two respects: (1) Both provide for separate military departments, and (2) both provide that they shall be under the direction, authority and control of the Secretary of Defense.

I would like to suggest that the duplication in these provisions can be eliminated by combining into one statement all three of the objectives sought. The provision would then read as follows:

"To provide a Department of Defense, including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps) and the Air Force, each to be separately organized, under its own Secretary, and function under the direction, authority and control of the Secretary of Defense."

This change, of course, will require a similar change in section 3 of the bill.

TRANSFERRING, REASSIGNING, CONSOLIDATING, OR ABOLISHING MAJOR COMBATANT FUNCTIONS

I would like to discuss now the provision of H. R. 12541 that prescribes the cumbersome procedure the Secretary of Defense would be required to follow in order to transfer, reassign, consolidate or abolish major combatant functions. This is one of two separate procedures in the bill providing for the transfer, reassignment, consolidating, and abolishment of functions, the other procedure relating to noncombatant functions.

It is important to analyze carefully exactly what is proposed in these two procedures. The first question that comes to mind is what is a "combatant function" and what is a "noncombatant function"? This is extremely important because, as I have pointed out, the bill provides a separate procedure for each.

In discussing "combatant functions" the bill refers to those provisions of the National Security Act which set forth the broad roles and missions assignments given to each of the military services. These assignments are not changed by the bill, notwithstanding the fact that a major objective of defense re-

organization is to get away from the concept that future wars will be fought separately by land, sea, and air forces. And it should be noted that because of the broad scope of assigned roles and missions, "combatant functions," under the proposed bill, could include all types of activities, combatant as well as support. This was made clear in the House Armed Services Committee hearings. Defense Secretary McElroy, on page 6779 of the hearings, refers to the single manager system of procurement and supply as being a subject of resistance by the services because of the "inviolate nature of the assigned combat functions." This example is cited to point up the controversy that could, and in all probability would, arise because the bill does not differentiate between combatant and noncombatant functions.

Another reason for objecting to this provision of the bill is the cumbersome procedure that it would require. It provides that any member of the Joint Chiefs of Staff, who is also the chief of his respective military service, would have the authority to block the transfer of a "combatant function" pending Congressional action. Furthermore, because a combatant function is not defined, this provision would give any member of the Joint Chiefs of Staff the right to sit in judgment on what constitutes a "combatant function" and would place him in a position to overrule the Secretary of Defense and the President as Commander in Chief. To permit a military officer to countermand or veto a decision by the Commander in Chief is inconsistent with the constitutional principle of subordinating military authority to civilian authority.

The "combatant function" issue is difficult to reconcile in the light of other provisions of H. R. 12541. For example, the restriction on the transfer, etc. of combatant functions certainly would not apply where combat units are grouped or consolidated under unified commands and placed under the direct jurisdiction of the Secretary of Defense. Nor would the restriction apply in cases where the Secretary of Defense wanted to transfer or reassign research and development activities because the bill would place complete responsibility for that function under the Secretary of Defense. Also, the restriction would not apply in any case where the Secretary makes assignments for the development and procurement of new weapons because that authority is specifically given to him. And finally, the so-called McCormack amendment adopted by the House exempts from the transfer restriction on combatant functions any supply or service-type activities common to two or more military departments.

Under the circumstances, it will be difficult to administer this provision of the bill because it fails to state precisely what "combatant functions" can be transferred, reassigned, etc., only after Congress has indicated it has no objections.

The relationship between defense appropriations and this legislation also merits careful attention. Conceivably, every time the Secretary and the President send a budget to Congress that calls for the elimination of funds for a particular function, a member of the Joint Chiefs of Staff could object on the grounds that it constituted, in effect, the abolishment of a combatant function and hence would require legislative consideration in the form of a possible concurrent resolution. The proposed bill does not clarify this point. And yet, Congressional review of expenditures and approval of appropriations provide the most effective procedure for exercising Congressional control over defense operations. We agree with the President that this provision should be deleted from the bill, which would make all transfers, etc., of functions conform to one simplified procedure.

Before concluding my discussion of this aspect of the bill, I wish to comment on the provision of section 3 which authorizes the President to transfer, reassign, consolidate, and abolish major combatant functions whenever he "determines it is necessary because of hostilities or imminent threat of hostilities."

A determination under this provision could be interpreted as an act provoking a war which only Congress can declare. Therefore, it is a dangerous provision. In any event, we question the need for such authority in view of the broad powers vested in the President as Commander in Chief to deal with any national emergency involving the use of our military forces.

SUMMARY

In summary, the national chamber:

1. With two reservations, supports the enactment of H. R. 12541.

2. Rejects the claim that the proposed amendments to the bill pose a "serious constitutional question."

3. Believes the fundamental issue is whether Congress is willing to give the President and Secretary of Defense the flexibility that is necessary to manage the Department of Defense effectively and efficiently.

4. Favors deleting from H. R. 12541 the requirement that the Secretary of Defense exercise his direction, authority, and control of the Defense Department only through the three departmental secretaries because:

(a) It would formalize and straitjacket the internal administration of the vast and complex Defense Establishment.

(b) It would perpetuate the philosophy of "separateness" that has hampered effective and economical administration.

(c) It would deny to the Secretary the most important of all management tools—effective control.

5. Favors eliminating the requirement that Congress exercise a veto power over proposals to transfer, reassign, consolidate, or abolish major combatant functions because:

(a) It is inconsistent with other provisions of the bill.

(b) There is no definition of "combatant" or "noncombatant" functions.

(c) It would give one member of the Joint Chiefs of Staff unprecedented power to block essential adjustments.

(d) It would sanction intolerable delays—as much as 8 months—in curtailing unnecessary overlapping and duplication.

(e) It could disrupt the normal and orderly review of defense-appropriation requests by the Defense Subcommittees of the House and Senate Appropriations Committees.

CAPTURED UNITED STATES ARMY AIRMEN

Mr. BRIDGES. Mr. President, 1 week ago today there was placed before the Senate a concurrent resolution sponsored by myself which expresses the sense of Congress that the President should continue efforts to obtain the release of nine United States Army men forced down inside East Germany during a thunderstorm on June 7. These men were on a routine training flight when they became lost.

As everyone knows, such incidents are covered by the Huebner-Malinin agreement of April 5, 1947, which insure the Soviet and the United States military missions of the right to protect the interests of their nationals in the zones of Germany.

Also, as everyone knows, the Soviet government has refused to observe the agreement, and is now conspiring with the Red puppet regime of East Germany to try to force the United States to recognize that Communist government.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Held for Ransom," published in the Washington Sunday Star of June 29, 1958, and also a Department of Defense news release entitled "Summary of Steps To Procure Release of Helicopter Crew and Passengers in East Germany," dated June 26, 1958.

There being no objection, the article and news release were ordered to be printed in the RECORD, as follows:

[From the Washington Star of June 29, 1958]

HELD FOR RANSOM

The puppet East German Communist regime is resorting to a kind of blackmail in refusing to release the nine American Army men it now holds captive. Quite obviously it is doing this because the Kremlin has advised and instructed it to do so. Quite obviously, too, the objective of the game is to make our country pay ransom in the form of indirect or implied diplomatic recognition.

As far as their personal safety and comfort are concerned, the nine men—who inadvertently strayed off course in their helicopter and were obliged to make a forced landing in East Germany early this month—very probably are receiving what the Red regime's deputy foreign minister has described as "absolutely correct treatment." In that sense, as he has put it, they are enjoying an "enforced vacation" under conditions that should cause neither their families nor our Government any worry. That, however, is not the point at issue. The point is that these Americans (eight officers and a sergeant) are being detained in violation of solemn agreements that are supposed to be still operable between the United States and the Soviet Union.

These agreements, as negotiated and signed in 1946 and 1947, provide that incidents of this sort are to be straightened out by American and Russian military authorities in Germany. Until very recently, as the State Department has pointed out in an aide memoire delivered a few days ago to the Soviet Embassy, the Kremlin has honored the obligations involved. But now, all of a sudden, in the case of the off-course helicopter and its nine passengers, it has said that our Government must deal directly with the East German regime. In turn, that regime has announced that the men will quickly be released if the United States agrees to discuss the issue with it through a fully accredited representative, presumably a civilian official rather than a general or a colonel.

Of course, any such agreement on the part of our Government would suggest at least a limited degree of diplomatic recognition. Yet, if the men are to be released, it would seem that we must either pay the ransom demanded by the kidnappers or keep on trying to persuade the Kremlin to live up to its pledged word and tell its puppets to stop acting as if they constituted a sovereign government. Looked at in any light, this is certainly a dirty business that serves as yet another indication of the revival of Stalinism in Soviet policy—a sort of international gangsterism that makes a virtue of bad faith and stoops to anything, no matter how base, to attain its dark ends.

[From the United States Department of Defense of June 26, 1958]

SUMMARY OF STEPS TO PROCURE RELEASE OF HELICOPTER CREW AND PASSENGERS IN EAST GERMANY

In view of public interest, the following summary is provided of the steps thus far undertaken by the United States Government to effect the release of the two-man

crew and seven passengers of the United States Army helicopter which accidentally crossed the zonal border between the Federal Republic of Germany and the Soviet Zone of Germany on June 7. As a result of operational difficulties the helicopter landed near Zwickau in the Soviet Zone. Despite repeated requests made by the United States authorities on the basis of existing agreements with the U. S. S. R., the men and the helicopter are still being held in the Soviet Zone. The Soviet authorities have to date refused to honor their responsibilities to return the men and the helicopter promptly to United States control and the East German authorities have obstructed attempts to make arrangements for the release.

The following steps have been taken:

The United States Military Liaison Mission (USMIM) at Potsdam was alerted by the Headquarters, United States Army, Europe (USAREUR) on June 7 to the helicopter's disappearance and instructed to approach the Group of Soviet Forces, Germany, for any possible information on the missing aircraft and its nine men.

The Soviets replied by telephone early the morning of June 8, advising the USMIM that the nine men were uninjured but the helicopter was damaged. The Soviets said that both the men and the aircraft were in the hands of East German authorities and that any requests for their return should be made to the East German Government.

The USMIM the same day strongly protested to the Soviets that this was a military matter between the two forces and, as in past cases, should be handled by the Group of Soviet Forces, Germany.

Gen. Henry I. Hodes, USAREUR Commander in Chief, sent a personal note June 8 to General Zakharov, Commander of Group of Soviet Forces, Germany, stating that he requested and expected that General Zakharov, his Soviet military counterpart, would insure the return of the helicopter and men as soon as possible. General Hodes added that the East German landing was assuredly unintentional.

Since General Zakharov had not replied to the June 8 note, Major General Suvorov, Chief of the Soviet Military Liaison Mission in Frankfurt, was called by General Hodes to USAREUR Headquarters the afternoon of June 10. Suvorov was told that the incident was purely a military matter and that return of the men and helicopter was expected as soon as possible. General Hodes called attention to the provisions of the Huebner-Malinin agreement of April 5, 1947, which insures the Soviet and United States Missions of the right to protect the interests of their nationals in the zones of Germany. General Hodes told him that if the situation were reversed, he would promptly return the helicopter and personnel. General Suvovrov said he would transmit this to his superiors.

Col. Robert P. McQuail, Chief of the USMIM, visited Colonel Sergeyev, Chief of the Soviet External Relations Branch, on June 12, to request delivery of a box of Red Cross supplies to the nine men. Sergeyev replied that he could not assure delivery owing to circumstances, and did not accept them.

General Zakharov's reply to General Hodes June 8 note was finally delivered the afternoon of June 12 by General Suvorov. General Zakharov stated that the action requested was not within the province of the Group of Soviet Forces, Germany, but was solely within the competence of East German authorities. He added that the helicopter and its passengers had been apprehended and detained by the East Germans; hence it was not a military problem but one which fell within the competence of the East German Government. General Hodes replied that this was a military matter which the Group of Soviet Forces, Germany, should handle regardless of who had custody of the United States soldiers and again reminded Suvorov of the Huebner-Malinin agreement. General Hodes also asked about the present whereabouts of the nine soldiers. General Suvorov replied he did not know. General Hodes further told him he was disappointed that the Soviets had ignored the United States Military Liaison Mission's repeated efforts to obtain their assistance in contacting the United States soldiers. General Hodes again asked how the USMIM could contact these men and return them to his command. Suvorov said he would ask his headquarters.

In accordance with arrangements made by Soviet authorities, Colonel McQuail, Chief of the USMIM, met with the East German Deputy Foreign Minister, Otton Winzer, at 1000 hours June 14. Colonel McQuail, as a representative of the USAREUR Commander in Chief, asked that the nine men and the helicopter be returned as speedily as possible. Colonel McQuail referred to the Huebner-Malinin agreement and pointed out that arrangements under the agreement for the return of personnel between the United States and Soviet Armies had worked effectively in the past. The sum of Mr. Winzer's reply was that he could negotiate only with a person possessing authority from the United States Department of State or the United States Government. At the meeting's conclusion, arrangements were made to deliver the packages mentioned above to the Foreign Ministry for transmittal through the Red Cross to the nine men.

Colonel McQuail met with Mr. Winzer for the second time on June 16. Colonel McQuail told Mr. Winzer he was authorized to make appropriate arrangements to effect the immediate release of the men and plane. Colonel McQuail was handed a draft intergovernmental agreement prepared by the East Germans for signature by the plenipotentiaries of the United States Government and the Government of the German Democratic Republic. Colonel McQuail replied that he would pass it on to his superiors. He also asked if he could visit the nine men. His request was refused. The next meeting was set for the following Wednesday.

Colonel McQuail met with Mr. Winzer for the third time on June 18. He advised Mr. Winzer that he had documentation from both the senior military and senior diplomatic representatives of the United States in Germany but that the draft agreement handed him 2 days earlier was wholly unacceptable. Colonel McQuail added that he was ready to meet all normal and reasonable requirements and that he had with him a receipt for the United States personnel. Mr. Winzer replied that he was not prepared to accept this procedure, and the meeting ended inconclusively. Mr. Winzer asked that a fourth meeting be held the next day.

A 30-minute meeting the following day (June 19) between the two principals ended on the same inconclusive note.

Also on June 19, General Hodes again sent a personal note to General Zakharov reiterating his demand of June 8 for the prompt return of the nine men and helicopter. The USAREUR commander reasserted General Zakharov's responsibilities under existing agreements to effect the return. He added that adherence to the Huebner-Malinin agreement is necessary if the respective liaison missions are to continue to carry out their assigned tasks. General Hodes further requested that General Zakharov assist the USMLM in visiting the nine men to ascertain their health and welfare and furnish them necessary personal accessories.

On Friday, June 20, Deputy Under Secretary of State Robert Murphy called in the Soviet Chargé, Mr. Striganov, acquainted him with the situation as described above, and requested that arrangements be made for the immediate release of the men and the helicopter. Mr. Murphy also handed Mr. Striganov an aide memoire on this subject.

On June 21 a further attempt to secure the release of the nine American soldiers and helicopter was made by Colonel McQuail, who met in East Berlin with Major General Tsarenko, Deputy Chief of Staff of the Group of Soviet Forces, Germany. The meeting resulted in a repetition of the previous stand taken by the group of Soviet forces, Germany, and a flat refusal to aid in contacting the eight officers and one enlisted man or to transmit relief supplies for them.

General Zakharov's reply to General Hodes' personal note of June 19 was delivered on the afternoon of June 23 to Headquarters, United States Army, Europe. General Zakharov stated that he was not able to add anything to what had already been expressed in his note of June 11.

As of this time, no reply has been made by the Soviet Embassy here to the Department of State.

Mr. BRIDGES. Mr. President, the editorial shows very clearly the blackmail game the Kremlin gangs are playing, using human beings as pawns.

Once again the world can see that the Communist Soviet Government will break solemn agreements whenever it suits the purposes of the men in the Kremlin.

Are there any people in the world who still believe that the Government of the Soviet Union can be trusted to observe international agreements?

Yet today American, British, French, and Canadian representatives are gathered in Geneva ready to meet with Soviet delegates to begin talks to lay the groundwork for a nuclear test suspension agreement.

The Russians refuse to order the release of nine Army men held captive since June 7. They even refuse to transmit Red Cross packages to these men. They choose to ignore their written agreement.

What hope is there that the Russians would honor atomic agreements which could involve the lives of countless millions of helpless civilians? Everybody knows the answer to that question.

I take this opportunity to request the Senate leadership to take prompt action on my resolution, which will strengthen the administration's hand in this matter.

Mr. President, I do not think this matter can be pushed too hard. So far as I am concerned, when American servicemen are captured as these men have been, the United States of America has a very definite obligation to secure their release. I do not want to see our country weaken in its determination to procure the release of these men. A good example of what happens when we weaken, we have recently read of the seizure by the rebels in Cuba of a large number of our military men who were on vacation. They have not yet been released.

If we let any country, whether it be a Communist or a non-Communist country, get by with such action as this without our taking the necessary steps to have the men released and returned, we will encourage similar action against Americans everywhere. What has been done by the rebels in Cuba is a good example of what I am talking about.

Mr. BARRETT. Mr. President, I had intended to ask leave to have printed in the RECORD the editorial from the

Evening Star of today which the senior Senator from New Hampshire [Mr. BRIDGES] has presented and discussed. I hope the Senate will pass promptly the concurrent resolution submitted by the distinguished Senator from New Hampshire, which would give moral support to the President in his efforts to effect the release of nine United States Army men held captive in the Soviet zone of Germany since June 7 last when their unarmed helicopter was forced down during a thunderstorm while on a routine training flight. The Soviet Union is a party to an agreement with us, signed in 1947, which provides that incidents of this character are to be resolved by Russian and American military authorities in Germany. Until very recently the Kremlin has observed the agreement. Now the Soviets say we must deal with the East German Communist regime. That puppet government, by insisting that we discuss the issue through civilian rather than military officials, hopes to blackmail us into paying ransom for these men in the form of diplomatic recognition of their government. Without doubt the Kremlin is putting them up to it. We should demand in no uncertain terms that the Soviets comply with their agreement and see that these five American soldiers are promptly released.

OPPOSITION TO AID TO COMMUNIST POLAND

Mr. BRIDGES. Mr. President, I was shocked to read in the Washington Post on yesterday that Poland's Communist dictator, Gomulka, publicly defended the execution of Imre Nagy and the treachery of the Hungarian Government in its betrayal of written promises of safety for Nagy and others.

Gomulka dismissed the incident as "entirely Hungary's internal affair," and declared it was not his business "to decide on the extent of guilt and the justice of punishment meted out to Nagy." Gomulka's remarks were made in a speech delivered on June 28 in a Baltic seaport.

Only 11 days ago, the Senate went on record as expressing indignation at the perfidy of the Red Hungarian Government and the Soviet Union in the death of Nagy. The vote of the Senate was unanimous—91 to 0.

But the Gomulka government obviously feels no such indignation at the Soviet brutality. The Gomulka government obviously is toeing the Kremlin line. There is no doubt that Gomulka is in the Russian camp.

Further deferring to Moscow, Gomulka in the same speech thanked Russia for economic aid to Poland. He was quoted as saying, "under the present circumstances, a country which would try to build socialism alone and unaided would be unable to hold out for long."

It is this same government, Communist-led and Moscow-directed, which is asking the American people for economic assistance.

On June 6 during the Senate's consideration of the mutual security authorization bill, I offered an amendment to prohibit United States aid to both Poland and Yugoslavia. Only 21 Senators joined me in this attempt to stop aiding the Communist enemies of mankind. The amendment failed.

Because of my endorsement of the amendment, I was criticized in letters, editorially, and elsewise. I said then that I favored giving aid to the Polish people, but not to the Polish Government, inasmuch as aid to the Polish Government would only strengthen the Communist control which that government has over the people of Poland. That is exactly the present situation.

Now that we know where Gomulka stands on the Nagy question, I trust that other Senators will support any future attempts to keep American tax dollars from going to Communist Poland. Aid to Poland under its Communist leadership would merely strengthen the Soviet bloc and further tighten the hold of brutal rulers over the Polish people.

Mr. President, I believe it is time for us to take another look at Gomulka and the Communist government of Poland and what is happening there. We should not be deceived by propaganda. We should use clear vision in examining the situation which exists in Poland, and should not view it in a foggy atmosphere. There should be an end to our not knowing where we are going or what our position should be.

So I commend my colleagues who joined me in voting in favor of my amendment, and I hope that next time more Senators will join us.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. BUSH. Mr. President, I shall vote against the admission of Alaska as a new State of the Union because I have concluded that the Territory of Alaska is not ready for statehood.

I have reached this conclusion with great reluctance. In voting against the Alaskan statehood bill, I shall be opposing the recommendations of the President, for whom I have the highest respect and admiration; and I shall also be opposing a platform plank adopted in 1956 by the national convention of the Republican Party.

I had the privilege of serving as chairman of the resolutions committee of the 1956 Republican National Convention, at San Francisco. The platform which was drafted by that committee, and was unanimously approved by that convention pledged "immediate statehood for Alaska, recognizing the fact that adequate provision for defense requirements must be made."

I do not regard party platform pledges lightly. Although both of our great political parties adopted platforms which were based on a wide range of political opinion on many issues, I believe that a person who seeks public office has an obligation, if elected, to carry out to the highest degree of his ability his party's pledges to the voters.

Mr. President, on the other hand, a Senator of the United States has far greater obligations. He has an obligation to his own conscience, and he has an obligation to the people of his State, and he has an obligation to the Nation, to cast his votes on great issues in the light of the conclusions he has reached after careful thought and study. Occasions may arise when a conclusion so reached is in conflict with a plank included in his party's platform. In that event, his duty requires him to vote in accordance with his own conclusions and his own conscience.

I recall very well the convention in San Francisco in 1956—almost 2 years ago. As I have stated, I was chairman of the platform committee. We considered in committee the question of statehood for Hawaii and statehood for Alaska. I am bound to say here that the consideration given to those very important questions was rather casual. Later, I shall discuss my own appraisal of the importance of those issues. But I think they are extremely important—far more important than is being recognized by the Senate in the course of this debate on the Alaskan statehood question.

It is true that a very large majority of the delegates who served on the resolutions committee seemed to be in favor of statehood for Alaska. My own opinion, based on what I observed, is that many of those who favored statehood really had not thought very much about it. To permit the people of that area to become one of the States of the United States seemed to be a very nice thing to do, an unselfish thing to do, and the proposal had an emotional appeal to some persons. But in the resolutions committee there was no real debate in regard to the merits of the issue, and of course on the floor of the convention the issue was not discussed at all. The report of the resolutions committee was submitted, and was accepted without debate.

I do not know just how our friends in the Democratic Party handled this issue; but I know that is the way it was handled at the Republican convention in 1956. The delegates who attended the convention were duly, legally constituted representatives of the Republican Party organizations in their own States, and I venture to say they were carefully selected. But they were not sent to the convention as legislators; they were not elected by the people of the United States. Instead, they went there as representatives of their political party, as persons who were thought by members of their party in their own States to be properly qualified to speak for them.

Mr. President, when we come to the final decision on the question of whether a new State is to be admitted into the Union at this stage of our history, we must realize that there is no evidence to show that the admission of Alaska to statehood will in any way improve the security of the United States from a military standpoint or any other standpoint.

Thus, I think we must consider the issue a little more seriously than simply on the basis of the fact that the admission of Alaska was a part of the platform of the Republican Party or a part of the platform of the Democratic Party, and

has been in those platforms for a number of years.

Mr. President, inasmuch as I was chairman of the platform committee of the Republican national convention, and am sensitive of my responsibilities as such, I make these comments about the convention and the platform, because, frankly, I do not think the fact that the admission of Alaska to statehood was a part of that platform is a controlling reason why we, as United States Senators, should vote for the admission of Alaska to statehood at this time.

Mr. President, I have been amazed at the lack of public interest in the question of statehood for Alaska. I can hardly think of any other issue which might be regarded as an important one, on which there have been several days of debate on the floor of the Senate, about which I have received from my own State fewer communications in regard to the views of the people of Connecticut. In the case of statehood for Alaska, I have received only a few communications. Yet we are talking about adding a 49th State to the great Union of the United States of America.

My study of the evidence presented in the committee's report, of the hearings, and of the debate on the Senate floor, which I have followed quite closely, both by being present on the floor and by reading the RECORD, has forced me to conclude that immediate admission of Alaska into the Union would be harmful—not helpful, but harmful—to the people of the Territory itself, harmful to the United States, and, therefore, indirectly harmful to the people of my State of Connecticut.

I do not intend to detain the Senate with an exhaustive analysis of all the factors which have led me to that conclusion. The arguments made against immediate statehood, I think, are well summarized in the committee's own report, wherein the objections are stated as follows:

First, the population of the Territory is too small to justify representation in the Congress or to support State government.

Second, Alaska, being noncontiguous, will remain isolated from American life.

Third, economic conditions in Alaska are unstable, because at present the military spending is high, and the resources of the country are not sufficiently developed to allow private enterprise to take up the slack in employment and provide necessary revenues, should Federal spending be abruptly curtailed.

Fourth, statehood will require sharp tax increases, thereby discouraging economic development.

I am not persuaded by the committee's attempts to refute these arguments which have been listed in its own report as objections to statehood. The fact that Alaska's population is too small to justify statehood is, in my view, sufficient reason alone. The Territory now contains about 200,000 inhabitants, but we know about 50,000 of them are military personnel, and that a very great number of the others are also transients who do not participate in the political life of the community.

I understand that in the last territorywide referendum only 20,000 votes were cast in the whole Territory of Alaska, although, to be sure, it was a primary, in which both parties had their primary elections. I was given this estimate by the distinguished Governor of the Territory, who was in my office. He estimated that in the recent election only about 20,000 votes were cast. That fact impressed me, because it is proposed that we give to Alaska, with about 20,000 voters, the power, through an elected Representative, to sit, to speak, and to vote in the House of Representatives, and to have equal representation in the Senate with the present States. Let us assume that in a regular election there would be 30,000 voters. They would be empowered to elect two Senators, whose votes could well decide an issue of crucial importance to the future of the United States, or decide an issue in a way which would adversely affect the well-being of the people of my own State and of other States of the Union.

I should like to point out, Mr. President, that in the last election more than 20,000 votes were cast in my little town of Greenwich, Conn., a community of 45,000 people. Yet we are talking about giving to a new Territory, located thousands of miles away, with a population that can muster only 20,000 or 30,000 votes, 2 Senators of the United States and representation in the House of Representatives.

I should like to point out that no justification has been presented for giving priority to Alaska among the candidates for statehood. Let us look at the situation on our own doorstep. What about the District of Columbia? Here reside, in the heart of the United States, 855,000 Americans, who are not only denied representation in the Congress, but who are denied the right to their own local government.

I remind my Republican colleagues who feel compelled to vote for Alaskan statehood because of a campaign pledge in the 1956 platform that the platform also declared a pledge for "self-government, national suffrage, and representation in the Congress of the United States for the residents of the District of Columbia."

How can we justify our great haste in bestowing statehood on a Territory with 20,000 voters, and a laggardness in correcting the injustices now suffered by many times that number of potential voters in the District of Columbia, the Nation's Capital?

One can argue about the question of home rule in the Nation's Capital. I am not one who would go "all the way," so to speak, on the question of home rule. Because of the Federal Government's great interest in the District of Columbia, and because the Federal Government dominates the area with its activities, I think the Federal Government may properly continue to exercise a measure of control over the government of the District. On the other hand, I do not believe the people of the District of Columbia should be completely disenfranchised. I would like to see special provision made for the District of Columbia in addition to the special provisions which exist for it now. I would like to see special provisions made so that the people would have some representation in the Congress. I think the question ought to be carefully considered whether the people of the District of Columbia should not have 1, or whatever number of population is entitled to—perhaps 2 or 3 full-fledged Members of the House of Representatives, and also representation in the United States Senate. I see absolutely no justice in reaching out 3,000 or more miles across this continent, to the very end of it, in the northwest corner, granting statehood to a small population in the Territory of Alaska, and leaving without any civil rights, so to speak—any voting rights, any political rights—the 855,000 persons who live in the District of Columbia, the Nation's Capital.

If that is justice, Mr. President, I am afraid I am not a very good judge of what is justice. I myself think it is highly unjust and highly unfair to ignore the citizens of this community. I think practically no one will dispute that the citizens of the District of Columbia, at a very minimum, ought to be able to vote for the President of the United States. They ought to have the right to vote for the President and the Vice President. I do not see any reason in the world why they should not have that right and privilege and duty. I think if there is any part of the United States where the citizens are really interested in who is the President and who is the Vice President, it certainly is here in the Nation's Capital. Yet, we are talking about reaching away out to Alaska, ignoring the problem which faces us on our own doorstep. I object to the bill to provide statehood for Alaska for that reason, among others.

What about Hawaii? A few years ago we were considering statehood for Hawaii. That question suddenly has disappeared, and at this time we are considering statehood for Alaska alone. It seemed to me, from the debate of a few years ago, the facts certainly favored Hawaii from the standpoint of population, economics, and other factors. It seemed to me that Hawaii had a preferential claim over that of Alaska. Now Hawaii is being ignored and Alaska is to be preferred.

We should also consider Guam, as well as Puerto Rico. All these various places are candidates or potential candidates for statehood. Why should Alaska be entitled to consideration ahead of them?

Puerto Rico is doing very well. I have referred to party platforms, and I remember that at the Republican National Convention the question of statehood for Puerto Rico came up in the resolutions committee. There was a message from Puerto Rico which said, "We do not want statehood." But there were representatives present from Puerto Rico who stood up to say, "That does not represent the feelings of the people of Puerto Rico." They said, "Frankly, the feelings are divided. There are a great many thousand people in Puerto Rico who do want statehood." So there is the question of statehood for Puerto Rico. Why should

we reach out to grant statehood to Alaska, when Puerto Rico might deserve similar consideration?

Speaking of the offshore islands, Mr. President, I may say that I have very grave reservations about the wisdom of admitting as States, areas so far from the continental United States. There are classic arguments against statehood for these remote regions with small populations, of course. There are differences in background, custom, and even in language which would make it extremely difficult for Senators representing such areas to understand the problems with which we have to deal on the mainland of the United States, and the problems of the States which are now in the Union.

I believe that the problems involved in proposals to admit remote areas as States in the Union of the United States are insufficiently understood by the American people generally. I know full well that Gallup poll has reported an overwhelming majority of the people interviewed in its public-opinion poll favor statehood for Alaska, but I am convinced that the answers to the pollsters' questions were based upon emotions and superficial impressions rather than upon a complete understanding of the issue.

I have never talked to a citizen in my own State who seemed to be in favor of Alaskan statehood who within a few moments of argument was not completely shaken in his opinions about that particular issue. The reason, of course, is that there has been very little understanding spread abroad in this country concerning all the implications of Alaskan statehood.

Mr. President, I feel that the admission of a new State also involves a question of what such a State can do for the United States. This is not simply a one-way street. The business of admitting a State to the Union is not a charitable enterprise for us to consider. It is a very important political question which involves many things, including economic matters of great weight and importance.

As I study the Alaskan statehood issue, I fail to see what it is that Alaska is going to contribute particularly to the United States, so that Alaska should be preferred in recognition above the other groups of populations I have mentioned, including the District of Columbia, and including Hawaii particularly.

I do not believe in my heart, Mr. President, that the people of remote areas such as Alaska, or even Hawaii, can be expected to come to grips with the weighty problems which we constantly confront in the modern United States—all the social and economic problems which have arisen concurrently with the industrial development of this country, including great centers of population bursting at the seams, and enormous deficits in so many respects, among them education and housing. Tremendous problems face this country, and I do not see how we can expect people in these remote areas to understand such problems and approach them with the sympathetic interest and understanding it is necessary that the Congress have in order to deal with them effectively. I think it would be expecting too much of those people to suggest that they could understand our problems as well as they are understood by those who live in the United States, which is all contiguous territory.

It has been argued, of course, that other Territories have been admitted when their populations were small, as is the case with Alaska's population. I do not think that argument stands up. It was inevitable from the very beginning that the United States was to be a collection of States within the boundaries which now constitute the United States. It was understood that as soon as the Territories could get on their feet, so to speak, they would become States. To say this principle must apply to Alaska, or Guam, or Hawaii, in my view, is not being realistic at all, and it is not a proper comparison.

Mr. President, much has been said in the debate about the security question. I noted that the other day the distinguished Senator from Virginia [Mr. ROBERTSON] stated there had been no factual evidence introduced into the record, either in the committee or on the floor, that the admission of Alaska would add strength to the Nation from a security standpoint. As a member of the Committee on Armed Services I support the Senator's statement. I have examined the record. I have found no competent authority—nor any authority—who has actually said that the admission of Alaska would better fortify the United States and increase its security vis-a-vis any possible enemy we may have. So I am compelled to reject as being entirely unrealistic the argument that the admission of Alaska would improve the security of the United States.

I noted with interest the position of some of the veteran members of the Committee on Armed Services; notably the chairman of the committee, the Senator from Georgia [Mr. RUSSELL]; notably the next ranking member of the committee, the distinguished senior Senator from Virginia [Mr. BYRD]; and notably the junior Senator from Mississippi [Mr. STENNIS] who, as we all know, is more or less the wheel horse of the Committee on Armed Services and is one of the most able members of the committee. All those Senators oppose the admission of Alaska as a State. I am sure they will agree with my statement that, from a security standpoint, there is not a modicum of comfort to be taken from the admission of Alaska as a State.

If there were a group of Senators who could see in the proposed admission of Alaska a boon to our national security and national defense, certainly such a group would include the three distinguished members of the Armed Services Committee of the Senate I have mentioned. So I believe that argument is of little avail.

The problems involved in admitting new States under modern conditions have been insufficiently debated and considered throughout the length and breadth of the land. I believe we have reached the time when the admission of a State should be regarded as of equal or greater importance as the ratification of a treaty, which, as Senators know, requires a two-thirds vote of the Senate rather than a simple majority.

I have prepared a joint resolution proposing an amendment to the Constitution of the United States, to provide that a new State may be admitted only with the consent of two-thirds of both Houses of Congress. It appears, of course, that a majority of the Senate is now prepared to vote for the Alaska statehood bill, and it seems to be too late in the present session for action upon my joint resolution. Nevertheless, I am introducing it today rather than delaying it until the next Congress, when I shall reintroduce it. I am introducing it today in the hope that it will stimulate the full discussion which is needed before we face new demands for statehood in the future.

I ask unanimous consent that the text of my joint resolution be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S. J. Res. 185) proposing an amendment to the Constitution to provide that a new State may be admitted only with the consent of two-thirds of both Houses of Congress, introduced by Mr. BUSH, was received, read twice by its title, referred to the Committee on the Judiciary, and 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, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. So much of the first clause of section 3 of article IV of the Constitution as precedes the first semicolon therein is amended to read as follows: 'New States may be admitted by the Congress into this Union with the consent of two-thirds of both Houses.'

"SEC. 2. Section 1 shall take effect on the first day of the first session of the first Congress which assembles following the ratification of this article.

"SEC. 3. 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 7 years from the date of its submission to the States by the Congress."

PROPOSED CODE OF ETHICS FOR FEDERAL OFFICERS AND EMPLOYEES AND COMMISSION ON ETHICS IN THE FEDERAL GOVERNMENT

Mr. JAVITS. Mr. President, I am today introducing proposed legislation specifying standards of ethics in the executive and legislative branches of the Federal Government. A similar bill and point resolution are being introduced in the House by my colleague from New York, Representative KEATING.

These proposals were developed upon the basis of my experience in establishing the administration of the New York State Code of Ethics, as attorney general of that State from 1955 through 1956. One of the two measures being introduced today would establish a code of ethics for Federal officers and employees, and would subject violators to removal from office or other disciplinary action.

The second measure would establish a bipartisan Commission on Ethics in the Federal Government, to be appointed by the President, the Speaker of the House of Representatives, and the President of the Senate. The Commission would study existing conflict-of-interest laws and regulations in order to determine how they can best be implemented through executive or legislative action. It would also be authorized to develop a permanent code of ethics.

A little later in the week Representative KEATING and I will introduce in our respective Houses proposals to implement the rules of our respective Houses in order that the proposed code of ethics may be binding as well upon Members of Congress. I feel very strongly, as does my colleague, the junior Senator from Oregon [Mr. NEUBERGER] that the same standards of ethics which we wish to apply to Government employees and officials must be applied to ourselves; and the machinery for carrying such standards into effect is readily available in the rules of each body and the disciplinary powers of each body.

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

Mr. JAVITS. I gladly yield.

Mr. BUSH. I am very much interested in what the Senator from New York is saying, and I commend him for what he is doing. I am very much interested in this question.

Only last Friday I introduced a joint resolution, somewhat different from the proposed legislation which the Senator from New York is introducing. In view of what the Senator has said, I should like to ask him a question.

The proposed legislation introduced by the Senator from New York calls for the establishment of a commission, some of the members of which would be appointed by the President, some by the Vice President—from the Senate, no doubt—and some by the Speaker of the House of Representatives. What balance would there be in the Senator's proposed Commission?

Mr. JAVITS. Let me say first that I compliment the Senator from Connecticut upon his initiative. I hope very much that when the time comes to take action upon these proposals, we may join in common sponsorship of whatever measures seem most appropriate.

The Commission which we suggest would be appointed, roughly, as follows: Eight from the executive branch, the Senate and House; and seven from private life. However, the appointing officials would be the President, the Vice President, and the Speaker of the House of Representatives. Five members would be appointed by the President, two from the executive branch and three from private life; five appointed by the President of the Senate, three from the Senate and two from private life; and five appointed by the Speaker of the House of Representatives, three from the House of Representatives and two from private life.

Mr. BUSH. So the Congressional Members together would represent a majority of the Commission?

Mr. JAVITS. Not quite. The Congressional Members would represent 6 out of the 15. No one group would really have a majority. There would be 6 members from the 2 Houses of Congress. The remaining members would represent the executive branch and those from private life.

Mr. BUSH. I am asking purely for information.

I thank the Senator for his statement that he thinks we might work together. That would please me very much. I know of his very deep interest in this question. My interest likewise is very deep. I have been working on my joint resolution since last March. I know that the Senator from New York has long been considering the same problem.

Does the Senator believe that this kind of commission—which I believe, as he does, should take into account Congressional relationships with the various agencies—should have on it a large Congressional representation? Does the Senator believe that is desirable? Conversely, would it not be likely that a more objective study of the problem would be obtained if the Commission were confined to persons not active in public life, but whose activities in life had brought them in contact with the Government services in one way or another—perhaps by reason of the fact that they might be retired Members of the Senate or House?

My thought is directed toward trying to elicit from the Senator whether or not he believes a more objective approach might be had in that atmosphere rather than through a commission such as he is describing.

Mr. JAVITS. I believe that an entirely objective approach might defeat itself. I believe that what is most desirable is an objective and informed approach. For that reason, the Commission, as we propose it, would consist of 6 Members from the Congress, 6 from private life, and 3 from the executive department. We feel, therefore, that that degree of balance would afford both practicality and objectivity. The Congressional members would be serving in view of those from the executive department and those from private life. The other members of the Commission would have the benefit of Congressional experience.

We cannot be abstract about codes of ethics. If they are to work, they must be related to the practicalities of our jobs and to the status of our relations with our constituents and with the executive departments, in the context of working, everyday life. Otherwise, the approach might become so attenuated as to be impracticable. For that reason, we suggest this balanced kind of commission. I would, however, respect any contrary point of view. If we are to have a commission which is so objective as to be removed from the Congress, there will be danger of producing another report which would only gather dust on the shelves.

The technique which is outlined in the bill is the very same one used for the so-called Hoover Commission on the Reorganization of the Executive Departments. That commission was exactly the same kind of composite body. It seemed to possess objectivity and technical skill, and to command rather prompt Congressional attention.

Mr. BUSH. I thank the Senator very much. In raising my questions I did not raise them from a closed mind, because, frankly, I am in a little doubt as to whether the Commission should include Congressional members. I am not convinced on that point. I am not convinced that it absolutely should not. I believe the Senator has made a very interesting case for his format of the Commission, so to speak. I shall be very much interested to hear the remainder of his remarks.

Mr. JAVITS. I thank the Senator. My proposal is not directed so much to the commission idea, on which I say frankly the Senator from Connecticut has taken the initiative. What distinguishes my presentation is the code of ethics. A code of ethics can be legislated into effect now, awaiting the finalized determination with respect to whatever commission we may establish. We have such a code of ethics in the State of New York, and I have had some experience with it. Therefore I am not repairing to an uncertain area when I make my presentation.

We have had experience with such a code of ethics in an enormous State, the State of New York, and that code of ethics does work. I believe that in that respect we can help our respective Houses to provide something of a practical nature, particularly from the standpoint of the technique of tying the code into the rules of the respective Houses.

There is always some question as to whether such a statute should be criminal or otherwise operative. Criminal statutes in this field have a tendency to be self-defeating. Usually the remedy is too tough. Disciplinary action in the respective Houses, which is most condign to our constituents, is the best way in which to enforce these codes.

Such a proposed code offers dual protection; first, to the general public by providing added assurance that, aside from existing criminal laws governing conflict of interest, codes clearly defining proper moral and ethical standards of conduct required of Federal officials and employees will be on the books. Secondly, it will provide for Federal officers and employees a set of guiding principles which should sharply reduce the possibility that they may commit thoughtless actions which subsequently become subject to widespread criticism.

Mr. President, that has particular pertinence in the Adams case. We ought to prescribe in the Federal Establishment what we consider to be in our collective judgment a norm of conduct. That would have been extremely helpful in the Adams situation, and will be extremely helpful to our Federal officials and employees in the future.

To guide our public officials and employees, we submit for consideration what is established in New York State. It is an advisory committee, which serves the public officials, as well as the attorney general, who together not only have the job of finding infractions and bringing about appropriate punishment which in this case is dismissal from office, or disciplinary action, if it concerns a House of Congress, but, even more important, the advisory committee renders advisory opinions—I had the honor of forming that committee myself in the State of New York when I served as attorney general—so that in the event there is some doubt as to what an official should do in a particular situation, he has a forum to which he may repair, and which will help him establish what is a norm of proper conduct for him to follow under the law.

Never has our country had greater need for experienced, broadly trained, imaginative Federal officials of the highest personal integrity to carry on the business of Government. The United States today bears staggering responsibilities as peace leader of the Free World in the face of the Communist challenge in almost every conceivable field of activity. We believe that not only in helping to meet this challenge, but in the day to day performance of their duties, the work load of Federal officials will be lightened if the borderline possibilities of conflict of financial, business or other personal interests are eliminated. A regulated code of ethical standards is an absolutely essential step toward that goal.

While the Commission on Ethics set forth in the joint resolution carries on its year-long investigation and study, it is proposed that an interim Federal code be adopted patterned closely after the one enacted in New York State in 1954 during Governor Dewey's administration.

This is something with which we have had experience, and which we know works. It would represent a very splendid interim code of ethics. This is the key of our proposal, and I should like to read it:

No public officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature, whether financial or moral, which is in substantial conflict with the proper discharge of his duties in the public interest, nor should any public officer or employee give substantial and reasonable cause to the public to assume he is acting in breach of his public trust.

In other words, not only is improper activity to be avoided, but all appearance of improper activity which gives to the public a feeling of lack of confidence in the Federal Government is to be avoided. That is where the advisory service becomes so important, because, as we have seen in the Adams case, it is in these attenuated cases that it is extremely hard to form a moral judgment unless there are guidelines established and unless there is an implementing of such guidelines.

An ethical code of this type must not only be fairly and equitably administered but as experience has shown in New York State, it must be formulated on realistic and practical standards of conduct. In a democracy, which is and should be governed by a representative cross section of its citizenry, we expect from our public servants maintenance of moral and ethical standards and actions which are beyond reproach. However, many of the same talents and abilities which lead to an individual's success in a business or profession also frequently result in his selection for high public office. It is at this point in his career that the official may be confronted with a conflict of interest which is not of a nature that can be dealt with in the criminal law. Then, the possibility for his making a misstep is present and his need for guidance is at a maximum.

The proposed interim code of ethics to operate during the time the Commission is making its more extensive study would include specific standards for officers or employees of the executive branch and of Congress; they would implement the general rule set forth above and are also patterned after those on the law books in New York State. They include prohibitions against the following:

Outside employment which would impair objectivity in the exercise of official duties;

Business or professional activity requiring the disclosure of confidential Government information—disclosure of such confidential information to further personal interests;

Use of official position to secure unwarranted privileges or exemptions for himself or others;

Serving two masters: the Government and a private enterprise where such employment is in conflict;

Personal investments in enterprises which the officer might have to regulate or pass upon in his official capacity;

Selling goods or services to a person or corporation which is regulated by the State agency in which the public officer or employee is employed.

There is also a requirement in the code for the public filing of substantial financial interests in activities regulated by the Federal Government. And finally, two more provisions specify that not only must the official maintain his integrity in fact, but he cannot engage in any activity or in any way create a reasonable impression which could give rise to a suspicion that any person unduly enjoys his favor or that he is otherwise in violation of the high standards of his public trust.

In cases concerning complaints of misconduct involving officers or employees of the executive branch, the United States Attorney General is charged with rendering advisory opinions and he may refer complaints or such requests to a Public Advisory Committee on Ethical Standards which he may establish under the terms of the bill. The Attorney General may report his own findings and those of the advisory committee to the officer or agency having the power of removal or discipline over the official or employee involved in the complaint. He may also bring action when warranted to recover any money or property illegally obtained.

Together with Representative KEATING I will introduce in the near future proposed legislation concerning the enforcement of this interim ethical code as it affects Congressional officers or employees.

The Commission on Ethics in Government will be bipartisan in character and composed of 15 members, 7 from private life, and will be appointed as follows: 5 by the President, 2 from the Executive branch and 3 from private life; 5 by the President of the Senate, 3 from the Senate and 2 from private life; and 5 appointed by the Speaker of the House of Representatives, 3 from the House of Representatives and 2 from private life. Out of each group of 5 appointed, no more than 3 shall be of the same political party.

The Commission is empowered to hold hearings, appoint advisory committees and take such testimony—with power to subpena witnesses—as is required in undertaking a thorough study and investigation of Federal ethical standards. At the end of 1 year, it is charged with recommending a comprehensive code of ethics bearing upon such questions as: outside employment by Federal officials, disclosure of confidential information acquired in the course of official duties, use of their official position to secure unwarranted privileges or exemptions for themselves or others, actions which give reasonable cause for public suspicion of violation of public trust, and dealings in their official capacity with matters in which they have a substantial pecuniary interest.

At the conclusion of the study, the Commission will submit its recommendations to the President and the Congress.

I know it is late in the session and we have a great many things to do, but I am certain that this is a matter, based upon our experience in New York, which can be quickly acted on, and which would be so useful when the whole attention of the country, and, indeed, of the world, is fixed on the subject. I certainly hope that, notwithstanding the time of the session, attention will be given immediately to this particular type of legislation, whether it be our joint resolution or the bill introduced by the Senator from Connecticut [Mr. BUSH], or any other bill dealing with the subject. I hope that action could be taken on it during this session.

In our country we pride ourselves upon the fact that when we are confronted with a celebrated case, of the kind we now find in our Government at this time in the form of the Adams case, people of constructive mind always try in every possible way to bring about permanent reforms which will cause some benefits to flow from the situation which is now being explored in the House.

The PRESIDING OFFICER. The bill and joint resolution will be received and appropriately referred.

The bill and joint resolution, introduced by Mr. JAVITS, were received, read twice by their titles, and referred to the Committee on Labor and Public Welfare, as follows:

S. 4078. A bill to establish a code of ethics for the executive and legislative branches of the Government; and

S. J. Res. 186. Joint resolution to establish a Commission on Ethics in the Federal Government to study and develop necessary conflicts-of-interest legislation, including a code of ethics applicable to Members of Congress and to officers and employees of the executive branch of the Government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3342) to continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in schools.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11424) to extend the authority of the Secretary of Agriculture to extend special livestock loans, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 385) to increase efficiency and economy in the Government by providing for training programs for civilian officers and employees of the Government with respect to the performance of official duties, and it was signed by the President pro tempore.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The Chair, under the precedents, submits to the Senate the question: Is the point of order No. 2, submitted by the Senator from Mississippi [Mr. EASTLAND], that section 8 of the Alaskan constitution is in direct violation of the Constitution of the United States in providing the manner and terms for the election of United States Senators well taken?

Mr. EASTLAND. Mr. President, I make the point of order that section 8 of the Alaskan constitution is in direct violation of the Constitution of the United States in providing the manner and terms for the election of United States Senators.

The last clause of section 1 of S. 49 and H. R. 7999 confirms, ratifies, and accepts a constitution previously approved by the residents of the Territory of Alaska. One of the provisions of this constitution directly violates a provision of the United States Constitution.

This is section 8 of article XV which attempts to provide for the election of 1 United States Senator for a short term and the election of 1 United States Senator for a long term.

The exact language of this section 8 of the proposed constitution of the proposed State of Alaska is as follows:

> SEC. 8. The officers to be elected at the first general election shall include 2 Senators and 1 Representative to serve in the Congress of the United States, unless Senators and a Representative have been previously elected and seated. One Senator shall be elected for the long term and one Senator for the short term, each term to expire on the 3d day of January in an odd-numbered year to be determined by authority of the United States. The term of the Representative shall expire on the 3d day of January in the odd-numbered year immediately following his assuming office. If the first Representative is elected in an even-numbered year to take office in that year, a Representative shall be elected at the same time to fill the full term commencing on the 3d day of January of the following year, and the same person may be elected for both terms.

The Constitution of the United States provides in the first article of the Constitution that the Senate of the United States shall be composed of Senators chosen for 6 years.

I shall read a part of article 1, section 3 of the Constitution:

> The Senate of the United States shall be composed of 2 Senators from each State, chosen by the legislature thereof, for 6 years; and each Senator shall have 1 vote.
>
> Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year.

That is the method the Constitution of the United States provides for the election of Senators. I submit that when we say that we ratify, approve, and confirm the constitution of the proposed State of Alaska, we are ratifying, approving, and confirming an unconstitutional act, because the Legislature of Alaska cannot provide either the manner or the means for the election of United States Senators.

Any attempt to elect a Senator for what is called a short term is clearly in direct violation of the Constitution of the United States. This is no idle matter.

Even if it is considered to be only an attempt by the Alaska constitutional convention to designate that 1 Senator from the proposed new State of Alaska shall belong to 1 class and the other Senator shall belong to another class of Senators, it is equally beyond the authority of any State to make such a designation.

Mr. President, no one of my colleagues needs to do any more to satisfy himself on this point than to pick up the admirable new volume, entitled "Senate Procedure: Precedents and Practices" by our distinguished Parliamentarian and Assistant Parliamentarian, Charles L. Watkins and Floyd M. Riddick, and turn to page 553 of that work, to the section captioned "Senators," and examine the paragraph on Senators—Classification of, and read the simple, direct, and unequivocal statement as follows:

> The legislature of a new State has no authority to designate the particular class to which Senators first elected shall be assigned.

This statement, as all may be sure, is amply supported by the precedents.

Indeed, there are, as all of us are aware, not 2, but 3 classes of Senators, and the terms of one-third of this body expire at 2 year intervals.

It cannot be said until the classification of new Senators is accomplished, whether, indeed, a new Senator is to be assigned to class 1, class 2, or class 3.

In any event, any attempt to elect a Senator for a short term is in direct violation of the Constitution of the United States; and any attempt on the part of a proposed new State to determine in advance the classifications to be assigned to its two new Senators is in direct violation of the practice which has been followed without exception in regard to the classification of Senators from new States from the time of the organization of this Republic.

There have been at least two previous instances in which an attempt has been made to designate the classification of Senators. In both of those instances, however, no attempt was made to designate that classification by a proposed constitutional provision or even by legislation. As a matter of fact, it was done by resolutions accompanying the certificates of election. In both cases, the Senators themselves were actually elected for a 6-year term.

The first instance to which I refer occurred when the new State of Minnesota was admitted to the Union. In the Journal of the Senate for Wednesday, May 12, 1858—Journal, page 441—there appears the following:

> Mr. Toombs presented a resolution of the Legislature of the State of Minnesota, in joint convention, in favor of the Honorable Henry M. Rice, representing that State in the Senate of the United States for the long term; which was referred to the Committee on the Judiciary.

At that time, Mr. Toombs remarked, as reported in the Congressional Globe:

> Mr. TOOMBS. The Legislature of the State of Minnesota in the joint convention which elected Senators passed a resolution on the subject of their tenure. It is a question of some trouble and difficulty, and I move that it be referred to the Committee on the Judiciary.

Let me digress at this point to call the attention of the Senate to the fact that in the Minnesota case the matter of tenure of Senators was recognized as the business and jurisdiction of the Committee on the Judiciary. I think it still is and that any legislation, proposed Constitution, or resolution dealing with the tenure and classification of Senators, should be referred to the Committee on the Judiciary of the United States Senate.

Continuing with the procedure in regard to Minnesota, 2 days later, Mr. Bayard, from the Committee on the Judiciary, to whom was referred the resolution of the State of Minnesota, filed the committee's report to the Senate. The Committee on the Judiciary reported a resolution setting forth the procedure for classifying the two new Senators from Minnesota in precisely the same manner in which the Senators from new States had been classified by the Senate of the United States, without exception, from the 1st session of the 1st Congress.

The Committee on the Judiciary in that instance recommended as follows:

> *"Resolved,* That the Senate proceed to ascertain the classes in which the Senators from the State of Minnesota shall be inserted, in conformity with the resolution of the 14th of May 1789, and as the Constitution requires."
>
> The resolution was considered by unanimous consent, and agreed to.

Mr. BAYARD. Now I ask that the order accompanying the resolution from the committee be read and considered.

The Secretary read it, as follows:

"*Ordered*, That the Secretary put into the ballot box 2 papers of equal size, 1 of which shall be numbered 1, and the other shall be a blank. Each of the Senators of the State of Minnesota shall draw out 1 paper, and the Senator who shall draw the paper numbered 1, shall be inserted in the class of Senators whose term of service will expire on the 3d of March 1859; that the Secretary shall then put into the ballot box 2 papers of equal size, 1 of which shall be numbered 2, and the other shall be numbered 3. The other Senator shall draw out one paper. If the paper drawn be numbered 2, the Senator shall be inserted in the class of Senators whose terms of service will expire on the 3d day of March 1861; and if the paper drawn be numbered 3, the Senator shall be inserted in the class of Senators whose terms of service will expire the 3d day of March 1863."

Mr. Bayard's comments upon the resolution on behalf of the Committee on the Judiciary laid the question to rest with clarity beyond question, in his following remarks:

Mr. BAYARD. I will merely state, on behalf of the committee, that the request made by the Legislature of Minnesota—it is but a request—is entirely inconsistent with the settled practice of the Government under the resolution of the Senate in 1789, when the Senate was first organized. The committee have seen no reason for changing that practice. The Senate had then to determine how they would classify Senators, and they have always adhered to the practice then adopted. The Constitution of the United States authorizes the election of Senators for 6 years, and provides for their classification. In the first instance, in organizing the Senate, they might do it in 1 of 2 modes—either by lot or by arbitrary determination. They decided that lot was the best mode to do it; and thus the term is determined on the first coming in of a Senator; and that has been the mode of proceeding since the first origin of the Government.

The following year the State of Oregon was admitted to the Union, and the two Senators from the new State of Oregon were classified in accordance with the provisions of the Constitution and the long established customs of the Senate. The matter raised by the resolution of the Legislature of the State of Minnesota had been effectively settled.

The other case to which I should like to advert is that of the State of North Dakota, when the credentials of the two Senators from that new State were presented. On December 4, 1889, the credentials of the two Senators from the new State of North Dakota were presented to the Senate. The Vice President directed the reading of a resolution, reported by the Committee on Privileges and Elections, which set forth the time-honored procedure of classification of Senators in this body. After that resolution was read, Senator Cullom, who had presented the credentials of the two new Senators, addressed the Senate as follows:

Mr. CULLOM. Mr. President, before action is taken upon the resolution just read, I desire to present some resolutions adopted by the two houses of the Legislature of North Dakota touching upon the question of the term of one of the Senators from that State. I ask to have them read by the Secretary so that they may be placed upon record.

The Chief Clerk then read as follows:

BISMARCK, N. DAK., *November 29, 1889.*

It is herewith certified that on Wednesday, the 20th day of November, A. D. 1889, and subsequent to the election of Hon. Gilbert A. Pierce as Senator in the Congress of the United States, the senate of the first session of the Legislative Assembly of the State of North Dakota adopted the following resolution:

"Whereas Hon. Gilbert A. Pierce, the unanimous choice of the Republican Senators of the State of North Dakota, has been chosen by vote of the senate, one of the United States Senators to represent said State in the Congress of the United States:

"*Be it resolved etc.*, That he be, and is hereby designated to represent the State of North Dakota in the Congress of the United States for the long term."

Said resolution being recorded on page 2 of the Senate Journal of November 20, 1889.

ALFRED DICKEY,
Lieutenant Governor and
President of the Senate.

Senator Hoar then addressed the Senate as follows:

Mr. HOAR. Mr. President, the Constitution of the United States provides that after the assembling of the Senate, in consequence of the first election, "they (the Senators) shall be divided as equally as may be into three classes." The Constitution did not expressly provide by what authority that designation should be made, but it has been the uninterrupted usage since the Government was inaugurated for the Senate to exercise that authority. Indeed, no other authority could be for a moment supposed to have been intended to be charged with this duty.

The Legislature of the State of North Dakota, the two houses of that legislature, after the election, have expressed a desire that one of the two gentlemen elected to the Senate of the United States from that State should hold the seat for the long term. Of course, that matter did not enter into the election there, and if it had done so, it is obvious that the State legislature had no constitutional authority in relation to the subject. Indeed, it was not then known, and is not yet known, what length of term will be assigned to either of the Senators from that State. Either of them may, in accordance with the lot, be assigned to the 6 years', the 4 years', or the 2 years' term. All that the Senate now knows is that, if this resolution be adopted, no two Senators will be assigned, from any one of the States that have just been admitted, to a term of the same length. Perhaps the desire of the Legislature of the State of North Dakota may be accomplished as the result of the proceedings of the Senate, but that must be the result of the lot, and I cannot see that the Senate may justly or properly exercise any authority in regard to it by way of departure from its duty.

Mr. President, the statement by Senator Hoar is but recognition of what was then, and is now, an inescapable conclusion; namely, that the State legislature has no constitutional authority in relation to this subject; that it has been the uninterrupted usage, since the Government was inaugurated, for the Senate itself to exercise this authority; and that no other authority can properly be considered. Yet, Mr. President, 100 years after this matter has been discussed and has been settled, the proposed State of Alaska, through its proposed constitution, again wants to renew the discussions and the debates on this subject. It is absolutely clear, to my mind, that this provision of the proposed constitution for the State of Alaska lacks authority in law and violates the express provisions of the Constitution of the United States. I wish to make the point that either there has been a lack of understanding of the structure of the Senate in the drafting of this provision, or else, if it was known, it has been completely ignored.

Mr. President, I have taken the time to go into this subject quite carefully, in order that the Senate may know that errors of major importance have been made in connection with the proposed legislation now pending, relating to the admission of Alaska to statehood. In my opinion, in view of the errors which have been made in, and the inconsistencies in relation to, the classification and tenure of Senators, the probability is, there are others. Nowhere in the reports or the hearings on this matter do I find that questions I pose have ever been raised or resolved; and I do not believe the Senate should approve this State constitution or should pass the proposed legislation until a great deal more study has been given to many of the phases of both documents. Let me point out again that House Report No. 624, to accompany House bill 7999, states as follows on page 5 thereof:

By enactment of H. R. 7999 this constitution will be accepted, ratified and confirmed by the Congress of the United States.

Mr. President, I do not believe Senators should vote for the acceptance, ratification, or confirmation of a State constitution which contains a provision which does violence to such a basic concept of this body as its method of classification for purposes of tenure. So that there can be no doubt as to what the proposed constitution for the new State of Alaska provides in this respect, I ask unanimous consent to have section 8 of article XV printed at this point in the RECORD:

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

SECTION 8 OF ARTICLE XV

The officers to be elected at the first general election shall include 2 Senators and 1 Representative to serve in the Congress of the United States, unless Senators and a Representative have been previously elected and seated. One Senator shall be elected for the long term and one Senator for the short term, each term to expire on the 3d day of January in an odd-numbered year to be determined by authority of the United States. The term of the Representative shall expire on the 3d day of January in the odd-numbered year immediately following his assuming office. If the first Representative is elected in an even-numbered year to take office in that year, a Representative shall be elected at the same time to fill the full term commencing on the 3d day of January of the following year, and the same person may be elected for both terms.

Mr. EASTLAND. Mr. President, the proposal which this body, by its approval of House bill 7999, would be ratifying, accepting, and confirming is, on its face, completely inconsistent with the Constitution of the United States, which requires that Senators be chosen for a term of 6 years, and further requires that

the Senate divide itself into 3 classes. What is proposed in the case of Alaska has never been done in the history of this country, and should not be done now.

Mr. President, I respectfully submit that on this point of order, no further consideration can be given to this proposed legislation until the proposed Alaskan constitution is brought into conformity with the Constitution of the United States of America in regard to the selection of Members of the United States Senate.

Mr. President, on this question, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the yeas and nays shall be ordered on this question.

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

There being no objection, the yeas and nays were ordered.

Mr. JACKSON. Mr. President, the distinguished senior Senator from Mississippi, who is chairman of the Judiciary Committee, has made a very able legal presentation of his point of order. I regret that I cannot agree with his conclusion. I should like to make a brief statement on this point for the RECORD.

At the outset it is important to note that the article of the Alaska constitution involved is entitled "Schedule of Transitional Measures," and is by definition a temporary provision. The section in dispute is section 8, article XV, which states:

> One Senator shall be elected for the long term and one for the short term, each term to expire on the 3d day of January in an odd-numbered year to be determined by authority of the United States.

It is difficult to see how any reading of this section can produce an interpretation that conflicts with the Federal Constitution. The section merely states the fact that 1 of the 2 Senators to be elected by the people of Alaska will serve a longer term than the other. This is a pure description of the facts as they have been established by the United States. The same section clearly states that the authority of the United States will determine when each term is to expire.

If any Senator would ask further evidence of the proper construction of this section, let me refer to section 5 of Ordinance No. 2, drafted by the same constitutional convention and approved by the people of Alaska at the same election.

This ordinance specifically acknowledges the right and power of the Senate to determine the class, if you will, of Senators from new States at the time they are seated in the Senate.

Exact historical precedents are available to show the results even if the Alaska constitution were somehow construed to require that one of the candidates serve a longer term than the other. These precedents appear on pages 9 through 11 of the printed points of order raised by the distinguished senior Senator from Mississippi [Mr. EASTLAND].

The Legislatures of Minnesota and North Dakota each specifically designated one of its original Senators-elect to serve "for the long term." The Senate of the United States summarily rejected these resolutions and proceeded, in accordance with the rules of the Senate, to designate the class to which each of the Senators would be assigned.

Mr. President, these are exact parallels to the most unfavorable construction which the opponents of this bill place on section 8 of article XV of the Alaska constitution.

At the time of the admission of Minnesota and North Dakota, the 17th amendment to the Constitution of the United States had not been adopted. Therefore Senators were elected by the State legislatures. The resolutions of the State legislatures had exactly the same effect as would a vote of the people of Alaska, under present law. It must be clear from these precedents that neither an act of those legislatures nor a vote of the people of Alaska could infringe on the rights of the United States Senate, or cause any difficulty whatsoever.

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

Mr. JACKSON. I yield.

Mr. EASTLAND. Does the Senator know of any other time in the history of this country when the Judiciary Committee of the Senate has not passed upon the proposed constitution of a new State?

Mr. JACKSON. Frankly, I have not read all the precedents. I cannot answer that question.

Mr. EASTLAND. Can the Senator cite just one precedent?

Mr. JACKSON. I say, I do not know of any precedent. I made that clear in my statement. I think the important thing in connection with the provisions of the Alaskan constitution is the saving clause, which stipulates it is all subject to the authority of the United States. It is a cold, hard fact that the people of Alaska will be voting for a long-term and a short-term Senator. The good people of Alaska made an effort to do their best to comply with the political facts of life. They left it, in the last analysis, to the United States.

Mr. EASTLAND. Of course, they did not. The Legislature of Alaska has nothing to do with elections to the United States Senate for a short term, a long term, or any term. When it wrote that provision in its constitution it was in conflict with the Constitution of the United States.

Mr. JACKSON. Yes, but they saved it by saying "to be determined by the authority of the United States." That is the point.

Mr. EASTLAND. That is not the point. The point is that a provision has been written into the Alaskan statehood bill whereby the State determines the election of a long-term and a short-term Senator of the United States. That cannot be done. That provision flies right in the face of the Federal Constitution.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. CASE of South Dakota. I think the Senator from Washington has put his finger on the key to the problem in this matter. Over the weekend I have prepared a resolution, which I propose to discuss after the distinguished Senator from South Carolina has spoken, which I think would directly attack the problem. But the key to the problem has been pointed out by the Senator from Washington. The determination of which Senator is to serve for a long term and which Senator is to serve for a short term is to be made by the United States. It is not necessary, under the language of the Alaskan constitution, that 1 Senator run for election for the short term and 1 run for election for the long term. The people are to elect the Senators, but the determination as to which Senator shall serve the long term and which Senator shall serve the short term is to be made by the United States, in accordance with Senate traditions, in my judgment.

I propose to submit a resolution which will clearly set forth that fact, and shall propose that the resolution be communicated to the Governor of Alaska in advance of the proclamation for the election.

Mr. STENNIS. Mr. President, will the Senator from Washington yield so I may ask the Senator from South Dakota a question?

Mr. JACKSON. I yield for that purpose.

Mr. STENNIS. Why does not the Senator from South Dakota offer that proposal as an amendment to the bill?

Mr. CASE of South Dakota. The reason is that it is my understanding it is important to have the bill passed and have it go to the White House at this time. Therefore, I shall offer the resolution as an interpretative protocol. On many occasions the Senate has ratified treaties and has adopted protocols setting forth an interpretation of a clause or a part of the treaty. I think it might be desirable to offer my proposal as a separate resolution. I shall submit it and discuss it before a vote is taken on the pending point of order.

Mr. JACKSON. I wish to thank my colleague from South Dakota. I think he is right. In my opinion the people of Alaska did everything in their power to comply with the Constitution of the United States by inserting in their constitution a saving clause which states "to be determined by the United States."

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

Mr. JACKSON. I yield to the Senator from Ohio.

Mr. LAUSCHE. I assume the interpretation of that clause would be that the Senate shall determine the terms of the respective Senators, when they come to the Senate as the State-elected Senators.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. CASE of South Dakota. I would interpret the language to mean that the Senate of the United States would make a determination under the constitutional provision that each House of Congress shall be the judge of the elections, returns, and qualifications of its own Members. I shall explain, when I of-

fer the resolution, the exact interpretation.

Mr. LAUSCHE. The Senator would not construe the language to mean that the passage of the bill presently under consideration would be an act by the Senate making a determination in advance of the appearance of the elected Senators, would he?

Mr. JACKSON. Not at all.

Mr. CASE of South Dakota. The language of the resolution would specifically take care of that point.

Mr. LAUSCHE. The language read by the Senator from Washington?

Mr. CASE of South Dakota. The resolution which I propose to suggest.

Mr. JACKSON. I think the provision in the Alaska constitution would not be operative until the Senators had been elected and until they appeared for admission to the United States Senate. The point is that we have reserved all rights under the Constitution, and the United States Senate will make the ultimate determination.

Mr. HRUSKA. Mr. President, many of us have received letters and mail on the issue before the Senate today. In my experience I have not had many letters such as the one which I shall ask unanimous consent to have printed in the RECORD. The letter was written by a man who made a tour through Alaska a year ago. He had spent some time in the north country before that. He also wrote an article on his trip, which was published in the Omaha World-Herald, detailing events of the tour.

The letter and article are by a longtime personal friend of mine and my family, Frank T. Tesar. He is a studious, thoughtful citizen. He is a very active and civic-minded man, with a special enthusiasm for the great outdoors. As a result of his trip to Alaska last year, he brought to his family an experience which will stay with them for their lifetime. It will make them better citizens.

It is my hope that his article about that trip will be helpful in inducing others to make similar trips to Alaska, and in guiding them.

I ask unanimous consent that Mr. Tesar's letter and article be printed in the RECORD at this point.

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

OMAHA, NEBR., *June 9, 1958.*

DEAR SENATOR: I would be happy to see that you could support the House passed bill for Alaska statehood.

During my visit in Alaska last summer, the majority of the common working people talked about statehood to me. Many asked why we are forgetting them. They want the privileges that we Americans in this now old country have. An Alaska resident cannot even write a letter like this to anyone that represents him in Washington. He must just be silent. But he pays taxes. I would like to see all my friends and relatives and acquaintances that live in Alaska have the same right that I have. They want to vote for the President, too.

Alaska has a moral right to statehood. They have remained a Territory longer than any other now present State ever had. Alaska has much more population than Nevada has now. The white, nonmilitary, population of Alaska is now much more than that of many States when they were admitted. The residents of Alaska have taken part in our wars. They are subject to draft and taxation. So they too, should be able to vote for a President and Representative and Senators. They do not want to be second-class citizens.

Taxation without representation was wrong before the Revolutionary War. It must also be wrong now. Our Colonies then revolted and fought England to overcome that unfairness. Alaska does not intend to revolt. They only ask for the same rights that the Americans fought for in 1776.

Nevada and California were admitted as States while being separated from the rest of the States by territory that was much more hostile and harder to travel over or send communications than the territory that separates Alaska and the States now. Alaska is only a few hours by air to Washington. Phone and wire service is direct.

The residents of Alaska know that their taxes will be higher in order to carry their new State government. They are ready for the added responsibility. The per capita wealth of Alaska residents is now higher than that of some of our States right now. Some big businesses like the salmon industry object to statehood. They have their own selfish reasons.

Alaska has large lumber and pulp grounds, proven oil fields, and 31 of the 33 vital minerals on the United States strategic list. The whole Territory is underlaid with coal. All this is dormant now waiting for statehood to release its wealth. For example, coal is now imported by Japan, next door to Alaska, from far-away Pennsylvania's mines and shipped about one-fourth of the way around the world via Panama. Beef is shipped to Alaska and still Alaska has much unused pasture that should produce their own beef. Alaska needs and deserves statehood.

Respectfully yours,

FRANK T. TESAR.

WE TRAVELED THE ALASKA HIGHWAY

(Mr. and Mrs. Frank Tesar of 3908 W Street, Omaha, and their two daughters drove to Alaska last summer. They camped mostly in a cartop tent. A description of their journey follows.)

(By Frank T. Tesar)

My wife Helen, daughters Yvonne and Diane and I spent 6 weeks vacationing and camping in Alaska and Yukon Territory in Canada.

We had often talked about the trip to Alaska in a vague way. Usually we would say we could not afford it or that we would wait till we retired, etc. When we bought our new car on Thanksgiving Day of 1956 we decided we would make the trip in 1957 or never. I had to ask for 6 weeks leave from work, which was breaking precedent, but my supervisor was very understanding.

We set our date to leave June 8 and return July 20. I made a few extra purchases like a sixth wheel and tire, a tireholder for the rear bumper to hold both extra tires and wheels (this gave us much more baggage room in the trunk of the car).

We bought an auto top bed tent with ladder so we also were able to set up a bed on the car top in a few minutes and break it up still faster.

Diane, being just 5 feet tall, was to sleep on the rear seat, and Yvonne had a legless cot to put across the top of the front seat and rear window shelf. So our lodging was solved for 42 nights.

We had a lean-to auto tent that we used to dress in or cook and eat in if it rained.

We had a two-burner Coleman gas stove and a nested cooking and eating set that fit into a box just 11 inches cubed.

We had one fishing rod but no guns whatsoever. I had been in northern Alberta before, long enough to know that the only thing to fear in the north is mosquitoes.

But we forgot our mosquito spray gun so we had to buy some squirt-type mosquito bombs which we used often.

FROM MILE ZERO

I realized early that we were too heavily loaded so I bought overload springs at Great Falls, Mont. We crossed the United States-Canadian border on June 12. The border investigation is a simple formality, but since we were going to Alaska, we were asked to show our funds of which we had over $400 besides 5 gasoline credit cards (many credit cards are good in Canada and Alaska, too).

Birth certificates are helpful. Alberta requires proof of auto liability insurance in the form of a pink slip from your insurance company.

We stopped near Grande Prairie, Alberta, at the village of Sexsmith to visit cousins and friends in the country where I lived from 1928 to 1934. Helen washed our clothes.

I bought an extra tarp to protect our auto top bed tent which was not shedding rain at all.

On Sunday, June 16, we entered the Alaska Highway, mile zero. The road just before we entered it between Hythe, Alberta, and Dawson Creek, B. C., was the worst road we encountered, a distance of about 40 miles.

The Alaska road runs over 1,523 miles from Dawson Creek, B. C., and it is considered the most adventuresome auto trip in North America.

We saw license plates from many of our States and most provinces of Canada. We found the road generally good; all the road from Dawson Creek to past the Alaska boundary is a well-maintained gravel road equal to our State or county gravel roads.

During dry weather the road is dusty. After heavy rains, before the maintenance crew can catch up, the road is washboard-like and sometimes rough in a few spots.

The road is not like a California freeway or Pennsylvania Turnpike. Forty miles is a fast safe speed and it is wise to be ready to slow up for occasional bumps or small holes.

I was pleasantly surprised to find how far we could travel in a day. There was no darkness in Yukon and Alaska during the last 2 weeks in June.

Stretching like a long, narrow band through forest-covered hills and around great mountains and lakes, this road is surely the world's most romantic and scenic virgin wonder trail. Driving time from Omaha to the Alaska border was 8 days.

CAMPING EN ROUTE

The roadside is covered with wild flowers. Large water lilies of gold fill the shallow ponds and marshes.

One can see many towering white-capped peaks of perpetual snow in the distance.

We saw a lot of wild ducks on the small lakes as well as beaver dams and beaver houses.

To see a baldheaded eagle soar is a thrill.

We saw many cow moose with calves feeding and even saw a fox catching mice near a ditch bank.

The lakes are full of loons whose cries at night are very scary and suggestive of a child crying in agony.

About the only wild creatures we did not see were bears and wolves.

Bears are hunted so much that they learn to respect man and are not to be seen like the spoiled park bears in Yellowstone.

There is a big bounty on wolves so they too are very shy about exposing themselves. We finally saw a small timid bear near a camp as we were approaching a settlement

in northern British Columbia not too far from Fort St. John on our way home. He ran like a rabbit.

The fishing in the interior of western Canada and Alaska away from the sea is difficult. It is a struggle to catch any fish.

We camped and cooked our meals all along the way. Helen and Yvonne became expert outdoor camp cooks, even baked biscuits. Sometimes Diane picked wild strawberries as a supplement for our dessert.

The Yukon and Alaska have fine camping areas in many places for the convenience of the tourist. Most campsites have tables, fireplaces, firewood, toilets, pure drinking water (usually from springs) and even shelters in which to cook in case of rain or chilly mornings.

Lodges (motels), eating places, gas service stations, and small general stores are to be found all along the road, usually spaced 50 or less miles apart.

Overnight lodging costs about the same or little more than comparable facilities in the United States, but accommodations are sometimes not as de luxe as ours.

However, sleeping accommodations cost very much more in booming Alaska towns like Anchorage or Fairbanks. Meals and groceries cost about 25 percent to 50 percent more. Gasoline prices vary from 39 cents at seaports in Alaska to over 55 cents at Fairbanks. Oil and tire prices are higher, too.

Gasoline prices in Canada ranged up to 65 cents for the larger imperial gallon in northern British Columbia.

It is a pleasure to drive without seeing any billboard advertisements or tins cans and trash in ditches.

The entire highway is marked off in mileposts starting with zero at Dawson Creek, British Columbia, to 1,202 at the Alaska border and beyond to Fairbanks at 1,523. You cannot get lost. There is only one Alaska road.

AROUND ALASKA

The Territory of Alaska has over 1,000 miles of good black-topped pavement, most of which is equal to the roads in the United States. In addition to that there are over 500 miles of good, safe, gravel roads that are usually well maintained in the summer. We enjoyed 18 days in that fine vacationland.

The cities of Anchorage, Fairbanks, Seward, Valdez, Homer, Kenai, and Circle City are all connected to the Alaska Highway.

At Valdez we found a fishing paradise. Pink salmon were going up small streams and were very numerous and easy to catch. Diane caught as many fish as we could eat, preserve, or give away—the smallest weighed 4 pounds.

At Circle City we saw the sun at midnight due north on June 21 and likewise at Eagle Summit on June 22 on Steese Highway. Circle City is 49 miles south of the Arctic Circle and is the most northerly town, connected by road, in North America.

Seward is an interesting seaport town and the ocean terminus of the Alaska Railroad. Homer is located on the southern tip of Kenai Peninsula and is near some wonderful vacant grasslands, native hay, waist high as far as one could see.

The grazing season is only 4 to 6 months long and hay is extremely hard to make because of the frequent rain and mist. However, some residents told me that they could raise cattle profitably if Alaska gained statehood and the beef market was made possible.

Kenai is a village that was settled by Russians in 1791. Descendants of early Russians still live there. We visited the Russian Orthodox Church, more than 100 years old, in Eklutna.

I asked our guide to say the Lord's Prayer in Russian and I was amazed on how many of the words I could recognize because of their similarity to Czech words.

In Kenai we met a young couple who are successful homesteader potato farmers, raising 9 tons of potatoes to the acre.

Fairbanks and Anchorage are not much different from Lincoln and Wichita. Both are growing and have housing problems.

Big Delta residents boast the greatest extremes in Alaska temperatures. The city of Big Delta is supposed to have had 80 below in winter, and gets up to 100 in summer (on the same thermometer). That is the same difference between freezing and boiling water at sea level.

We returned home via the alternate route through Dawson, Yukon, not a regular traveled road. It has ferries instead of bridges. It made backtracking necessary on only the first 925 miles of the present road. The distance is only 136 miles farther via this alternate return route.

DRESS CLOTHES USELESS

For any one contemplating the trip, we recommend purchase of the Mile Post booklet published at P. O. Box 457, Cathedral City, Calif., for $1.25. It gives great detail on every interesting part of the Alaska route.

Do not think it necessary to figure out all equipment and baggage to the minute detail. Most of the larger cities in Alaska have supplies if you forget something. Used Army equipment can be bought reasonably at Army surplus stores in Fairbanks.

We found the most useless baggage was our dress clothes, which we did not use. Sport clothes are quite proper for Alaska travel.

Outside of gasoline, our living expenses on the trip were even a shade less than they were at home in Omaha. We had to put up at hotels only twice, once when it was pouring rain on our stop. We had few restaurant meals.

Mrs. Tesar is good at fixing leftovers. We caught fish. We picked wild berries. Alaskans gave us vegetables from their gardens.

Gasoline was half again as expensive as in the States, and staple groceries were a bit higher.

I hope that if this article inspires any one to travel the Alaska Highway he will not be disappointed. If you care only for plush and chrome luxury, if you cannot tolerate some dust and bumps, if you would not trade a French menu for ham and eggs, if you like neon lights better than fragrant forest air, then maybe the jaunt will not delight you as it did us.

Mr. THURMOND. Mr. President, I shall now address myself to the second point of order of the Senator from Mississippi [Mr. EASTLAND]. It appears that section 8 of the Alaskan constitution is in direct violation of the Constitution of the United States in providing the manner and terms for the election of United States Senators.

Section 1 of H. R. 7999 ratifies and accepts a constitution for the State of Alaska which has been previously approved by the residents of the Territory of Alaska. Article XV, section 8, of this Alaskan constitution provides for the election of 1 United States Senator for a long term and the election of 1 United States Senator for a short term. The exact language of this section is as follows:

SEC. 8. The officers to be elected at the first general election shall include 2 Senators and 1 Representative to serve in the Congress of the United States, unless Senators and a Representative have been previously elected and seated. One Senator shall be elected for the long term and one Senator for the short term, each term to expire on the 3d day of January in an odd-numbered year to be determined by authority of the United States. The term of the Representative shall expire on the 3d day of January in the odd-numbered year immediately following his assuming office. If the first Representative is elected in an even numbered year to take office in that year, a Representative shall be elected at the same time to fill the full term commencing on the 3d day of January of the following year, and the same person may be elected for both terms.

The Constitution of the United States provides in article I, as modified by article XVII, that the Senate of the United States shall be composed of 2 Senators from each State, elected by the people thereof for 6 years. It is very clear, therefore, that any attempt to elect a Senator for what is called a short term is in violation of the Constitution. The Constitution clearly states that Senators must be elected for a term of 6 years.

I know of two previous instances in which an attempt has been made to designate the classification of Senators by the legislatures of their States. The first such instance occurred 100 years ago, in 1858, when the State of Minnesota was admitted to the Union. The Legislature of the State of Minnesota passed a resolution designating that one of the elected Senators should represent the State for a longer term than the other. The Senate heard the resolution and referred the matter to the Committee on the Judiciary, which reported a resolution setting forth the procedure for classifying the two new Senators from Minnesota in precisely the same manner in which the Senators from other new States had beeen classified by the Senate, without a single exception, from the 1st session of the 1st Congress. In other words, the Senators were classified by lot.

This system by which the Senate has always classified Senators of new States was not challenged again until December 4, 1889, when the credentials of the two Senators from the new State of North Dakota were presented to the Senate. At the same time that the credentials of these Senators were presented, there was also presented a resolution of the two Houses of the North Dakota Legislature. The resolution designated 1 of the 2 Senators to serve a longer term than the other. Senator Hoar then addressed the Senate, and this is what he said:

Mr. HOAR. Mr. President, the Constitution of the United States provides that after the assembling of the Senate, in consequence of the first election, "they (the Senators) shall be divided as equally as may be into three classes." The Constitution did not expressly provide by what authority that designation should be made, but it has been the uninterrupted usage since the Government was inaugurated for the Senate to exercise that authority. Indeed, no other authority could be for a moment supposed to have been intended to be charged with this duty.

The Legislature of the State of North Dakota, the 2 houses of that legislature, after the election, have expressed a desire that 1 of the 2 gentlemen elected to the Senate of the United States from that State should hold the seat for the long term. Of course, that matter did not enter into the election there, and if it had done so, it is obvious that the State legislature had no constitutional authority in relation to the subject. Indeed, it was not then known, and is not yet known, what length of term will be assigned to either of the Senators from that State. Either of them may, in accordance with the

lot, be assigned to the 6 years', the 4 years', or the 2 years' term. All that the Senate now knows is that, if this resolution be adopted, no two Senators will be assigned, from any one of the States that have just been admitted, to a term of the same length. Perhaps the desire of the Legislature of the State of North Dakota may be accomplished as the result of the proceedings of the Senate, but that must be the result of the lot, and I cannot see that the Senate may justly or properly exercise any authority in regard to it by way of departure from its duty.

There is no question whatsoever about the procedure which the Senate has established for classifying Senators. It is an old and long-established procedure. It has not been seriously challenged for the last hundred years. Yet we find the framers of the constitution of the proposed State of Alaska flying in direct contravention of the established procedures and, indeed, in direct violation of the Constitution of the United States.

Let me make it clear that I do not believe for an instant that this was done maliciously or with any intent to overthrow established procedures. On the contrary, I am convinced that the people of Alaska wish to join the Union under the same terms and conditions that have applied to the admission of other States. However, as I have mentioned before, this is not a government of good intentions to the exclusion of the law. It is a government, I would hope, of good intentions under the law.

It appears to me that this violation of the Constitution, though unintentional, is a most serious matter.

I have not had the opportunity to study carefully all of the provisions in the Alaskan constitution. I am making an effort to study them now, while this bill is under consideration. It occurs to me that since this Alaskan constitution is so far out of line with the Constitution of the United States with regard to the selection of Senators it may well be that there have been other important errors in the drafting of the Alaskan constitution. I do not believe that sufficient care has been given to the study of the Alaskan constitution in considering the Alaskan statehood bill.

As all of us know well, there are not two classes of Senators but three classes. The terms of one-third of this body expire at 2-year intervals. The proposal of the Alaskan constitution is completely inconsistent with the Constitution of the United States, which requires that Senators be chosen for a term of 6 years and that the Senate divide itself into 3 classes.

I urge that the pending point of order be sustained, and that no further consideration be given the proposed legislation until the Alaskan constitution shall be made to conform with the Constitution of the United States.

Mr. CASE of South Dakota obtained the floor.

Mr. CHURCH. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. CASE of South Dakota. I will yield provided I do not lose the floor.

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

Mr. CHURCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Goldwater	Morse
Allott	Green	Morton
Anderson	Hayden	Mundt
Barrett	Hickenlooper	Murray
Beall	Hill	Neuberger
Bennett	Holland	O'Mahoney
Bible	Hruska	Pastore
Bricker	Humphrey	Payne
Bridges	Ives	Potter
Bush	Jackson	Proxmire
Butler	Javits	Purtell
Byrd	Johnston, S. C.	Revercomb
Carlson	Jordan	Robertson
Carroll	Kefauver	Russell
Case, N. J.	Kennedy	Saltonstall
Case, S. Dak.	Kerr	Schoeppel
Chavez	Knowland	Smith, Maine
Church	Kuchel	Smith, N. J.
Cooper	Langer	Sparkman
Cotton	Lausche	Stennis
Dirksen	Long	Symington
Douglas	Magnuson	Talmadge
Dworshak	Mansfield	Thurmond
Eastland	Martin, Iowa	Thye
Ellender	Martin, Pa.	Watkins
Ervin	McClellan	Wiley
Frear	McNamara	Williams
Fulbright	Monroney	Young

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Texas [Mr. JOHNSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Nevada [Mr. MALONE] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent on public business.

The Senator from Vermont [Mr. FLANDERS] is absent because of death in the family.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from Indiana [Mr. JENNER] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

IMPROVEMENT OF NATIONAL TRANSPORTATION SYSTEM

The PRESIDING OFFICER (Mr. PROXMIRE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3778) to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, and for other purposes, which was to strike out all after the enacting clause and insert:

That this act may be cited as the "Transportation Act of 1958."

AMENDMENT TO INTERSTATE COMMERCE ACT, RELATING TO LOAN GUARANTIES

SEC. 2. The Interstate Commerce Act, as amended, is amended by inserting immediately after part IV thereof the following new part:

"PART V

"PURPOSE

"SEC. 501. It is the purpose of this part to provide for assistance to common carriers by railroad subject to this act to aid them in acquiring, constructing, or maintaining facilities and equipment for such purposes, and in such a manner, as to encourage the employment of labor and to foster the preservation and development of a national transportation system adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

"DEFINITIONS

"SEC. 502. For the purposes of this part—

"(a) The term 'Commission' means the Interstate Commerce Commission.

"(b) The term 'additions and betterments or other capital expenditures' means expenditures for the acquisition or construction of property used in transportation service, chargeable to the road, property, or equipment investment accounts, in the Uniform System of Accounts prescribed by the Interstate Commerce Commission.

"(c) The term 'expenditures for maintenance of property' means expenditures for labor, materials, and other costs incurred in maintaining, repairing, or renewing equipment, road, or property used in transportation service chargeable to operating expenses in accordance with the Uniform System of Accounts prescribed by the Commission.

"LOAN GUARANTIES

"SEC. 503. In order to carry out the purpose declared in section 501, the Commission, upon terms and conditions prescribed by it and consistent with the provisions of this part, may guarantee in whole or in part any public or private financing institution, or trustee under a trust indenture or agreement for the benefit of the holders of any securities issued thereunder, by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan, discount, or advance, or on any commitment in connection therewith, which may be made, or which may have been made, for the purpose of aiding any common carrier by railroad subject to this act in the financing or refinancing (1) of additions and betterments or other capital expenditures, made after January 1, 1957, or to reimburse the carrier for expenditures made from its own funds for such additions and betterments or other capital expenditures, or (2) of expenditures for the maintenance of property.

"LIMITATIONS

"SEC. 504. (a) No guaranty shall be made under section 503—

"(1) Unless the Commission is of the opinion that without such guaranty, in the amount thereof, the carrier would be unable to obtain necessary funds, on reasonable terms, for the purposes for which the loan is sought.

"(2) If the loan involved is at a rate of interest which, in the judgment of the Commission, is unreasonably high, or if the terms of such loan permit full repayment more than 15 years after the date thereof.

"(3) For any loan for expenditures for maintenance of property, if the principal of such loan, or the total of such principal and the unpaid principal of all other loans to the common carrier concerned for expenditures for maintenance of property guaranteed under this act, exceeds 50 percent of the aggregate amount charged in the accounts of said carrier for expenditures for maintenance of property during the calendar year next preceding the date of the application for such guaranty, and if the Commission fails to determine that on the date of the application the carrier has substantial deferred expenditures for maintenance of property, that such deferral has been required by the carrier's financial condition and that the carrier and lender have made arrangements which provide reasonable assurance that the proceeds of the loan will be used only to raise the annual level of maintenance expenditures by the carrier over the average annual level of such expenditures by the carrier during the period when such maintenance expenditures were being deferred.

"(b) It shall be unlawful for any common carrier by railroad subject to this act to declare any dividend on its preferred or common stock while there is any principal or interest remaining unpaid on any loan to such carrier made for the purpose of financing or refinancing expenditures for maintenance of property of such carrier, and guaranteed under this part.

"MODIFICATIONS

"SEC. 505. The Commission may consent to the modification of the provisions as to rate of interest, time or payment of interest or principal, security, if any, or other terms and conditions of any guaranty which it shall have entered into pursuant to this part or the renewal or extension of any such guaranty, whenever the Commission shall determine it to be equitable to do so.

"PAYMENT OF GUARANTIES; ACTION TO RECOVER PAYMENTS MADE

"SEC. 506. (a) Payments required to be made as a consequence of any guaranty by the Commission made under this part shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this part.

"(b) In the event of any default on any such guaranteed loan, and payment in accordance with the guaranty by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

"GUARANTY FEES

"SEC. 507. The Commission shall prescribe and collect a guaranty fee in connection with each loan guaranteed under this part. Such fees shall not exceed such amounts as the Commission estimates to be necessary to cover the administrative costs of carrying out the provisions of this part. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

"ASSISTANCE OF DEPARTMENTS OR OTHER AGENCIES

"SEC. 508. (a) To permit it to make use of such expert advice and services as it may require in carrying out the provisions of this part, the Commission may use available services and facilities of departments and other agencies and instrumentalities of the Government, with their consent and on a reimbursable basis.

"(b) Departments, agencies, and instrumentalities of the Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this part.

"ADMINISTRATIVE EXPENSES

"SEC. 509. Administrative expenses under this part shall be paid from appropriations made to the Commission for administrative expenses.

"TERMINATION OF AUTHORITY

"SEC. 510. The authority granted by this part shall terminate at the close of March 31, 1961, except that its provisions shall remain in effect thereafter for the purposes of guaranties made by the Commission prior to that time."

AMENDMENTS TO SECTION 1 OF INTERSTATE COMMERCE ACT

SEC. 3. Section 1 of the Interstate Commerce Act, as amended (1) by inserting in subparagraph (a) of paragraph (2) thereof, after the word "aforesaid" and before the semicolon following that word, a comma and the words "except as otherwise provided in this part" and (2) by striking out the period at the end of the provisio in subparagraph (a) of paragraph (17) thereof and inserting in lieu thereof the following: "and except as otherwise provided in this part."

NEW SECTION 13A OF INTERSTATE COMMERCE ACT

SEC. 4. The Interstate Commerce Act, as amended, is amended by inserting after section 13 thereof a new section 13a as follows:

"DISCONTINUANCE OR CHANGE OF CERTAIN OPERATIONS OR SERVICES

"SEC. 13a. (1) A carrier or carriers subject to this part, if their rights with respect to the discontinuance or change, such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but not for a longer period than 4 months beyond the date when such discontinuance or change would otherwise have become effective. If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period of not to exceed 1 year from the date of such order. The provisions of this section shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this section provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superceded unless the procedure provided by this section shall again be invoked by the carrier or carriers.

"(2) The provisions of this section shall not apply to the operations of or services performed by any carrier by railroad on a line of railroad located wholly within a single State.

"(3) The Commission, in cooperation with State utilities commissions shall make a study of the passenger train deficit problem and report thereon to the Congress not later than June 30, 1959, together with such recommendations as the Commission deems to be necessary or appropriate."

AMENDMENT TO SECTION 15A OF THE INTERSTATE COMMERCE ACT

SEC. 5. Section 15a of the Interstate Commerce Act, as amended, is amended by inserting after paragraph (2) thereof a new paragraph (3) as follows:

"(3) In a proceeding involving competition between carriers of different modes of transportation, subject to this act, the Commission, in determining whether a rate is lower than a reasonable minimum rate, shall consider the facts and circumstances attending the movement of the traffic by the carrier or carriers to which the rate is applicable. Rates of a carrier shall not be held up to a particular level to protect the traffic of any other mode of transportation, giving due consideration to the objectives of the national transportation policy declared in this act."

AMENDMENT TO SECTION 203 (B) OF INTERSTATE COMMERCE ACT

SEC. 6. (a) Clause (6) of subsection (b) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a colon and the following: *"Provided,* That the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' as used herein shall include property shown as 'Exempt' in the 'Commodity List' incorporated in ruling No. 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as 'Not exempt': *Provided further, however,* That notwithstanding the preceding proviso the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof), shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, coffee, tea, cocoa, bananas, or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste, carded but not spun, woven, or knitted and shall be deemed to include fish or shell fish, and fresh or frozen products thereof containing seafood as the basic ingredient, whether breaded, cooked or otherwise prepared (but not including fish and shell fish which have been treated for preserving, such as canned, smoked, salted, pickled, spiced, corned or kippered products);".

(b) Unless otherwise specifically indicated therein, the holder of any certificate or permit heretofore issued by the Interstate Commerce Commission, or hereafter so issued pursuant to an application filed on or before the date on which this section takes effect, authorizing the holder thereof to engage as a common or contract carrier by motor vehicle in the transportation in interstate or foreign commerce of property made subject to the provisions of part II of the Interstate Commerce Act by paragraph (a) of this section, over any route or routes or within any territory, may without making application under that act engage, to the same extent and subject to the same terms, conditions and limitations, as a common or contract carrier by motor vehicle, as the case may be, in the transportation of such property, over such route or routes or within such territory, in interstate or foreign commerce.

(c) Subject to the provisions of section 210 of the Interstate Commerce Act, if any person (or its predecessor in interest) was in bona fide operation on June 1, 1958, over any route or routes or within any territory, in the transportation of property for compensation by motor vehicle made subject to the provisions of part II of that act by paragraph (a) of this section, in interstate or foreign commerce, and has so operated since that time (or if engaged in furnishing seasonal service only, was in bona fide operation on June 1, 1958, during the season ordinarily covered by its operations and has so operated since that time), except in either instance as to interruptions of service over which such applicant or its predecessor in interest had no control, the Interstate Commerce Commission shall without further proceedings issue a certificate or permit, as the type of operation may warrant, authorizing such operations as a common or contract carrier by motor vehicle if application is made to the said Commission as provided in part II of the Interstate Commerce Act and within 120 days after the date on which this section takes effect. Pending the determination of any such application, the continuance of such operation without a certificate or permit shall be lawful. Any carrier which on the date this section takes effect is engaged in an operation of the character specified in the foregoing provisions of this paragraph, but was not engaged in such operation on June 1, 1958, may under such regulations as the Interstate Commerce Commission shall prescribe, if application for a certificate or permit is made to the said Commission within 120 days after the date on which this section takes effect, continue such operation without a certificate or permit pending the determination of such application in accordance with the provisions of part II of the Interstate Commerce Act.

AMENDMENT TO SECTION 203 (C) OF INTERSTATE COMMERCE ACT

SEC. 7. Subsection (c) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu of such period a comma and the following: "nor shall any person in connection with any other business enterprise transport property by motor vehicle in interstate or foreign commerce unless such transportation is incidental to, and in furtherance of, a primary business enterprise (other than transportation) of such person."

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendment of the House, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. SMATHERS, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. BRICKER, Mr. SCHOEPPEL, and Mr. PURTELL conferees on the part of the Senate.

BOUNDARY COMPACT BETWEEN STATES OF OREGON AND WASHINGTON

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 7153) giving the consent of Congress to a compact between the State of Oregon and the State of Washington establishing a boundary between those States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agree to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. KEFAUVER, and Mr. WILEY conferees on the part of the Senate.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. CASE of South Dakota. Mr. President, the point of order pending before the Senate, raised by the distinguished Senator from Mississippi [Mr. EASTLAND], is based upon two parts of the bill before us dealing with statehood for Alaska. The first portion is that found in the first section of the proposed act, which provides that the constitution framed under the provisions of an act of the Territorial legislature "is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed."

That language appears in section 1, at page 2 of the bill.

On page 14 of the bill, section 7 provides that the Governor of Alaska "shall issue his proclamation for the elections as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include 2 Senators and 1 Representative in Congress."

So the bill, first of all, ratifies and accepts the proposed constitution for the new State of Alaska. Then, in section 7, it requires the Governor to issue his proclamation for an election in the manner provided for by the constitution of the proposed State of Alaska.

The portion of the proposed constitution for the proposed State of Alaska which is involved is section 8. In section 8 it is set forth that—

The officers to be elected at the first general election shall include two Senators and one Representative to serve in the Congress of the United States, unless Senators and a Representative have been previously elected and seated.

The next sentence is the particular sentence to which the Senator from Mississippi has addressed his point of order:

One Senator shall be elected for the long term and one Senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

The Senator from Mississippi has based his point of order upon what he interprets to be the intent of that sentence by placing emphasis upon the first half of the sentence, namely:

One Senator shall be elected for the long term and one Senator for the short term.

The Senator from Mississippi reads with emphasis the part of the sentence up to the comma, namely:

One Senator shall be elected for the long term and one Senator for the short term.

But the sentence does not stop there. What I have read is not followed by a period. There is only a comma; then the sentence continues:

each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

As the distinguished Senator from Washington [Mr. JACKSON] has pointed out, in the last clause, following the comma, the Territorial Legislature of Alaska, in the constitution it proposed, provided the answer to the question which has been posed by the Senator from Mississippi. I read it again:

each term to expire on the third day of January and in an odd-numbered year to be determined by authority of the United States.

Very clearly, then, the authority to determine the long term and the short term does not rest with the Governor of Alaska; it does not rest with the Territorial legislature; it does not rest, even, with the people of the State of Alaska; and under my reading of the sentence in question, it was never intended that it should, for the sentence clearly says that each term is "to expire on the third day of January in an odd-numbered year to be determined by authority of the United States."

Accordingly, it has occurred to me that the simple way to make this point clear and to put everyone on notice as to the interpretation which the United States Senate places upon this clause is by the submitting of a resolution which could be considered subsequent to the passage of the bill.

On many occasions when the Senate has ratified treaties, it has adopted protocols which, while not a part of the ratification proper, have expressed the interpretation of the Senate. So I suggest that at some date after the passage of the bill the Senate consider a resolution, which I shall offer at the conclusion of my remarks, but which I shall now read for the information of the Senate. It would be a simple Senate resolution, reading as follows:

Whereas the Constitution of the United States provides that each House of the Congress shall be the judge of the elections, returns, and qualifications of its own Members; and

Whereas traditionally upon the admission of a new State into the Union the Senate, by lot, has provided for the classification of the Senators from such State: Now, therefore, be it

Resolved, That the Secretary of the Senate, as soon as practicable after the adoption of this resolution and prior to the proclamation of the Governor of Alaska with respect to elections provided for under the provisions of section 7 of the act entitled "An act to provide for the admission of the State of Alaska into the Union," shall notify the Governor of Alaska that the Senate of the United States understands and interprets section 8 of article 15 of the proposed State constitution for the State of Alaska to mean that the Senate of the United States shall determine which one of the two Senators elected in the election provided for by section 8 has been elected for the long term and which one for the short term and to determine the odd-numbered year in which their terms respectively expire.

That is in conformity with the traditions and practice of the Senate heretofore.

The distinguished Senator from Maryland [Mr. BUTLER], in his remarks on last Thursday, took occasion to set forth in some detail the practice which had been followed by the United States Senate in determining the odd-numbered year in which the terms of the two Senators who came to the Senate from a new State were to expire. I note, for example, that Mississippi was admitted to the Union on December 10, 1817. The Journal of the Senate for the first session of the 15th Congress, for Friday, December 12, 1817, shows that on the motion of Mr. Barber it was resolved:

That the Senate proceed to ascertain the classes in which the Senators of the State of Mississippi shall be inserted in conformity with the resolution of the 14th of May 1789, and as the Constitution requires.

Ordered, That 2 lots, No. 3 and blank, be by the Secretary rolled up and put into the ballot box; and that it is understood that the Senator who shall draw the lot No. 3 should be inserted in the class of Senators whose terms of service, respectively, expire in 6 years, from and after the 3d day of March 1817, in order to equalize the classes; accordingly, Mr. Williams drew lot No. 3 and Mr. Leake drew the blank.

It was then agreed that 2 lots, No. 1 and No. 2, should be, by the Secretary, rolled up and put into the ballot box, and 1 of these

be drawn by Mr. Leake, the Senator from the State of Mississippi not classed; and it was understood that if he should draw lot No. 1 he should be inserted in the class of Senators whose terms of service will, respectively, expire in 2 years from and after the 3d day of March 1817; but, if he should draw lot No. 2 it was understood that he should be inserted in the class of Senators whose terms of service, respectively, expire in 4 years from and after the 3d day of March 1817; when Mr. Leake drew No. 2 and is classed accordingly.

In other words, the procedure which was followed in determining the odd-numbered years for the ending of the terms of the first two Senators from the State of Mississippi could be followed in the case of Alaska, and would be followed, I assume, if the Senate, in its wisdom, at the time should use lot as the method of determination.

If I remember correctly, at present, of the 96 Senators, there are 32 in each of the three classes. Therefore, so far as the balance of the Senate is concerned, it would be relatively immaterial whether one of the new Senators from Alaska served for 2 years and one for 4 years, or one served for 4 years and one for 6 years. In any event, at the present time the classes are even; there are 32 Senators in each of the 3 classes. So the two new Senators for Alaska would have to be assigned to 2 of the 3 classes.

The resolution which I intend to submit, I shall send to the desk at the conclusion of my remarks. But at this time I wish to point out that the resolution would be mererly interpretive; it would be an expression of the thought of the Senate, and it would be communicated to the Governor of Alaska in advance of the date on which the State election would be held. Consequently, the Governor would not pretend to violate the constitution of the new State by venturing to take into his own hands the determination of which of the two Senators would serve for a long term and which would serve for a short term. The language of the proposed constitution of Alaska places the determination in the "authority of the United States." So it would not be necessary—in fact, I think it would be violative of the spirit of the constitution of the new State of Alaska, if not violative of its express language—for the Governor to attempt to say, "This Senator shall run for the long term, and this one shall run for the short term." According to my interpretation, both of them would run for election to the United States Senate; and after they were elected, the Senate would determine which one was elected for the long term and which one was elected for the short term, and would also determine the odd-numbered year in which their respective terms would expire.

Mr. President, to make it crystal clear that the matter would be interpreted in that way, I submit the resolution, and ask that it be appropriately referred, so that at a later date it may be considered by the Senate.

The resolution (S. Res. 319) concerning the classification of the Senators from Alaska when admitted as a State, submitted by Mr. CASE of South Dakota, was referred to the Committee on Rules and Administration.

Mr. CASE of South Dakota. Mr. President, in submitting the resolution I wish to emphasize that I believe that, even in the absence of its adoption, the meaning of the proposed constitution of the State of Alaska is clear, if we do not try to put a period where there is only a comma. If, instead, we read the second half of the sentence, namely, "each term to expire on the 3d day of January in an odd-numbered year to be determined by authority of the United States," the meaning is clear. The Constitution of the United States provides that—

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That provision has been interpreted by practice, through all these years, to mean that the Senate itself shall provide for the classification of Senators. That has been done by lot, traditionally; and there is no reason why it should not be done by lot in the case of the new State of Alaska.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, will the Senator from South Dakota yield to me?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. CASE of South Dakota. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Let me call the attention of the Senator from South Dakota to the 17th amendment to the Constitution, under which United States Senators are elected; it appears on page 502 of the Senate Manual. The first sentence of that amendment reads, in part, as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years.

I wish to ask the Senator from South Dakota whether in the pending bill to admit Alaska to the Union or in the act for the admission of any other State there is any provision which could possibly be interpreted as changing the phrase "for 6 years." Is not that fixed and determined irrevocably, insofar as any legislative act is concerned, at 6 years?

Mr. CASE of South Dakota. I would have to say that that provision has to be read in conjunction with another provision of the Constitution, namely, that—

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Mr. STENNIS. Of course, that provision would have application.

My second question is as follows: Is not any provision of the proposed constitution for the State of Alaska that refers to the election of one Senator for a long term and the election of another Senator for a short term invalid on its face? Is it not invalid in view of the direct constitutional mandate that Senators shall be elected for 6 years?

Mr. CASE of South Dakota. So far as the people of Alaska are concerned and so far as the call for the election is concerned, according to my interpretation, there would be no reference to either a long term or a short term. But, in effect, 1 Senator would be elected for a short term and 1 Senator would be elected for a long term, but which one would be elected for which term would be determined by the authority of the United States.

Mr. STENNIS. That is the point I wish to make, namely, that the Congress cannot at this stage in its consideration of such a measure make any provision about a long term or a short term; and neither can the proposed constitution of the State of Alaska; and neither can the Governor.

So any provision in regard to a long term or a short term has no place in the pending measure or in the proposed constitution of Alaska. Is that correct?

Mr. CASE of South Dakota. I think the provision could just as well have been left out of the Alaska constitution. But the very sentence of that constitution which refers to a long term and to a short term also uses the words "to be determined by authority of the United States"; and that would follow, from the very nature of the case, in view of the fact that the constitution of Alaska also spells out that the particular odd-numbered year for the determination of each term is to be determined here. Obviously, if the 2 terms are not the same, 1 must be for a longer term and 1 must be for a shorter term.

Mr. STENNIS. I understand that the Senator from South Dakota is saying that the words "One Senator shall be elected for the long term and one Senator for the short term" have no application. But since we have found in the proposed law some language which should not be in it, is it not proper to remove it by means of a point of order or by means of an amendment? Is that not the normal way in which we approach a matter of this kind?

Mr. CASE of South Dakota. Of course the distinguished colleague [Mr. EASTLAND] of the distinguished Senator from Mississippi is certainly within his rights in raising a point of order or in submitting an amendment, if he wishes to do so; and I respect that right, and I have no thought of any sort of attempting to interfere with it.

But in view of the fact that we have had a rather broad debate of this constitutional question and of the practical question involved, I thought it would be in order to point out that there is a remedy which is within the power of the Senate itself.

Mr. STENNIS. Therefore, the Senator from South Dakota proposes to submit that provision as a separate and additional resolution, rather than as an amendment to the pending bill. Is that correct?

Mr. CASE of South Dakota. That is correct.

Mr. STENNIS. And the Senator from South Dakota has very frankly stated that his reason is that he wants the pending bill to be passed as it is now written, and to have any defects in it taken care of later.

Mr. CASE of South Dakota. Well, Mr. President, I recognize the situation. Aft-

er all, legislation is the art of the practical; and the practical situation is that if we want the bill passed and enacted at this session of Congress, it appears that the best way to achieve that end is for the Senate to pass the bill in the form in which it was passed by the House of Representatives.

Mr. STENNIS. Mr. President, I shall not long detain the Senate. But this matter is so plain and clear under the language of the Constitution, and is made so complicated and involved by the useless language of the pending bill or, at least, of the proposed constitution of Alaska, that I wish to submit to the Senate that the only way really to meet this situation is to vote to sustain the point of order or to adopt an amendment which would reach the same result.

The able Senator from South Dakota [Mr. CASE], with his fine, penetrating mind, has agreed that the language in question has no place in the proposed Alaska constitution, and that the provisions of the pending bill which would ratify that constitution, and thus would ratify that which is contrary to constitutional law, should be stricken from the Alaska constitution; and he seeks to bring about the same end and result which would be achieved by the point of order, by submitting, for argument's sake, an additional resolution. This is the first time that I have ever seen the Senate back off from what seems to be agreed upon as its duty and responsibility, namely, to make proposed legislation conform to the clear mandate of the Constitution of the United States.

Mr. President, at the expense of repetition in connection with this point, I shall read from the 17th amendment to the United States Constitution:

The Senate of the United States shall be composed of two Senators from each State—

No one would claim that the Senate could provide, instead, for 3 Senators or 4 Senators or 1 Senator; the number must be 2.

I read further from the amendment—

elected by the people thereof—

No one would claim that the Senate could provide that the election should be otherwise.

I read further from the amendment—

for 6 years.

That is all the Constitution says on that subject—"for 6 years." There is no reference to a long term or to a short term.

Nevertheless, the Senate is asked to pass a bill which clearly would have the Senate ratify, confirm, and accept the proposed constitution of Alaska, which provides that 1 Senator shall be elected for a long term and 1 shall be elected for a short term. So, Mr. President, the proposed constitution of Alaska attempts to create the office of "Senator From Alaska for the Long Term," and also the office of "Senator From Alaska for the Short Term." Thus, the people of Alaska would be asked to vote for persons to fill each of those two offices.

Mr. President, later I shall come to the last part of this provision of the proposed constitution of Alaska. But the language I have read is the plain language of the first part, and it is directly contradictory of the mandate of the 17th amendment to the Constitution of the United States.

The claim is made that to all of this there is a saving clause, namely, "to be determined by authority of the United States."

The plain, positive language of the first sentence is that 1 Senator shall be elected for the long term. If that provision is carried out, 1 Senator will come to the Senate for the long term and 1 Senator will come for the short term. How is that going to leave the Senate? The Senate is not going to yield any of its prerogatives, and should not. The correct way to solve the problem is either to sustain the point of order or adopt an amendment which will make the correction. As plainly and as simply as language can make it, that is the situation. The only thing that complicates the question is the language proposed to be adopted, which is more or less abandoned in the debate, and it is proposed to adopt other language later, saying, in effect, "We passed this bill, but it is does not mean now what it says."

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. CASE of South Dakota. Would my very good friend permit me to suggest that one Senator from Alaska will be elected for the short term and one Senator from Alaska will be elected for the long term, but neither one will know which one has been elected for the short term or for the long term until the determination of the odd numbered year is made by the authority of the United States? In that respect, the two new Senators from Alaska will be exactly in the position of the two first Senators from Mississippi, Mr. Leake and Mr. Williams, when they came to the Senate. Neither one knew whether he was elected for the long term or for the short term until the lot was drawn in the Senate.

Mr. STENNIS. I do not think there is anything in the record to show they were elected for the short or for the long term. They were required to draw lots. If someone is to be elected for the long term in Alaska and one for the short term, and they come to Washington, what is the Senate to do? Is it going to ignore the situation created by the language of the bill, and repudiate it, and spew it out of its mouth and say, "No; we did not mean that. We are going to make you draw lots"? I say the only way to correct the defect is to correct it now by facing the issue and sustaining the point of order or amending the bill.

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

Mr. STENNIS. I yield.

Mr. BUTLER. Does the Senator feel that the people of the Territory may themselves be confused? They may want to vote for a man for a short term, but not want him to be given a long term.

Mr. STENNIS. I do not know how that would work out. There might be complications. But the law is plain. There is no difference or dispute about the clear-cut meaning of the mandate in the Constitution. I submit we have no authority whatsoever but to say, "There shall be two Senators elected from the proposed State of Alaska. Under the precedents of the Senate, we shall determine later the term." We reserve that power to ourselves. But we are asked to adopt language not in conformity with the Constitution of the United States and to that extent it is not truthful language, and should be stricken from the bill.

The PRESIDING OFFICER. The question is on sustaining the second point of order of the Senator from Mississippi [Mr. EASTLAND]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Texas [Mr. JOHNSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Missouri [Mr. HENNINGS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Nevada [Mr. MALONE] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent on public business.

The Senator from Vermont [Mr. FLANDERS] is absent because of death in the family.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from Indiana [Mr. JENNER] is necessarily absent.

The Senator from Nevada [Mr. MALONE] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Indiana would vote "nay."

The Senator from Vermont [Mr. FLANDERS] is paired with the Senator from West Virginia [Mr. HOBLITZELL]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from West Virginia would vote "nay."

The result was announced—yeas 22, nays 62, as follows:

YEAS—22

Bridges	Hickenlooper	Robertson
Bush	Ives	Russell
Butler	Johnston, S. C.	Schoeppel
Byrd	Jordan	Stennis
Eastland	Martin, Iowa	Talmadge
Ellender	Martin, Pa.	Thurmond
Ervin	McClellan	
Fulbright	Mundt	

NAYS—62

Aiken	Case, S. Dak.	Hayden
Allott	Chavez	Hill
Anderson	Church	Holland
Barrett	Cooper	Hruska
Beall	Cotton	Humphrey
Bennett	Dirksen	Jackson
Bible	Douglas	Javits
Bricker	Dworshak	Kefauver
Carlson	Frear	Kennedy
Carroll	Goldwater	Kerr
Case, N. J.	Green	Knowland

Kuchel	Murray	Smith, Maine
Langer	Neuberger	Smith, N. J.
Lausche	O'Mahoney	Sparkman
Long	Pastore	Symington
Magnuson	Payne	Thye
Mansfield	Potter	Watkins
McNamara	Proxmire	Wiley
Monroney	Purtell	Williams
Morse	Revercomb	Young
Morton	Saltonstall	

NOT VOTING—12

Capehart	Gore	Johnson, Tex.
Clark	Hennings	Malone
Curtis	Hoblitzell	Smathers
Flanders	Jenner	Yarborough

So Mr. EASTLAND's point of order No. 2 was not sustained.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the point of order was not sustained.

Mr. KUCHEL. 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 California to lay on the table the motion of the Senator from Washington to reconsider.

The motion to lay on the table was agreed to.

Mr. RUSSELL. Mr. President, with due respect to the desire of the proponents of the bill to bring it to a final vote, I think I am dutybound—at least to myself—to make a statement of a few of the salient reasons why I am constrained to oppose the passage of the bill.

I preface my statement with a brief comment on the charge which has been made from time to time that the fact that most of the active opponents of the bill are from the Southern States implies that in some mysterious way our position is connected with the so-called civil-rights program. I have almost become accustomed to that charge.

Whenever a large segment of the press wishes to prejudice the country and the Senate against any position, it tries to argue, if it can find southern Senators in opposition, that there is some vague and nebulous connection between the opposition of some of us to the proposal and the misnamed civil-rights program. It matters not what the issue is—whether it be appropriations for a public-health program or some criminal statute—certain segments of the press will charge that opposition to it is connected with civil-rights legislation.

We have heard a great many fantastic charges to the effect that all kinds of trades and deals have been made in connection with various items of legislation relating to the so-called civil-rights issue. For my part, I can say with honesty and sincerity that personally I have never known of any trade ever having been made on that basis. My knowledge of such matters is first acquired by reading about them in some column or newspaper article.

Senators from the so-called Southern States are seldom unanimous on any issue. There was a time when we were unanimously opposed to so-called civil-rights legislation, but that condition does not obtain today. Seldom is a vote taken in which Senators from the Southern States vote together. It certainly is true with respect to the statehood issue. Some of the most ardent advocates of statehood for Alaska and for Hawaii—and I doubt not that the same statement will apply to Puerto Rico and other areas when they present their claims to statehood in the future—happen to be Senators from the Southern States who believe these areas are entitled to become States.

It so happens that a slightly higher percentage of Senators from the Southern States are traditional in their political outlook. It might be more appropriate to say that a slightly higher percentage of Southern Senators are more politically fundamental in their approach to issues that come before the Senate. As a general rule a majority of us do not favor change merely for the sake of change. We are generally opposed to the excessive spending of public funds. We try to be very cautious in considering legislation which might lead the country down the road to state socialism.

I know that in some quarters it would be highly preferable for a man to be charged with some devious political manipulation than to be subjected to the reprehensible charge that he is a conservative in politics. That has become a label bearing great odium—that a man is a political conservative.

However, I must say that, in the sense that I am opposed to change for the mere sake of change, and that I do not favor embarking upon legislative adventures without due calculation as to the effect they would have upon the future of the country, I gladly plead guilty to being a conservative. I will wear that label without any shame, despite the attitude of so many persons who are afraid to be caught in company with one who might admit that he is a political conservative.

I have a very high regard for those in Alaska who are seeking statehood, and for the almost equally numerous group in Alaska who are opposed to statehood at the present time. There is nothing personal in my view. It is not colored by my views with respect to any other legislation. I would be opposed to this bill, and to statehood for Alaska at this time, even if I had a guaranty in my pocket of 60 votes against any of the misnamed, mislabeled civil-rights legislation. I am opposed to statehood for Alaska for the very simple reason that, in my own conscience, I do not believe that this Territory is prepared economically for statehood, or that it can support a State government.

We have heard the argument based upon the population aspect of this subject. It is said that Alaska has more people than a great many of other Territories had when they were admitted to the Union. True enough; but consider the population figure for Alaska compared with the population of the States of the United States at present, and it will be found that Alaska has an infinitely smaller percentage of the total population of the United States at the present time than any other Territory ever admitted to statehood.

This is the first time of which I have any knowledge that any Territory has appeared knocking at the door and demanding admission to statehood when it had a population of only a third of the number of people which would entitle it to one Member of the House of Representatives if the representation of the Territory were measured by the same rule which we apply to the States in fixing the number of Representatives to sit in the House.

Alaska would be allowed two Senators under the terms of the pending bill. In primary elections in my State we have what has ofttimes been denounced all over the country. It is known as the county unit system for nominations. I hope no Senator who supports the bill will ever speak unkindly of the Georgia county unit system from now on. He cannot do so if he is honest with himself.

Alaska, with a population of approximately 200,000, a great many of whom are not permanent residents of the Territory of Alaska, would have 2 Senators and 3 votes in the Electoral College. That shows that the argument which has been advanced based upon population is related to a day which is gone. The proportionate strength of Alaska in the Electoral College will be much greater than that of any other State heretofore admitted.

I greatly apprehend that Alaska, which the Senate seems determined to admit to statehood, will be the first State of the Union which ever required a direct subsidy from the Federal Government in order to exist and maintain a State government.

That of itself would not be too bad, from a monetary standpoint, so long as there are not any more people in Alaska than there are. We might be able to afford such a subsidy, in this day of spending. Apparently, we have abandoned any restraint whatever on national spending. Most Members of the Senate can view with calm and indifference the prospect of a $10 billion or a $12 billion deficit for next year.

The difficulty is that we cannot directly subsidize any one State without doing irreparable damage to the sovereignty of all the States. There is no possible way to avoid it. If we select one State and subsidize it, we demean them all.

I am one of those who believe that the greatness of our country, the essential liberties of its people to enjoy the American way of life, and the highest standard of living of any people known anywhere under the canopy of heaven, all stem from our form of government. I believe their future enjoyment depends upon the maintenance of a proper division of powers between the Federal Government and the States.

It is impossible to have such a division of powers if 1 of the 49 children is compelled to be dependent upon the helping hand of the Federal Government. The Federal Government will eventually absorb the powers of the States. Our system cannot exist under such conditions that it is compelled to subsidize one of the States in the ordinary operations of its State government.

If we granted statehood immediately, and if through an international political agreement, perhaps through a complete

change in the method of waging war, it would be found advisable to withdraw our military forces from Alaska, there would result a prostrate State government and an economy which could not possibly survive. Alaska's present life depends in a large measure upon the maintenance of our military organization there which produces about two-thirds of the total income of the Territory.

It is unnecessary to point out that Alaska is the only participant in our unemployment compensation system which has been compelled to come to the Federal Government three times to get loans under the loan provisions of that system which were enacted for the benefit of States unable to maintain themselves. No State has done that so far. In spite of the highest wage scale in the United States, despite the fact that we pay the Federal employees in Alaska 25 percent more than employees in the United States get for doing the same work, and even though that additional amount is free from taxation, Alaska has been compelled three times to come to the Federal Government to get loans from the unemployment system. I am not certain, but the last time I heard about it, two of those loans had not been liquidated. That will give Senators some idea about the ability of the Territory to maintain a State government.

Mr. President, some very able speeches have been made on the subject. Some of my colleagues have done remarkable research and have presented facts and figures as to the economy of the Territory. The distinguished Senator from Connecticut [Mr. BUSH] has made a very impressive statement on the subject, and I hope that he does not feel, because he has temporarily alined himself with some southern Democrats, that he will be contaminated by such association. The Senator from Virginia and the Senator from Mississippi, and other Senators have made very comprehensive and impressive statements.

This is one of those instances where logic has no place, where facts are disregarded, where reason has been completely stifled, and where the ear is closed to any argument that might be brought forth, and to any objection that might be raised. It is almost impossible to convince Senators to look at this matter objectively.

I am sure that the two men who will be elected to the Senate from Alaska will be fine, loyal, and outstanding American citizens. When they come to the Senate to represent their State, however, they will support every appropriation for every purpose that will be advanced. There is no Member of the Senate who has served here for as little as 6 months who must not know that that will happen. The new Senators will have to do that because the very existence of their new State will depend upon their ability to get Federal appropriations for their State.

When the two additional Senators vote in support of practically every appropriation which is requested, Senators will soon discover by how much our deficit will be increased.

Of course in some quarters it is old fashioned to think that way and to believe in a balanced budget, and that it makes sense not to spend more money than the Government takes in. However, some of us have been brought up in that philosophy, and we cannot help it. Until I breathe my last breath I will be concerned over Government deficits and from the way we are going it may not be long before we will be dealing with a $20 or $30 billion annual deficit.

What will we do about the 25-percent differential in the pay which employees in Alaska receive? They receive 25 percent more than workers performing the same work in the United States receive from the Federal Government. That money is not subject to income tax, either. That is a gratuity employees in Alaska have been receiving. I am not an expert on the income, tax schedules, but for those in the higher pay brackets, with a 25-percent exemption from tax, I would estimate it would amount to about 50 percent above the salary received by a person who performs the same work in the United States.

Of course Senators know what will happen. We will either give a 25 percent exemption to all employees in the United States, or we will take the 25 percent exemption away from those in Alaska. We cannot justify the continuation of such an exemption when Alaska becomes a State. It would be rank discrimination to do so after Alaska is made a State. The result will not be any comfort to those who believe in a balanced budget. If we follow our usual course we will strike a compromise; we will increase all the salaries by about 12½ percent and make that amount exempt from taxation. That is the way we usually deal with a political issue in that field. And it will be hard on the other taxpayers.

Mr. President, I realize that many Members of the Senate are not interested in anything which might be said which would cast any doubt upon the validity of the proposal for statehood for Alaska. As I have said, I realize that figures and facts, have little meaning. However, I feel, as I have said, that I should at least discuss for the RECORD, what I envision would be the result of the passage of the pending bill. Some people seem to think that because we will make Alaska a State instead of a Commonwealth there will be a mad rush of thousands of people to the Territory, that it will be well populated, that industry will flourish and agriculture will expand, that wages will increase, that there will be a great wave or prosperity; and that all that will happen merely because we in Congress have passed a bill giving statehood to the Territory of Alaska, merely because we have changed the status from Territory to State.

I wish I could share that belief. I wish I could see one substantial fact which would encourage me to accept that philosophy. On the contrary, I believe there will be a hegira of people out of Alaska. Taxes will have to be increased in order to support the State. The population, instead of increasing, will decrease. I have figures showing the population of Alaska during the several years since 1880. It has fluctuated up and down. The population was 233,000 in 1943. What happened? It decreased from 233,000 in 1943 to 99,000 in 1946, as soon as the war had ended. If something should happen which would make it advisable to cease military spending in Alaska, there would be left only a few hardy souls and Eskimos.

Fewer people live there today than did in 1943. However, because of the tensions of Korea and the necessity for military spending and spending on the part of civilian employees and the military personnel, and for the construction of bases, the population has risen, since 1946 to 206,000, which is approximately 25,000 less than it was in 1943.

There is no hindrance now to people going into Alaska without the prospect of the higher taxes which statehood will entail. The homestead provisions are today applicable to Alaska. Every opportunity is provided, as I see it, for industrial development. There is no reason why a man who wants to build a great factory in Alaska should not move in and do so under the Territorial government. Statehood will bring prospects of higher taxes, which is one of the most important items in the consideration of industrial development.

Alaska is a Territory which comes knocking at the door of Congress, asking for statehood, but not very loud, because, according to their own elections, there is no overwhelming desire for statehood, even with the rosy picture which has been painted by the advocates of statehood.

Alaska is particularly vulnerable to future development until something shall be done to make it self-sustaining, so far as food is concerned. Unless the Territory can produce enough food, or at least approximately enough food, to sustain the people who live there, the cost of living, which is so much higher than that of the rest of the Nation, will of itself stifle any great and marked progress and development.

I am one who, despite his conservatism, has supported every movement which has been advanced to try to encourage Alaska to have the one essential of an economy which can enable it to sustain itself: the production of food. I was a Member of the Senate in the days of the Matanuska development. Some of my colleagues may not be familiar with the Matanuska development. It evoked heated discussion for a long time. During the days when Mr. Harry Hopkins was the director of the WPA, an effort was made which entailed vast expense to develop the agriculture of Alaska. That was one of Mr. Hopkins' objectives which I supported to the hilt at every opportunity, because I wished to see that Alaska had a chance to develop and have an agricultural economy on which it could build all the economy to entitle it to statehood.

The Government spent millions of dollars on the project. We tried to get people who were trained in agriculture to move there. As I recall, special emphasis was placed on the effort to get people of Scandinavian origin from

Minnesota and 2 or 3 other States to move to Alaska because of some heritage or background of agricultural production in a climate as rigorous as that of Alaska and in growing seasons as short.

I asked the Library of Congress to prepare for me some miscellaneous information about the Matanuska project. I want Senators to ask themselves: If an agricultural project like this could not succeed in the climate of 1933, 1934, and 1935, how on earth can it be expected that there will be developed overnight an agricultural economy in Alaska in 1958? At that time the people on the mainland were being driven off their farms. There was no employment; although people were willing to work. Industry had not yet reached the 5-day, 40-hour week. People were accustomed to working.

So the Government tried to get people having an agricultural background to go to Alaska. The Government bought land for them. The Government financed the clearing of the land. The Government bought cattle, hogs and sheep, to enable the settlers in the Matanuska Valley to support themselves.

The report by the Library of Congress says that 202 families went to the Matanuska Valley, but that within a year after their arrival 67 families from the original group had left the colony and returned to the States.

Then a great movement went forward to get replacements for those who had abandoned the project and had returned to the United States. But even the replacements did not stay. The study which I have says that by 1955 a total of 34 of the original replacement families were still on the tracts which they had acquired between the original drawing in 1935 and the end of the replacement program in 1940.

Mr. President, those people had received every advantage which persons moving into a new area of agriculture could enjoy. My, my. How the old pioneers who really established the agricultural background of our Nation would have been delighted to receive any of the many benefits which were available to the Matanuska group. They had the benefit of large sums of money which were advanced to the Alaska Road Commission to build roads and bridges through the project. They had the benefit of $716,000 which was allotted for laborers to erect the buildings which the settlers were to use.

The Government even adjusted their debts. The debts were scaled down to the point where none of these agriculturists owed more than $8,000.

Mr. President, the land is still available there. As I understand, the Alaskan Rehabilitation Corporation is still in existence and is today trying to sell those farms for a fraction of the share of the total investment of the Government in each farm in the Matanuska Valley.

Oh, I know that some of our friends say that if we pass the statehood bill, the Matanuska Valley will be filled with settlers. I leave it to the future to see who is right. I say that the mere fact that we pass a statehood bill will not transform Alaska and its economy. Statehood will really be a hindrance to the financing of the State government; not because the land will not yield, for it will yield.

Here are some of the average production figures: The land can produce 43 bushels of oats and 24 bushels of wheat to the acre. That is not lush production compared with the Red River Valley and some of the more fertile fields; but it is enough to sustain life, particularly when the land on which it is produced is practically free.

Barley can be produced. The land will yield 6 tons of potatoes to the acre; 10 tons of cabbage; and 5 tons of carrots.

Despite that, this well financed and fully supported endeavor in agricultural exploration in Alaska failed.

Not only did I support that somewhat abortive effort to give Alaska an agriculture economy; but I have, as chairman of the Subcommittee on Agriculture Appropriations, tried to give the Territory of Alaska every dime for which they have ever asked, and for which they could make a case, for agricultural experimental work, for research, for the Extension Service, and the land grant college; because I was convinced that no attempt to achieve statehood should be made until Alaska could at least produce the food which she required, and thus avoid the enormous cost of freight transportation and marketing from the United States. But neither the passage of the pending bill by the Senate nor its signing by the President will change the situation. The State of Alaska will never be able to support itself by any system of taxation with which I have any familiarity, certainly not a form of taxation which can be applied in a republican form of government, under which the people have some say about their government, until we do first things first: Develop an agricultural economy in Alaska which will enable Alaskans to avoid the tremendous prices they must pay in order to sustain themselves.

I doubt that Congress will long maintain the 25 percent tax-free differential for the people employed by the Federal Government in Alaska. I know we should not do it. We have no moral right to do it. We have no right to tax the people of the whole United States to pay a much higher wage scale in one State than prevails in another State. We can justify it in the case of a Territory, but we cannot justify it when the Territory becomes a State and has a common power and right in the Union of the States.

Mr. President, I wish to offer for the RECORD a tabulation of the population of the Territory of Alaska since its acquisition. Likewise, I wish to offer for printing in the RECORD a tabulation of the number of patents applied for and the number of homesteads allotted in Alaska from the year 1949 to and including the year 1957.

I point out that 18,425 patents were filed in 1953, and 19,627 in 1954. But by 1956, the number had declined to 11,946. Instead of expanding, the number is contracting.

Likewise, I offer for the RECORD a table, supplied to me by the Library of Congress, which gives a breakdown of the present population. It shows that there are 41,000 military personnel there, 32,700 dependents of the military, 6,200 civilian employees of the Department of Defense, and 4,800 dependents of civilian employees of the Department of Defense.

Mr. President, I send those tabulations to the desk, and also one on imports of food and clothing and the cost of living, and ask that they be printed in the RECORD.

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

Years	Patents	Allowed homesteads
1949	15,328	42,269
1950	26,666	29,859
1951	23,679	18,144
1952	14,659	43,681
1953	18,425	44,332
1954	19,627	38,829
1955	17,893	33,299
1956	11,946	38,002
1957	12,939	44,158

V. Population of the Territory of Alaska since its acquisition

Year:	Total population
1880	33,426
1890	32,052
1900	63,592
1910	64,356
1920	55,036
1929	59,278
1939	72,524
1940	75,000
1941	88,000
1942	141,000
1943	233,000
1944	185,000
1945	139,000
1946	99,000
1947	108,000
1948	120,000
1949	130,000
1950	128,643
1951	161,000
1952	191,000
1953	205,000
1954	208,000
1955	209,000
1956	206,000
1957	206,000

Source: Statistical Abstract of the United States, 1957, pp. 7, 13, 920.

Breakdown of Alaskan population

(Latest available figures)

Military personnel (Sept. 30, 1957)	41,000
Dependents of military (Mar. 31, 1958)	32,700
Department of Defense civilian employees (Mar. 31, 1958)	6,200
Dependents of civilian employees (Mar. 31, 1958)	4,800

Source: Department of Defense, Office of Personnel Policy.

Total Federal civilian employees	15,163

Source: Civil Service Commission.

Aboriginal population as per 1950 census

Total stock	33,863
Aleut	3,892
Eskimo	15,882
Indian	14,089
Other races (other than white)	1,972

Births, deaths, and marriages over the last 10 years

Year	Births		Deaths		Deaths under 1 year		Marriages	
	Number	Rate per 1,000 population	Number	Rate per 1,000 population	Number	Rate per 1,000 live births	Number	Rate per 1,000 population
1947	2,701	25.0	1,165	10.8	172	63.7	1,499	13.9
1948	3,079	25.7	1,197	10.0	145	47.1	1,567	13.1
1949	3,527	27.1	1,182	9.1	168	47.6	1,435	11.0
1950	3,725	29.0	1,253	9.7	193	51.8	1,722	13.4
1951	4,495	28.3	1,365	8.6	238	52.9	1,826	11.5
1952	5,755	30.1	1,264	6.6	229	39.8	2,006	10.5
1953	6,779	33.1	1,286	6.3	279	41.2	1,842	9.0
1954	7,038	33.8	1,194	5.7	247	35.1	1,884	9.1
1955	7,346	35.1	1,204	5.8	275	37.4	1,915	9.2
1956	7,619	37.0	1,228	6.0	314	41.2	1,827	8.9

Source: Statistical Abstract of the United States, 1950-57, and National Office of Vital Statistics.

VII. PROPORTION OF FOOD AND CLOTHING IMPORTED, AND A COMPARISON OF COST OF LIVING

A. Food and clothing imported

According to the Office of Territories, Department of the Interior, Alaska imports from 82 to 85 percent of its food. The same source asserts that no precise figures exist as to imports of clothing from the States. It would seem safe, the same source observes, to state that practically all clothing other than that of fur is imported.

B. Comparison of cost of living in 1956 in 5 Alaska cities compared to Seattle as 100

	Fairbanks	Anchorage	Juneau	Sitka	Ketchikan
Food group total	158.2	141.8	124.8	128.0	121.5
Housing	182.5	159.8	139.5	122.0	129.9
Apparel	121.3	124.7	116.3	120.7	114.5
Transportation	132.0	137.4	114.9	116.0	117.7
Medical care	110.8	107.2	106.7	83.3	94.2
Personal care	141.7	127.1	117.3	124.4	120.8
Reading and recreation	134.6	114.7	107.2	110.7	102.3
Other goods and services	120.0	113.9	114.9	121.7	116.1
Total (including sales tax)	153.5	140.8	123.5	121.7	122.2

Source: The Ward Index of Consumer Prices in Five Alaskan Cities, Dec. 12, 1956.

Mr. SALTONSTALL. Mr. President, at this point will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Does the Senator from Georgia believe that the employees of the Department of Defense, both civilian and military, now in Alaska, will be permanently in Alaska; or does he believe they are temporarily there and that their length of service there is dependent on the necessities of the military operations in Alaska at a particular time?

Mr. RUSSELL. I had already pointed out—before the Senator from Massachusetts came to the floor—that in 1943 there were 233,000 people in Alaska. That was when construction work in connection with the defense of Alaska was at its peak. But in 1946, at the end of the war, the number had dropped to 99,000.

Mr. SALTONSTALL. I was in the Chamber when the Senator from Georgia made that statement.

Mr. RUSSELL. Of course, all of us know that if there is anything on earth that has left the realm of the evolutionary and has entered the realm of revolutionary, it is the weapons systems and the methods of waging war. Even if we ever reach the day for which all of us yearn—the day when we shall be able to do away with a vast military establishment—there could be changes of weapons which might affect the situation in Alaska.

Mr. SALTONSTALL. Mr. President, will the Senator from Georgia yield again to me?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. When the Senator from Georgia says there are slightly more than 200,000 at the present time and slightly more than 40,000 connected with the military——

Mr. RUSSELL. There are 41,000 military personnel and 32,700 dependents, or a total of 73,700.

Mr. SALTONSTALL. Is that out of the total?

Mr. RUSSELL. Indeed so.

Mr. SALTONSTALL. Will the Senator from Georgia state again the total?

Mr. RUSSELL. Two hundred and six thousand in 1957.

Mr. SALTONSTALL. And did I correctly understand the Senator from Georgia to say that out of the 206,000, the total for the military—which would be a fluctuating population—is what number?

Mr. RUSSELL. About 75,000.

Mr. SALTONSTALL. Does the Senator from Georgia know how many votes are cast in Alaska?

Mr. RUSSELL. No; I am sorry that I do not have those figures. The Senator from Connecticut [Mr. BUSH] referred to them today, in his speech.

Mr. BUSH. Mr. President, if the Senator from Georgia will yield to me, let me say that when I was speaking of the number of votes cast, the information I had today was given to me last week by the Governor of Alaska, who said, when he was in my office, that at the last primary election in which both of the parties held their primaries, the total vote cast was of the order of 20,000.

Mr. RUSSELL. I may say that I doubt that there is in the entire United States a single Congressional District in which so small a vote is cast.

Mr. BUSH. Let me say that in my own hometown, which we consider a small town in my State, more votes than that were cast in the last election.

Mr. RUSSELL. Certainly; and the same is true in my own State.

Mr. SALTONSTALL. Mr. President, will the Senator from Georgia yield for another question?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Does the Senator from Georgia have any information about the number of military personnel and their dependents who would be considered residents of Alaska for voting purposes?

Mr. RUSSELL. I must confess that I have not studied the proposed constitution of Alaska. I did not think Alaska was ready for statehood, and therefore I have not familiarized myself with the proposed constitution of Alaska. So I do not know whether it would permit the military to vote or not. Therefore, I must say in all candor that I cannot answer the Senator's question. But regardless of that, the military personnel and their dependents are in Alaska on a temporary basis.

Mr. SALTONSTALL. Yes; and that is my point.

Mr. RUSSELL. I wish there had been made a study which would show how many military men whose terms of service in Alaska have ended, have seen fit to remain there. I do not know what that number is, but I am sure it is very small.

Mr. SALTONSTALL. The Senator from Georgia stated that the salaries of Government officials in Alaska are 25 percent greater than the salaries of corresponding officials in the United States. Is the same true of the salaries paid to the military who serve in Alaska?

Mr. RUSSELL. I do not think the difference in the case of the military is that great. I am sorry I do not have the exact figure. But the overseas differential for the military pay is not so much as 25 percent.

Mr. SALTONSTALL. But the military who serve in Alaska do receive overseas pay; is that correct?

Mr. RUSSELL. I think that is right.

Mr. President, the Senate is being pushed down the road toward the enactment of this bill; but there is no reason whatever for doing so. I say that with due knowledge of the fact that it is contended that the political platforms of both parties have contained planks in favor of the admission of Alaska as a State of the Union.

Mr. President, there was a time in this country when political party platforms meant a great deal. But I wish to say in all candor and frankness that, in recent years, if the writers of the political party platforms could find a plank which would gain 100 votes, while losing not more than 50, they would include such a plank in their platform. [Laughter.] We have only to read the platforms to realize that.

The platforms have become so long drawn out, so specious in their promises, and so contradictory in their terms, that

I doubt whether many of the eminent Members of the Senate have ever sat down and read through the political platforms. I know I never did. Today, a political party platform is a catchall, an attempt to get a few more votes than the number which, as a result of the platform chosen, will be lost.

Certainly, in taking a step of this magnitude and this seriousness, a Member should have some reason for his vote, other than the fact that the proposal was contained in the party platforms of political parties.

What a country we would have if the Congress were to pass every proposal embraced within the political party platforms—for instance, all the proposals in the Democratic platform, one year; and all the proposals in the Republican platform, the following year. Once all those measures were passed and enacted into law, there would not be much repealing of them, either. Then what a country we would have, what a budget we would have, what a tax burden we would have, and what a conglomeration of laws we would have.

So, Mr. President, in my opinion the greatest weakness today in the political party system in the United States is the tremendously long and involved platforms which promise all things to all men.

I have seen only one political platform that I could read in 5 minutes. I still think it is one of the best I ever read. It was the Democratic platform of 1932. It was about one and one-half pages long; and I do not think there has ever been a better statement of political principles upon which any political party ever went to the American people.

I shall not prolong this debate by going into what might have happened if that platform had been adhered to strictly. Nevertheless, it was a clear and concise statement of principles; and I believe that if one of the parties today would adopt that platform, and if it could convince the American people that it would stay by that platform, it would sweep the other one almost into oblivion. I think the people are becoming tired of the business of writing into a political party platform anything that might appeal to some persons as possibly bringing in a fairly large number of votes without necessarily antagonizing another large group of voters.

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

Mr. RUSSELL. Yes. I am about to conclude my remarks.

Mr. FULBRIGHT. I think the Senator from Georgia has made a very constructive and a very fine speech about some aspects of the problem involved. I have listened to some of the advocates of the proposal. The only reason I have found as to why they are in favor of the bill is that Alaskan statehood was advocated in the party platforms. I am unable to understand what benefit to the United States is supposed to come from enactment of the proposed legislation. Has the Senator heard of any other suggestion advanced as a reason for granting statehood?

Mr. RUSSELL. No; I have not heard any, except some that are so fantastic they are in the category of the dreamer who dreamed he dreamed a dream, such as the contention that statehood would bring about extraordinary economic and financial development in Alaska.

The argument has been made that Alaska is entitled to statehood as a matter of right, and that it has been promised to the people of Alaska. That is a rather grave reflection on a great many leaders of both political parties who have been in the White House and in a number of Congresses that have come and gone since Alaska was first acquired. If that argument has any validity, we are indicting thousands of dedicated public servants and a large number of able Presidents for dereliction of duty.

Mr. FULBRIGHT. The other day one of the advocates of statehood said the people of Alaska themselves wanted it, as if that was a valid reason for enacting the bill. It seems to me it is wholly irrelevant what the people of Alaska may want.

Mr. RUSSELL. Of course, I do not think that is any valid reason at all, any more than I think it would be a valid reason if someone were to conduct a plebiscite in Guam and it was found a majority of the Guamese wanted statehood, to admit Guam as a State of the Union. I do not think that would be a valid reason why the United States should rush to admit Guam as a State.

I do not want to impose on any person in Alaska. I want every person there to enjoy every right to which he was entitled when he moved to Alaska. There are certain advantages in territorial form of government, as well as disadvantages. I know there are disadvantages. I know it is difficult to deal with Federal bureaucrats, and there are other disadvantages of that nature; but the people of Alaska have been offered a commonwealth status which would have eliminated that disadvantage. Time and again there has been a rejection of commonwealth status, a very sane proposal, which, in my judgment, if the people understood it, they would be glad to embrace.

Mr. FULBRIGHT. Is it not a fact that in Puerto Rico the sentiment for statehood during the last approximately 10 years has almost completely evaporated? There is no longer any serious agitation for statehood. The people of Puerto Rico now recognize the advantages of a commonwealth status.

Mr. RUSSELL. I have been advised that is the case. Well might it be. The people are able to retain their Federal taxes and also share in Federal spending. Commonwealth status has a great many advantages. If my State had not been 1 of the original 13, and if we were now a territorial status, we might be better off. We would save some $900 million we now pay in Federal taxes, and we would still get the great amount of Federal assistance which a commonwealth receives.

Mr. President, this bill cannot be sustained by fact or logic. A proper consideration of the welfare of the United States and of the national defense of the United States would demand that the bill be rejected at this time.

The defense of Alaska can be of vital importance to the people of the United States. I have been convinced that the "now you have it, now you don't" grant of land provision which is contained in the bill is not in conformity with the Constitution; but there are a number of other grave problems involved in the national defense. One is the question of martial law. When the Japanese attacked Pearl Harbor, the military proclaimed martial law immediately. Could they have done it if Hawaii had been a State? Could they do it in Alaska if Alaska were admitted as a State? If it were a State military movements in Alaska might be hampered in dealing with Russian saboteurs and in dealing with other military problems. Alaska is only about 40 miles from the Russian border itself.

I believe, as firmly as I have believed anything in my life, that the Senate would be well advised to reject this bill. It would cause no great harm and work no great hardship and perpetrate no great injury to have a delay until we could study further such issues as military problems in the light of today's world. Rejection of the bill would not work a great hardship on the people of Alaska. The Federal Government has already, through its spending, given to Alaska more than two-thirds of its financial income.

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

Mr. RUSSELL. I yield.

Mr. BUSH. This afternoon, in my own remarks on this issue, I mentioned the fact that the distinguished Senator from Georgia was a member of the Armed Services Committee. May I ask the Senator from Georgia how long he has been on the Armed Services Committee of the Senate?

Mr. RUSSELL. I have been on the Armed Services Committee since the committee was created. Prior to that time I served on the Naval Affairs Committee, which was one of the predecessor committees.

Mr. BUSH. I made the statement, and I should like to have the Senator from Georgia confirm it, that it strikes me as perfectly ridiculous to suppose any real security advantage to the United States could be derived from the admission of Alaska as a State. The senior Senator from Georgia, who is Chairman of the Armed Services Committee, the junior Senator from Mississippi [Mr. STENNIS], who is one of the most active members of that committee, and the senior Senator from Virginia [Mr. BYRD], who is the next ranking Democratic member of the committee after the Chairman, are convinced that the admission of Alaska would in no way improve the security of the United States. I should like to ask the Senator, before he concludes, to comment on that situation.

Mr. RUSSELL. Mr. President, I just said that, in my opinion, it might handicap us in defending the United States to admit Alaska as a State and vest in the State power the Federal Government

now has in the Territory, when the Territory is so far removed from the mainland and is so close to the Russian border. States still have some rights, and if Alaska were admitted as a State, it could militate against the defense of the other 48 States.

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

Mr. RUSSELL. I yield.

Mr. LAUSCHE. My concern with the bill is section 10, which has already been discussed. The Senator from Georgia has not discussed it. I visualize the possible development of a situation which would weaken the defense of our country if certain contingencies happened.

As appears on page 104 of the hearings, General Twining insisted that there be included in the bill section 10. In effect, he said that we cannot be circumscribed in the exercise of military powers in this potential State as we are in existing States. Therefore, the Department of the Interior, supported by the Department of Defense, insisted that for special defense purposes the President of the United States should be vested with the power to withdraw from statehood areas of land not to exceede 276,000 square miles.

If it should happen that section 10 should be declared to be unconstitutional, and the other portions of the bill should be held to be valid, in such an event all of the land would be placed within the jurisdiction of the new State of Alaska, and none of the military powers requested by General Twining would be vested in the Department of Defense.

I have dictated a letter to General Twining this afternoon. Whether I shall get an answer before the vote is cast I do not know. I have asked General Twining, in the face of the fact that he related his support of the bill to the assumption that in the hands of the Commander in Chief there would be the power to withdraw one-half of the Territory, what his position would be if the Court should declare that section to be invalid. I visualize the possibility that we shall have the objective of the Department of Defense completely nullified in the event the Supreme Court should declare section 10 to be invalid.

Mr. RUSSELL. As the Court well may declare.

Mr. LAUSCHE. The Senator from Kentucky [Mr. COOPER] expressed the opinion that in his judgment section 10 is invalid. Based upon my study of the section, I would have to distort my honest judgment to say that section 10 is constitutional. The Supreme Court has clearly stated that we cannot create a State and attach to statehood conditions related to State sovereignty. We cannot declare by Congressional act that there shall be 550,000 square miles in a State, and then by Presidential proclamation or Executive order take from a sovereign State one-half of its territory.

This is a rather bold statement to make. I understand that the statement of the Senator from Kentucky was bold. But if I must make a statement, to be honest with myself, I have to say that section 10 is in clear contravention of the Constitution and previous decisions rendered by the Supreme Court on that subject.

To strengthen my argument, I insist that was why the committee placed the last section in the bill, which provides that if one section is declared to be unconstitutional the remaining sections shall continue to be valid. If section 10 should be declared to be unconstitutional and the rest of the bill held to be valid, the substance of the grant would be changed. That which the Department of Defense wanted for the protection of the United States would be gone.

Those are my views on this matter based upon my study of the decisions and of the Constitution.

I should like to ask the Senator from Georgia his views of the defense posture of our country in the face of what General Twining said, that for defense purposes we should limit the area, and if we do not limit the area we should reserve to the President the right to withdraw an area if and when special defense purposes required such action.

Mr. RUSSELL. Mr. President, this is not a new question. The relationship of the status of Alaska to the defense of the United States has been before the committees of the Congress time and time again. The Department of Defense has generally taken the position that it was opposed to statehood for Alaska if that would have the effect of diminishing the authority which it could exercise over a great portion of the Territory under its present Territorial status.

It was true in the last Democratic administration and it is true today that the military men feel a situation could arise whereby they would be handicapped in defending the United States from an attack launched through Alaska if Alaska were a State rather than a Territory. That of course brought forth section 10, to which the Senator from Ohio has referred. In an effort to eliminate the grave doubts of those who are charged with the top responsibility for the national defense the section was placed in the bill, so as to give the President—or to attempt to give the President—under a certain set of facts, the power to withdraw certain land from Alaska. I have the gravest doubt about the constitutionality of such a provision. We do not have such a thing as half in and half out statehood. Either a State is a State of the Union enjoying every right of every other State, or it is a Territory and is controlled by the acts of the Congress of the United States relating to Territorial government.

From my knowledge of the Constitution and the requirements of the defense of the United States which might attach to the situation in Alaska, I would be unwilling to commit the security of my country to such a provision of the bill. That is another reason why I shall vote against the bill. That is another reason why I shall support the motion soon to be made by the Senator from Mississippi [Mr. STENNIS] to refer the bill to the Committee on Armed Services.

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

Mr. RUSSELL. I yield.

Mr. LAUSCHE. A number of our colleagues seem to be of the belief that the invalidation of section 10 would mean nothing. Certain members do not recognize that the substance of the grant would be changed. If section 10 did not have a relation to the substance, then its invalidation would be meaningless. But the moment section 10 is invalidated, we shall have granted by the passage of the bill something we did not intend to grant. That is a feature of alarm I have concerning the bill.

Mr. RUSSELL. That is what could be a great impediment to the successful defense of the United States.

Mr. President, I feel very deeply that the Congress of the United States will commit a very grievous error if we pass this bill in the light of the present circumstances.

Mr. STENNIS. Mr. President, I call up the motion I have submitted, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the motion of the Senator from Mississippi.

The LEGISLATIVE CLERK. The Senator from Mississippi [Mr. STENNIS] proposes the following motion:

> I move that the pending bill, H. R. 7999, be referred to the Committee on Armed Services, and that the committee be directed to report it back to the Senate within 30 days.

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

Mr. STENNIS. Mr. President, this motion pertains to the identical question which was discussed by the Senator from Georgia [Mr. RUSSELL] at the concluding part of his remarks—particularly with reference to his colloquy with the Senator from Connecticut and the Senator from Ohio.

I feel that this is such a vital matter, and of such deep concern to so many, beginning with the President of the United States—and I shall quote from his budget message—that I ask unanimous consent that I may yield for a quorum call without losing my right to the floor.

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

Mr. JACKSON. 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.

Mr. MANSFIELD. Mr. President, I ask that the yeas and nays be ordered on the Stennis motion.

The yeas and nays were ordered.

Mr. STENNIS. I thank the acting majority leader.

Mr. President, I wish to make clear at the beginning that it may require some time to discuss this motion. The time required will depend upon the attendance of Senators. It will not require long to make the points.

Several Senators have been vitally concerned about this question. The further they go into it the more concerned they are. I think perhaps a number of Senators will have something to say on the subject.

This is a simple motion, not to recommit, but to refer the bill to the Armed Services Committee with instructions to report it back to the Senate within 30 days.

The sole purpose of referring the bill to the Armed Services Committee is to allow an opportunity to ascertain just what is involved in the very vital military question and national defense problem concerning the area which is now the Territory of Alaska.

I wish to open my remarks by calling a most distinguished and competent witness, none other than the President of the United States. This is not something he said years ago, but something he said in his budget message for the fiscal year 1958, on January 16, 1957, as found on page 21:

> I also recommend the enactment of legislation admitting Hawaii into the Union as a State, and that, subject to the area limitations and other safeguards for the conduct of defense activities so vitally necessary to our national security, statehood also be conferred upon Alaska.

The recommendation for statehood is preceded by language as strong as I believe could have been employed—and the President is not given to using useless or idle words. He says "subject to the area limitations and other safeguards for the conduct of defense activities so vitally necessary to our national defense."

The entire recommendation of the President of the United States as to the Alaska statehood bill is bottomed on certain limitations. This proposal was considered by the committee which considered the statehood bill. It has not been considered by the Armed Services Committee or any other committee charged with special knowledge or special responsibility for making a recommendation on this particular vital point.

Perhaps I should further preface my remarks by saying that my remarks are based mainly on the premise that section 10 of the bill is invalid and unconstitutional, and will not be allowed to stand. I believe that most of us who have looked into that question are fully satisfied that it is inescapable, both in law and in logic, that such will necessarily be the fate of section 10.

The bill is drawn with the idea that either section 10 or some other section will meet such a fate, because there is an express provision that if any part of the bill shall be declared to be unconstitutional, the rest of it, if otherwise constitutional, shall be considered to be valid and effective. It may be that that clause would save the bill. There is authority for the position that when a clause of that kind is written into legislation it is considered to be so vital and such an essential part of the law that the act itself could not possibly stand without it, and therefore, if the clause were held to be invalid, the court would strike down the entire act. However, I assume that the act will stand even if the clause is declared to be invalid. Therefore, if the bill passes, the situation we will meet is that title 10 will be struck down by the court. It seems to me the court will have to do that because it has so plainly and explicitly laid down the rule to which I have previously referred. That point was covered in the debates last week. Perhaps some of the Senators who are present now could not be present during those debates, particularly when the Oklahoma case was discussed. Therefore I should like to read one paragraph from the decision of the Supreme Court in the Oklahoma case, written by Mr. Justice Lurton.

Oklahoma had been admitted to the Union with the condition or limitation that the capital of the State should be located at Guthrie, Oklahoma, until a certain date. The Legislature of the State ignored that limitation and relocated the capital. The action was contested and went to the Supreme Court of the United States. The Court struck down the limitation. This is the language in the case:

> When a new State is admitted into the Union it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States and that such powers may not be constitutionally diminished, impaired or shorn away by any conditions, compacts or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of Congressional legislation after admission.

Does any Senator believe the Federal Government could take half the area of the State of Connecticut or of the State of New York or the State of Alabama or the State of California or the State of Arizona, and withdraw that area temporarily from the jurisdiction of the State, or withdraw any other essential power of any of those States? Of course not. Here is a ruling of the Supreme Court which holds clear as a bell that Congress either cedes territory to a State or reserves it. It cannot impose limitations or conditions on a new State coming into the Union, any more than it can on a State that is already in the Union.

That is the terrific impact of logic and law with reference to section 10. It cannot possibly stand. What are we going to do about it? Frankly, it seems it is impossible to add to the bill any kind of amendment. I could not possibly prepare a substitute to offer for section 10. I doubt that any Senator could offer an amendment to the section.

The only way to get at the merits of the matter is to send the bill to a committee which is versed in the subject matter and can hear the testimony and even get a further statement from the President of the United States, if necessary, and from the military officials.

We have already a statement by one of the high military officials with reference to section 10. I refer Senators to the solemn hearings of the committee which handled the bill. At page 104 of the hearings General Twining said:

> It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in the Federal Government should be left in the hands of the Commander in Chief.

How are we going to get around words like that? They tie in exactly with the words of the President of the United States, a great military expert in his own right. I quote further from General Twining:

> They are, for the most part, wilderness lands of great expanse, with sparse population and poor communications, all factors which, from the defense standpoint, make the right to discretionary Federal control advisable. This is an area of the United States which is closest to Russia—and to the very considerable military installations she has developed in Siberia.

There has not been much said about that during the debate. How far is it to Siberia? Approximately 20 miles across the water to the boundary line with Russia, upon which, the chairman of the Joint Chiefs of Staff has said in open hearing, "the very considerable military installations" of Russia have been developed.

In the same statement, General Twining said that its control was a vital necessity to the defense of our country.

How can we ignore testimony like that? How can we ignore requests like this from the President of the United States. There is no controversy about these facts. There is no question about what the opinion of these men is. It is said on the side that somebody perhaps did not mean this, that, or the other thing, or that they cannot see this, that, or the other thing. The fact remains that these statements are not contradicted.

What is the legislative process? The only argument that can be made against the motion is that we wish to pass the bill by July 3. Is that a legislator's argument in keeping with the gravity of the subject matter with which we are dealing? We are dealing with the national defense of our country and with pouring untold billions of dollars into our national defense program, hundreds of millions of dollars of that expenditure going into the very area we are now discussing, the Territory of Alaska. Still, it is said, we cannot take a few days to go into the matter to determine what the real situation is.

I do not know what the answer might be. I do not know what the committee would recommend. It seems that it would be better from the military standpoint to leave that area out altogether. Certainly something should be done other than what section 10 attempts to do and does in such a way that it cannot validly stand.

I emphasize again that the motion would result in the bill technically being placed back on the Senate Calendar certainly within 30 days at the utmost, and there would be no attempt by the author of the motion to hold it back except for the necessary time in getting to the heart and the vital parts of the matter.

I do not wish further to detain the Senate in the consideration of this vital point. There is no doubt in my mind that if the matter were presented to the membership in a clearly understandable

manner, a majority would vote to look further into this question. I have presented my argument on the merits of the motion. I may do so again at any time when I can get the attention of more Members of the Senate than are present in the Chamber at this time.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aiken	Fulbright	Morse
Allott	Goldwater	Morton
Anderson	Green	Mundt
Barrett	Hayden	Murray
Beall	Hennings	Neuberger
Bennett	Hickenlooper	O'Mahoney
Bible	Hill	Pastore
Bricker	Holland	Payne
Bridges	Hruska	Potter
Bush	Humphrey	Proxmire
Butler	Ives	Purtell
Byrd	Jackson	Revercomb
Capehart	Javits	Robertson
Carlson	Johnston, S. C.	Russell
Carroll	Jordan	Saltonstall
Case, N. J	Kefauver	Schoeppel
Case, S. Dak.	Kennedy	Smith, Maine
Chavez	Kerr	Smith, N. J.
Church	Knowland	Sparkman
Clark	Kuchel	Stennis
Cooper	Langer	Symington
Cotton	Lausche	Talmadge
Curtis	Long	Thurmond
Dirksen	Magnuson	Thye
Douglas	Mansfield	Watkins
Dworshak	Martin, Iowa	Wiley
Eastland	Martin, Pa.	Williams
Ellender	McClellan	Young
Ervin	McNamara	
Frear	Monroney	

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3342) to continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in the schools, and it was signed by the President pro tempore.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi [Mr. STENNIS] to refer the bill to the Committee on Armed Services, with instructions.

Mr. SALTONSTALL. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. MANSFIELD. I should like to suggest that all Members remain on the floor as much as possible.

The pending question, as in the case of other questions, is very important. The sponsors of the pending motion are entitled to have it considered carefully; and it will be in the best interests of all concerned if throughout the debate there is a reasonable attendance of Senators.

Mr. STENNIS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. STENNIS. Mr. President, anent the remarks made by the distinguished acting majority leader, I should like to state that the pending question is on agreeing to a motion to refer the bill to the Armed Services Committee, with instructions to report it within 30 days.

The purpose of the motion is to enable the Armed Services Committee to consider particularly the purposes covered by section 10 of the bill, which authorizes the President to establish a military reservation.

Let me say that I believe that the Senator from Massachusetts [Mr. SALTONSTALL], who now has the floor, and will speak on the pending motion, will be followed by a number of other Senators, including the Senator from New Hampshire [Mr. BRIDGES], the Senator from Georgia [Mr. RUSSELL], and the Senator from Kentucky [Mr. COOPER].

ONE DAY UNTIL JULY 1

Mr. KEFAUVER. Mr. President, one week ago last Thursday, the United States Steel Corp. issued a statement to the effect that it was "studying" the question of a price rise. Up to that time, the fact that steel prices would go up on July 1 had been accepted by the business community as simply a foregone conclusion. There has been no further indication of what conclusion the corporation has come to as a result of this reappraisal. There are, however, a few straws in the wind; and they are not reassuring. One small producer, Alan Wood Steel Co., has already announced a $6 a ton price increase. Noting a rise in steel securities on the stock market during last week, the New York Times on Friday commented:

> All the major steels showed strength. United States Steel said it had not decided on a July price increase. Even so, Wall Street was pretty sure one was in the works.

That was on June 27, 1958. The Wall Street Journal of today, June 30, states categorically that—

> Some time during the third quarter, steel prices are going up. It is inevitable, producers say, despite the current stalling.

If the steel companies raise their prices, they will be doing so at a serious period in our national life. There are grounds for believing that the economy hangs in a state of balance between a continuation of the recession on the one hand and recovery on the other. Among the favorable factors are the way in which retail sales have continued to hold up, the high levels of consumer income, a large volume of savings, and the sustained high level of construction activity.

Among the unfavorable factors are the downward revision in the forecasts of expenditures by business for new plant and equipment, the depressed levels of demand for most consumer durable goods, and particularly the uncertainty surrounding the future prospects of the automobile industry. In its issue of June 21 Business Week reports pessimism among auto dealers concerning prospects for the 1959 models.

Considering the past behavior of the automobile companies, and also considering the fact that one of them is already in the red, and another is making only very modest profits, the only reasonable expectation is that a steel price increased will be passed on to the consumer in the form of higher prices for automobiles. Such an action can hardly be expected to improve the sales prospects for the 1959 models. Likewise, it will not improve sales prospects for household appliances, for machinery and equipment, and for most of the durable goods industries in which the recession is centered.

Mr. President, since June 13 I have been rising every day on the Senate floor to address myself to the consequences of a steel price increase at the present time. An increase in the price of the Nation's basic raw material is unfortunate at any time. An increase coming at this particular moment, when, in the words of yesterday's New York Times, the economy is in a critical period in which the chips will be down, may be the straw that breaks the camel's back.

Mr. President, tomorrow may come and go with no announcement of a price advance. To draw comfort from that fact, however, may prove to be wishful thinking. The absence of a price increase on July 1 does not mean that one cannot come on any day thereafter. The steel companies might for one reason or another wish to postpone their action for a few weeks—perhaps until the Congress is no longer in session. Instead of an outright increase in the base prices, the steel companies might seek to accomplish the same objective by indirect means such as revising upward the extra charges, changing product classifications, and so on. They might make the advance on a staggered basis, with one product quietly increased one day, another the next, and so on.

But no matter when it is done or how it is done, the effect will be the same. If the steel companies do raise their prices, they will have to bear the responsibility for their action at a critical period in our national life.

Mr. President, since June 13 I have been urging President Eisenhower to take steps to avert any steel price increase. Obviously, nothing further can be done, because only 1 day remains before July 1. Regardless of what does or does not take place tomorrow, I still urge the President to take positive action as quickly as possible to prevent any impending increase.

PROPOSED LIMITATION OF SUPREME COURT JURISDICTION

Mr. CARLSON. Mr. President, recently there appeared in the Wichita Eagle an editorial expressing opposition to a bill pending on the Senate calendar which would limit actions that could be taken by the United States Supreme Court.

It seems to me this editorial discusses in a very intelligent manner the points of opposition to the bill.

Those of us who remember back some years ago are reminded of the time when President Franklin D. Roosevelt tried to pack the Supreme Court. Experience and history have verified the fact that Mr. Roosevelt was mistaken.

It seems to me that Congressional action to limit the jurisdiction of the court at that time would have been a serious mistake, and it is action, in my opinion, that should not be taken lightly at the present time.

I ask unanimous consent that the editorial be printed in the RECORD as a part of my remarks.

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

BILL WOULD UNDERMINE COURT

The Senate Judiciary Committee in Washington a few days ago approved a bill that would curb the decisions of the U. S. Supreme Court in some ways.

The measure is the former Jenner bill but it was changed so drastically in committee that it bears little resemblance to the original proposals by Senator JENNER which would have cut sharply into the powers of the courts and would have left some very serious voids in American justice.

The bill as now awaiting action of the Senate floor—which appears unlikely at this time—provides four major things:

First, that any Congressional committee can ask any question it likes and cite a witness in contempt of Congress for refusing to answer—whether the question is pertinent to the committee's investigation or not. This would give a "blank check" to committees to ask anyone anything.

Second, that the Supreme Court could not hear appeals from denials by States of licenses to practice law even though such denials would violate the United States Constitution.

Third, that States shall have the right to prosecute persons for subversion against the United States, thus countermanding the high court's decision that Federal anti-subversive laws are paramount and take precedence.

Fourth, that advocacy alone of overthrow of the Government—for instance, even a casual remark to a friend—shall be prosecuted as a crime, even though there is no clear and present danger that the remark will result in action.

The bill, if enacted, would undermine to a considerable degree the separation of powers between the legislative and judicial branches of the Federal Government. The Supreme Court has acted to protect individuals against unjust and capricious prosecutions by Congress, the States, and has clarified the right of a man to air his views without unreasonable application of penalties.

This is a bad bill and should not be passed.

PROPOSED BILATERAL AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND GOVERNMENT OF JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

Mr. PASTORE. Mr. President, in accordance with section 123c of the Atomic Energy Act of 1954, the President has submitted to the Congress a proposed bilateral agreement, dated June 16, 1958, for cooperation between the United States and the Government of Japan concerning civil uses of atomic energy.

This agreement incorporates and supersedes the agreement between the two Governments for cooperation, which became effective on December 27, 1955, and will remain in force for a period of 10 years. The new agreement will broaden the scope of cooperation by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors; by providing for cooperation on health and safety problems related to the operation and use of such reactors; and by providing for cooperation in the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry. No restricted data will be exchanged under the agreement.

It seems particularly appropriate, Mr. President, that the United States and Japan should conclude such an agreement for cooperation in the peaceful uses of atomic energy. It represents another and important step in the advancement of this Nation's atoms-for-peace program.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the following documents:

First. A letter dated June 16, 1958 from the Atomic Energy Commission to the Joint Committee on Atomic Energy explaining the proposed agreement.

Second. A letter from Chairman Strauss of the Atomic Energy Commission to the President, dated May 8, 1958.

Third. A letter from the President to Chairman Strauss of the Atomic Energy Commission, dated May 19, 1958.

Fourth. A copy of the proposed agreement.

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

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., June 16, 1950.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an agreement for cooperation with the Government of Japan.

2. Three copies of a letter from the Commission to the President recommending approval of the proposed agreement.

3. Three copies of a letter from the President to the Commission approving the agreement, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed agreement.

The agreement for cooperation submitted with this letter will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy which entered into force on December 27, 1955, between the 2 Governments, and will remain in force for a period of 10 years. The new agreement will broaden the scope of cooperation by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power and power reactors, as well as research reactors; by providing for cooperation on health and safety problems related to the operation and use of such reactors; and by providing for cooperation in the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agricultural and industry. No restricted data will be exchanged under the agreement.

Article V will permit the transfer of limited amounts of special nuclear materials, namely U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VII of the agreement will permit the Commission to sell or lease, as may be agreed, to the Government of Japan, uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in Japan; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,700 kilograms of contained U–235. The Commission, at its discretion may make a portion of the foregoing 2,700 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

The Government of Japan plans to utilize the U–235 to be transferred for use as fuel in several research reactors, 1 of which is presently being constructed in Japan under contract with an American firm, 3 experimental power reactors, and a full-scale power reactor. Fuel has already been made available to the Government of Japan under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which entered into force on December 27, 1955, for use as fuel in a research reactor which was constructed by an American firm and commenced operating in August 1957.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of Japan for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or in transit, or, subject to Commission approval, are being reprocessed in Japan. The agreement would permit the retention by the Government of Japan of (1) special nuclear material produced in reactors fueled with materials purchased from the United States and (2) special nuclear material produced in fuel leased from the United States, for use in its program for the peaceful uses of atomic energy.

The agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful uses. In article XI the parties affirm their common interest in making mutually satisfactory arrangements to avail themselves, as soon as practicable, of the facilities and services to be made available by the International Atomic Energy Agency, and to this end express their willingness to reappraise the agreement in the light of this common interest, upon the request of either party.

The agreement will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS L. STRAUSS,
Chairman.

MAY 8, 1958.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, and authorize its execution.

The proposed agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in Japan in accordance with the policy you have established. It will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which entered into force on December 27, 1955, between the two Governments. The new agreement, which will extend for a period of 10 years, will broaden the scope of cooperation between Japan and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas, including health and safety problems, related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

Japan, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under this agreement, to render other assistance to Japan. The agreement contains all the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under the agreement.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of Japan, uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in Japan; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,700 kilograms of contained U–235. The Commission, at its discretion, may make a portion of the foregoing 2,700 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

The Government of Japan plans to utilize the U–235, to be transferred, for fueling several research reactors, one of which is presently under construction in Japan, three experimental power reactors, and a full-scale power reactor. Fuel has already been made available to the Government of Japan, under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which came into force on December 27, 1955, for use as fuel in a research reactor which commenced operating in August 1957.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of Japan for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or in transit, or subject to Commission approval, are being reprocessed in Japan. The agreement would permit the retention by the Government of Japan of (1) special nuclear material produced in reactors fueled with materials purchased from the United States, and (2) special nuclear material produced in fuel leased from the United States, for use in its program for the peaceful uses of atomic energy.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material, namely U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VII of the agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful uses.

In article XI the parties affirm their common interest in making mutually satisfactory arrangements to avail themselves, as soon as practicable, of the facilities and services to be made available by the International Atomic Energy Agency, and to this end agree to consult with each other, upon the request of either party, to determine in what respects and to what extent they desire to arrange for the administration by the International Atomic Energy Agency for those conditions, controls, and safeguards, including those relating to health and safety standards, required by the agency in connection with similar assistance rendered to a cooperating nation under the aegis of the agency.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of Japan and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

THE WHITE HOUSE,
Washington, May 19, 1958.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission,
Washington, D. C.

DEAR MR. STRAUSS: Under date of May 8, 1958, the Atomic Energy Commission recommended that I approve the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, and authorize its execution.

The proposed agreement, negotiated pursuant to the Atomic Energy Act of 1954, as amended, which, in the opinion of the Commission, is an important and desirable step in advancing the development of the peaceful uses of atomic energy in Japan, has been reviewed. It will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which entered into force on December 27, 1955, between the two Governments. The new agreement, which will extend for a period of 10 years, will broaden the scope of cooperation between Japan and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration of power and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas, including health and safety problems, related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

Japan, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to render other assistance to Japan. The agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under this agreement.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of Japan, uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, for fueling defined reactor projects in Japan; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,700 kilograms of contained U–235. The Commission, at its discretion, may make a portion of the foregoing 2,700 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of Japan for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or in transit, or, subject to Commission approval, are being reprocessed in Japan. The agreement would permit the retention by the Government of Japan of (1) special nuclear material produced in reactors fueled with materials purchased from the United States, and (2) special nuclear material produced in fuel leased from the United States, for use in its program for the peaceful uses of atomic energy.

Article V of the agreement would permit the transfer of limited amounts of special nuclear material, namely U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy, and article VII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission. In addition, article IX of the agreement incorporates provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article XI the parties affirm their common interest in making mutually satisfactory arrangements to avail themselves, as soon as practicable, of the facilities and services to be made available by the International Atomic Energy Agency, and to this end agree to consult with each other, upon request of either party, to determine in what respects and to what extent they desire to arrange for the administration by the International Atomic Energy Agency for those conditions, controls, and safeguards, including those relating to health and safety standards, required by the Agency in connection with similar assistance rendered to a cooperating nation under the aegis of the Agency.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (1) determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense

and security of the United States; (2) approve the proposed agreement for cooperation between the Government of the United States of America and the Government of Japan enclosed with your letter; and (3) authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of Japan, on November 14, 1955, signed an Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy; and

Whereas the Government of Japan has advised the Government of the United States of America of its desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy including the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of America desires to cooperate with the Government of Japan in such a program as hereinafter provided; and

Whereas the parties desire to supersede the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, signed on November 14, 1955, with this agreement which includes the new areas of cooperation;

The parties agree as follows:

ARTICLE I

A. The Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, signed on November 14, 1955, is superseded in its entirety on the day this agreement enters into force.

B. This agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of 10 years.

ARTICLE II

A. Subject to the provisions of this agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

B. Restricted data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this agreement, if the transfer of any such material or equipment and devices or the furnishing of any such service involves the communication of restricted data.

C. This agreement shall not require the exchange of any information which the parties are not permitted to communicate because the information is privately owned or has been received from another Government.

ARTICLE III

Subject to the provisions of article II, unclassified information including information in the specific fields set out below shall be exchanged between the parties with respect to the application of atomic energy to peaceful uses, including research and development relating to such uses, and problems of health and safety connected therewith:

(a) The development, design, construction, operation, and use of research, demonstration power, experimental power, and power reactors;

(b) Health and safety problems related to the operation and use of research, demonstration power, experimental power, and power reactors;

(c) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

ARTICLE IV

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the parties under this agreement, shall be the responsibility of the party receiving it, and the other party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use or application.

ARTICLE V

A. Research materials

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by article III and under the limitations set forth in article II, including source materials, special nuclear materials, byproduct material, other radioisotopes, and stable isotopes, will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either party, by reason of transfer under this article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of plutonium, and 10 grams of U–233.

B. Research facilities

Subject to the provisions of article II, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

ARTICLE VI

With respect to the subjects of agreed exchange of information as provided in article III, it is understood that the Government of the United States of America or the Government of Japan will permit persons under its own jurisdiction to make arrangements to transfer and export materials, including equipment and devices, to, and to perform services for, the other Government and such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to (a) the limitations in article II; (b) applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of Japan.

ARTICLE VII

A. The United States Commission will sell or lease, as may be agreed, to the Government of Japan uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed, in accordance with the terms, conditions, and delivery schedules set forth in contracts, for fueling defined research, experimental power, demonstration power, and power reactors which the Government of Japan, in consultation with the United States Commission, decides to construct or authorize private organizations to construct in Japan and for experiments required in relation thereto; provided, however, that the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 2,700 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of Japan during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the United States Commission under this article and in the custody of the Government of Japan shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of Japan or persons under its jurisdiction decide to construct and fuel with United States fuel, as provided herein, plus such additional quantity as, in the opinion of the United States Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or in transit, or, subject to the provisions of paragraph E, are being reprocessed in Japan, it being the intent of the United States Commission to make possible the maximum usefulness of the material so transferred.

C. The United States Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a materials testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

D. It is understood and agreed that although the Government of Japan may distribute uranium enriched in the isotope U–235 to authorized users in Japan, the Government of Japan will retain title to any uranium enriched in the isotope U–235 which is purchased from the United States Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the United States Commission in either United States Commission facilities or facilities acceptable to the United States Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the United States Commission or the facilities acceptable to the United States Commission for reprocessing.

F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of Japan for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of

America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of Japan and after reprocessing as provided in paragraph E hereof shall be returned to the Government of Japan, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of Japan, any such special nuclear material which is in excess of the needs of the Government of Japan for such material in its program for the peaceful uses of atomic energy.

H. Some atomic energy materials which the Government of Japan may request the United States Commission to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Japan the Government of Japan shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the United States Commission may, pursuant to this agreement, lease to the Government of Japan, the Government of Japan shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the release, and the possession and use of such special nuclear materials or fuel elements after delivery by the United States Commission to the Government of Japan or to any person acting on behalf thereof.

ARTICLE VIII

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in article III, and under the limitations set forth in article II, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the parties for lease, or sale and purchase, of quantities of materials, other than special nuclear material, greater than those required for research, when such materials are not available commercially.

ARTICLE IX

A. The Government of the United States of America and the Government of Japan emphasize their common interest in assuring that any material, equipment or device made available to the Government of Japan pursuant to this agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article XI, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this agreement, shall have the following rights:

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards to review the design of any (i) reactor and (ii) other equipment and devices the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of Japan or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission.

2. With respect to any source or special nuclear material made available to the Government of Japan or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment or device so made available: (i) source material, special nuclear material, moderator material, or other material designated by the United States Commission; (ii) reactors; (iii) any other equipment or device designated by the United States Commission as an item to be made available on the condition that the provision of this subparagraph B 2 will apply, (a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such material; and (b) to require that any such material in the custody of the Government of Japan or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article X.

3. To require the deposit in storage facilities designated by the United States Commission of any of the special nuclear material referred to in subparagraph B 2 of this article which is not currently utilized for civil purposes in Japan and which is not purchased or retained by the Government of the United States of America pursuant to article VII, paragraph F (a) and paragraph G of this agreement, transferred pursuant to article VII, paragraph F (b) of this Agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties.

4. To designate, after consultation with the Government of Japan, personnel who, accompanied, if either party so requests, by personnel designated by the Government of Japan, shall have access in Japan to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B 2 of this article to determine whether there is compliance with this Agreement and to make such independent measures as may be deemed necessary.

5. In the event of noncompliance with the provisions of this article, or the guaranties set forth in article X, and the failure of the Government of Japan to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment and devices referred to in subparagraph B 2 of this article.

6. To consult with the Government of Japan in the matter of health and safety.

C. The Government of Japan undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE X

The Government of Japan guarantees that:

(a) Safeguards provided in article IX shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of Japan or authorized persons under its jurisdiction pursuant to this agreement, by lease, sale, or otherwise, will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of Japan except as the United States Commission may agree to such transfer to another nation or an international organization, and then only if in the opinion of the United States Commission such transfer falls within the scope of an agreement for cooperation between the United States of America and the other nation or international organization.

ARTICLE XI

The Government of the United States of America and the Government of Japan affirm their common interest in making mutually satisfactory arrangements to avail themselves, as soon as practicable, of the facilities and services to be made available by the International Atomic Energy Agency and to this end:

(a) The parties will consult with each other, upon the request of either party, to determine in what respects, if any, they desire to modify the provisions of this agreement for cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the International Agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the International Agency in connection with similar assistance rendered to a cooperating nation under the aegis of the International Agency.

(b) In the event the parties do not reach a mutually satisfactory agreement following the consultation provided in subparagraph (a) of this article, either party may by notification terminate this agreement. In the event this agreement is so terminated, the Government of Japan shall return to the United States Commission all source and special nuclear materials received pursuant to this agreement and in its possession or in the possession of persons under its jurisdiction.

ARTICLE XII

For purposes of this agreement:

(a) "United States Commission" means the United States Atomic Energy Commission.

(b) "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the parties to this agreement.

(d) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(e) "Restricted data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of restricted data by the appropriate authority.

(f) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and devisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Commission determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by either party to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as either party may determine from time to time.

(i) "Parties" means the Government of the United States of America and the Government of Japan, including the United States Commission on behalf of the Government of the United States of America. "Party" means one of the above-mentioned "parties."

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, in the English and Japanese languages, both texts being equally authentic, this 16th day of June 1958.

For the Government of the United States of America:

WALTER S. ROBERTSON,
Assistant Secretary of State for Far Eastern Affairs.

LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission.

For the Government of Japan:

KOICHIRO ASAKAI,
Ambassador of Japan.

Certified to be a true copy:

W. T. MALLISON, Jr.,
Chief Asian-African Branch, Division of International Affairs, USAEC.

STATEHOOD FOR ALASKA

The Senate resumed the consideration of the bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter which I addressed to Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff, asking him what his position would be on the Alaskan statehood bill in the event section 10 were not included in it.

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

JUNE 30, 1958.

Gen. NATHAN F. TWINING,
Chairman, Joint Chiefs of Staff, The Pentagon, Washington, D. C.

In re Alaska statehood.

DEAR GENERAL TWINING: Judging by the testimony given by yourself before the Committee on Interior and Insular Affairs of the United States Senate, especially as shown on page 104 of the hearings, I have concluded that your recommendation of granting statehood to Alaska was based on the condition that there be left in the hands of the Commander in Chief the power for special defense purposes to withdraw certain parts of the area included in the statehood.

On page 104, you testified among other things: "As I have stated, the Department of Defense believes that the proposed interior amendments would implement the area limitations and safeguards the President has in mind. I am not an expert of the highly technical details of withdrawal language, but I am satisfied that the proposed amendments meet the demands of national security. * * * It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in Federal Government should be left in the hands of the Commander in Chief. * * * I believe from the military point of view, section 10 of this bill would accomplish the desired safeguards."

There has arisen among a number of the Senators the belief that section 10 is a violation of the Constitution of the United States and that, therefore, if its validity is challenged that there is great probability that section 10 will be declared unconstitutional. If that should happen, and thus section 10 invalidated removing from the hands of the Commander in Chief the power to vest exclusive control of the lands in the north and west of Alaska in the Federal Government in the interest of special defense purposes, would you still favor the bill?

In answering this question, I do not ask you to determine the constitutionality of the grant—although I would suggest that an opinion on its validity be obtained from the Attorney General of the United States.

I want to restate my question in another form. Is the existence of section 10 in the Alaska statehood bill of such gravity to the military defense of our country that its absence would cause you to oppose the bill?

Senator COOPER, who is in favor of statehood for Alaska, and others have expressed the view that section 10 is unconstitutional.

If it is, you will quickly perceive that then an absolute grant of statehood to all of the Alaskan territory is made by the bill without any power being vested in the Commander in Chief to withdraw any of the lands in the State for special defense purposes as set forth in section 10.

Sincerely yours,

FRANK J. LAUSCHE.

Mr. SALTONSTALL. Mr. President, the Senator from Mississippi has made a motion that the bill pending before the Senate be referred to the Armed Services Committee, and that the committee report the bill to the Senate, with its recommendations, within 30 days.

I rise to support that motion. I do so for the following very brief reasons. In 1950 I made a visit to Alaska and went through some of our military installations in that Territory. I visited Anchorage, Fairbanks, Nome, Juneau, and one or two other places not of such military importance. I also noted at that time the proximity of Alaska and some of our installations to the Eastern Hemisphere, and the importance of Alaska to our national security.

One fundamental reason why I voted against admitting Alaska and Hawaii as States when statehood for those Territories was proposed jointly was principally the restrictions which would be placed on our military endeavors in Alaska.

I should like to call to the attention of the Senate page 104 of the testimony of General Twining before the Committee on Interior and Insular Affairs. The testimony reads as follows:

It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in Federal Government should be left in the hands of the Commander in Chief. They are, for the most part, wilderness lands of great expanse, with sparse population and poor communications, all factors which, from the defense standpoint, make the right to discretionary Federal control advisable.

Note those words carefully, please:

Wilderness lands of great expanse, with sparse population and poor communications, all factors which, from the defense standpoint, make the right to discretionary Federal control advisable. This is the area of the United States which is closest to Russia—and to the very considerable military installations she has developed in Siberia.

I believe from the military point of view, section 10 of this bill would accomplish the desired defense safeguards.

He does not try to determine whether the language is the right language. He simply states that the language contained in section 10—the vital section of this bill from a defense standpoint—covers the needs from a military defense point of view.

I think we in the Senate must ask ourselves what would happen if section 10 of this bill were declared invalid. As I see it, the rest of the bill would be valid even if one or more sections of it were declared to be invalid. What would the President then be able to do? I think I interrogated the Senator from Mississippi or one of the other Senators who were speaking the other day on this point. Perhaps it was the senior Senator from Mississippi [Mr. EASTLAND] I asked what the President would be required to do if section 10 were stricken from the bill and if the President believed he should take back some of the lands which, under the terms of section 10, he can now take back, assuming section 10 is valid.

It seems to me obvious the only way the President could get the land would be by purchase or condemnation, unless someone were willing to give it back.

We have heard much about the platforms of the two parties. I should like to read from the platform of the Republican Party adopted in 1956 on this subject. I was a member of the drafting committee, so I heard considerable discussion about it.

Mr. JACKSON. Mr. President, will the Senator yield, before he leaves the other subject?

Mr. SALTONSTALL. Yes.

Mr. JACKSON. I know the Senator wants to keep the RECORD straight.

Mr. SALTONSTALL. I certainly do. If I said anything that is incorrect, I wish the Senator would point it out.

Mr. JACKSON. I am sure the Senator from Massachusetts realizes that at least 99 percent of the land in the area we are talking about is now federally owned.

Mr. SALTONSTALL. I understand. I heard the Senator say that the other day.

Mr. JACKSON. I understood the Senator to say that the Government would have to purchase this land.

Mr. SALTONSTALL. I did say that, because, as I see it, if the land became a part of the State of Alaska, some of it, even if it were not a part of the 28 percent which would be deeded to the State of Alaska, could be sold or homesteaded, or settlers could live on it.

If my memory is correct, from listening either to the Senator from Washington or the Senator from Idaho, the population in the area may run as high as several thousand.

Mr. JACKSON. There is another section in the bill which would prohibit entry into the area. That is the section to which I referred earlier.

Mr. SALTONSTALL. It would prohibit entry, unless the President consented to it.

Mr. JACKSON. Unless the President should acquiesce.

Mr. SALTONSTALL. Unless the President should acquiesce to the entry.

Mr. JACKSON. I do not think that section would fall. Assuming, for the sake of discussion, that section 10 should fall for constitutional or other reasons, the other section would still remain in the bill.

Mr. SALTONSTALL. That is unquestionably true, unless objections were urged to the other section we have not heard cited.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. SALTONSTALL. I yield.

Mr. CASE of South Dakota. When the Senator uses the word "entry" he means entry in the sense of a mineral or homestead entry, does he not?

Mr. SALTONSTALL. That is my understanding.

Mr. JACKSON. I should have used more exact terms. I am also referring to the fact that the new State would not be able to select lands in the area now under discussion.

Mr. SALTONSTALL. The Senator is correct. That is my understanding. The President under another section could, if he acquiesced, permit the land to be occupied by persons for one reason or another.

Mr. JACKSON. That is correct.

Mr. SALTONSTALL. Under one provision of law or another.

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

Mr. SALTONSTALL. I yield to the Senator from North Carolina.

Mr. ERVIN. As I understand the position of the able and distinguished senior Senator from Massachusetts, it is that regardless of whether section 10 is declared unconstitutional the question presented with respect to national defense is of such grave moment that such question ought to be studied by the committee having jurisdiction to pass upon such matters.

Mr. SALTONSTALL. That is my position. I am coming to that point in a moment. That is the reason I am supporting the motion of the Senator from Mississippi to refer the bill to the Committee on Armed Services.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield for a question?

Mr. SALTONSTALL. I yield to the Senator from New Jersey.

Mr. SMITH of New Jersey. If the Senate should sustain the pending motion and the bill should be referred to the Committee on Armed Services, how soon could the Senate get the bill back for consideration this year?

Mr. SALTONSTALL. Under the motion of the Senator from Mississippi it would have to be within 30 days.

Mr. STENNIS. Mr. President, may we have order so that we may hear the Senator?

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Massachusetts may proceed.

Mr. SALTONSTALL. Under the motion made by the Senator from Mississippi, the time would be 30 days. I have not personally talked with the Senator from Mississippi about that matter, but I think he would be glad to cut the time to 20 days if an issue arose as to whether we could again get the bill before us at this session of Congress. It could be 20 days or 30 days. The present motion provides for 30 days.

Mr. SMITH of New Jersey. Thirty days would put it at the end of July, when, theoretically, Congress should be adjourned.

Mr. SALTONSTALL. I hope Congress will adjourn by August 10. I have not heard any optimist say we can adjourn before that.

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

Mr. SALTONSTALL. I yield to the Senator from Mississippi.

Mr. STENNIS. The 30 days was selected as the time because the Committee on Armed Services is now considering the reorganization bill. It is uncertain exactly how long it will take to consider that measure, since, of course, it is major legislation and will have to be reported. Twenty days would suit me just as well. I think we could possibly get a decision in 20 days and report the bill in that time. I would be glad to modify the motion to that extent, if I may.

Mr. SALTONSTALL. I thank the Senator from Mississippi.

The PRESIDING OFFICER. The Chair is informed, in view of the fact that the yeas and nays have been ordered on the motion, it would require unanimous consent to modify the motion.

Mr. STENNIS. Mr. President, will the Senator yield to me for the purpose of making such a request?

Mr. SALTONSTALL. I yield to the Senator so that he may make such a request.

Mr. STENNIS. Mr. President, since the yeas and nays have been ordered on the motion, I ask unanimous consent that I may modify the motion, to strike out "30 days" and to insert in lieu thereof "20 days."

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

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield to the Senator from New Jersey.

Mr. SMITH of New Jersey. I was called to the telephone earlier, so I did not hear the distinguished Senator's opening statement. What is to be gained by sending the bill to the Committee on Armed Services, other than a further study of the dangers of a possible attack and so on, and our being ready for it?

Mr. SALTONSTALL. Mr. President, in reply to the Senator from New Jersey, who asks what would be gained by sending the bill to the Senate Committee on Armed Services, let me say that the committee, of which the distinguished Senator from Washington [Mr. JACKSON], the floor manager of the bill, is a member, has the direct responsibility for maintaining through legislative action and concert the security of our country. Certainly, we have had many briefings on the importance of Alaska as a part of the security of our country. Certainly, it would be my intention—and I am sure it would be the intention of the chairman of the committee and the Senator who made the motion, the Senator from Mississippi [Mr. STENNIS]—to inquire perfectly impartially, to the best of my ability, to find out from competent military witnesses what effect statehood might have on the security of our country. That is the purpose of the motion, as I understand it.

Mr. SMITH of New Jersey. As to the relative advantage between leaving Alaska as a Territory for defense purposes, or admitting Alaska to statehood?

Mr. SALTONSTALL. That is correct.

Mr. SMITH of New Jersey. That is a question which concerns me very much.

I find on page 104 of the hearings the testimony of General Twining, who said, in part:

> As I have stated, the Department of Defense believes the proposed Interior amendments would implement the area limitations and safeguards the President has in mind.

The Interior amendments, as I understand them, contain the famous section 10, about which there is a question of constitutionality.

Mr. SALTONSTALL. The Senator is correct.

Mr. SMITH of New Jersey. Therefore, we could not rely on General Twining's judgment as to the proper course, if section 10 were later declared to be unconstitutional and thrown out.

Mr. SALTONSTALL. I will say to the Senator from New Jersey that General Twining said:

> I believe from the military point of view, section 10 of this bill would accomplish the desired defense safeguards.

My question is a rhetorical question. What will happen if section 10 is declared invalid? The purpose of the motion is to determine what would happen.

Mr. SMITH of New Jersey. Is the Senator addressing himself to that point?

Mr. SALTONSTALL. I am addressing myself to that point.

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

Mr. SALTONSTALL. I yield.

Mr. AIKEN. Did not General Twining testify in favor of statehood for Alaska, and did not General Twining command forces in Alaska for several years? If General Twining does not know about the impact of statehood, with respect to Alaska, who does?

Mr. SALTONSTALL. General Twining says that the land reserved by section 10 is extremely important to the defense of our country. What I am concerned about is: if section 10 should be declared invalid and the rest of the bill should be declared valid and constitutional, what would be the rights and responsibilities of the President to secure this vast territory for the security of our country?

Mr. AIKEN. Would the Armed Services Committee not have to call on General Twining again?

Mr. SALTONSTALL. I certainly hope it would.

Mr. AIKEN. General Twining has already testified strongly in favor of statehood for Alaska. It appears that General Twining was in command of forces in Alaska for about 7 years. The Senator from Massachusetts does not think General Twining has changed his mind since he testified, does he?

Mr. STENNIS. Mr. President, will the Senator yield to me, so that I may answer the question?

Mr. SALTONSTALL. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I point out that the testimony of General Twining with reference to statehood originated in 1950, when the General first testified as to a statehood bill. In 1950 the Air Force was flying the B–36's. The B–47's were only coming in at that time. Missiles were not even a threat.

In 1957, though I do not have the exact date, in the testimony before the committee with reference to the bill, shown on page 104, I may say to the Senator from Massachusetts, the paragraph following the one the Senator quoted from General Twining's testimony reads as follows:

> It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in Federal Government should be left in the hands of the Commander in Chief.

The point is that section 10 attempts to do that, but it is invalid.

Reading further:

> They are, for the most part, wilderness lands of great expanse, with sparse population and poor communications, all factors which, from the Defense standpoint, make the right to discretionary Federal control advisable. This is the area of the United States which is closest to Russia—and to the very considerable military installations she has developed in Siberia.

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

Mr. SALTONSTALL. I yield.

Mr. AIKEN. Inasmuch as the Senator from Mississippi has had the privilege of reading from the testimony, will the Senator from Massachusetts permit me to read from page 113 of the hearings?

Mr. SALTONSTALL. Certainly.

Mr. AIKEN. The Senator from New Mexico [Mr. ANDERSON] made this statement:

> You moved a man off his farm down in my State the other day. I finally got it resolved. But he got pushed off his land. Even though New Mexico is a State, nobody questioned the right of the Government to do that. What could you do in the Brooks Range area if this was a withdrawn area that you could not do if it were just a plain State that needed it for military purposes?
>
> General TWINING. In answer to that question, it could be done under either condition.

Did not General Twining mean that the armed services could take what land was needed, whether Alaska was a Territory or a State?

Mr. SALTONSTALL. Certainly the Federal Governmental could take it if it paid for it. That is the whole question. This land is reserved as an area in possession of the United States Government. It would not have to pay for it.

Mr. AIKEN. Is not the land which is referred to as being necessary or possibly necessary for the armed services and for national security primarily to be retained by the Federal Government?

Mr. SALTONSTALL. It is to be retained. The President will have the right to take a part of it at any time he believes it necessary for national security.

Mr. AIKEN. He can do that in any State of the Union.

Mr. SALTONSTALL. Yes; but he must pay for it or condemn it.

Mr. AIKEN. If a State is carved out of Alaska, and 30 years from now the Federal Government decides to establish a post on a part of that land, why should it not pay for it? It seems to me that someone is undertaking a very unique method of killing statehood for Alaska; and I am sure that any vote for the motion of the Senator from Mississippi will be regarded as a vote against statehood.

Mr. SALTONSTALL. I disagree with the Senator from Vermont on that point. Knowing the personalities of the Armed Services Committee, I hope we can consider this question in a proper way, and bring back a report on security. Some of us may be against statehood for Alaska, just as the Senator from Vermont is for it.

Mr. AIKEN. I regard the Senator from Massachusetts as being quite astute, after listening to his argument.

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

Mr. SALTONSTALL. I yield.

Mr. WATKINS. The area we are now discussing is Federal land at present, is it not?

Mr. SALTONSTALL. That is correct, as I understand, to the extent of 99½ percent.

Mr. WATKINS. Will its status be changed in any respect if the statehood bill passes?

Mr. SALTONSTALL. It will not be changed except that, as I understand, it will become a part of the State of Alaska, subject to being brought back into Federal ownership or possession for security reasons, if the President so determines.

The question is whether the particular section of the bill referred to is valid or invalid. If it is invalid, What are the possibilities of getting the land back by condemnation or purchase? On that question I disagree with the Senator from Vermont, who says that the Federal Government can purchase 102,000 acres.

Mr. WATKINS. I do not understand that it would ever become anything but Federal property, even though it were within the State of Alaska.

Mr. SALTONSTALL. I am not sufficiently familiar with the opportunities for entry into that land for private purposes.

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

Mr. SALTONSTALL. I yield.

Mr. JACKSON. What President Eisenhower and the Department of Defense are trying to do is to settle some of the legal complications which might arise in the event the military authorities should have to move into the area and move people out. In the case of Federal land, in the absence of a statute of cession by the State, or a Federal statute, there is concurrent jurisdiction. That is to say, the laws of the State apply, and the Federal laws apply, insofar as they are not inconsistent one with the other.

On military reservations, the Federal Government always insists that it has exclusive jurisdiction. What is being done here is to say in advance, "We wish to make sure that the question of jurisdiction is settled." The Federal Government is asking to have exclusive jurisdiction reserved to administer this area, if necessary. That is all that is meant.

Mr. WATKINS. That does not mean that the legal ownership changes at all.

Mr. JACKSON. Not at all. We are talking principally about two communities, Nome and Kotzebue, in addition to one or two others. In all of Alaska, the Federal Government owns 99.9 percent of the land. One-tenth of 1 percent of the land in Alaska is either privately owned or owned by a city or some other political subdivision of the Territory. In this particular area I think the percentage is even greater than 99.9, because the particular area involved is in the north country, north of the Brooks Range. I believe that what the administration is requesting is simple. It wishes to make sure that the legal problems will be solved in advance. Without this provision, there would be concurrent jurisdiction. The laws of the State would apply, and the laws of the Federal Government would apply. The administration is asking, in view of the possible exigencies of future situations, that it have the right to invoke exclusive legal jurisdiction, just as is the case on a large military reservation.

Mr. SALTONSTALL. The fact that 99.9 percent of Alaska is owned by the Federal Government is another problem, but one which we are not now considering. That problem is of influence with me, but it may not be with the Senator from Washington.

Mr. JACKSON. It is a problem. There is some misunderstanding with respect to it. The purpose of this provision is clarification. If the Federal Government is to move people out of Nome, it will have to pay for the property. That could be done now, without the proposed legislation, if the miltary situation should require it. If it did not, of course, the court would not approve an order of taking.

Mr. SALTONSTALL. Today the Federal Government has complete sovereignty over all the area which is covered by section 10. If the area should become a State, and the Federal Government later should decide to take back a part of the land, while it may still own the land, as the Senator has said, there are certain problems involving concurrent jurisdiction with the State, and problems which would arise in the case of a State which would not arise in the case of a Territory.

Mr. JACKSON. The Federal Government is merely asking that Congress provide the necessary supporting legislation

for the exercise of exclusive jurisdiction, if that is necessary. The Federal Government exercises exclusive jurisdiction over all military reservations today.

Mr. SALTONSTALL. That is correct.

Mr. JACKSON. The administration is saying, in effect, "Should it be necessary to place this area under military rule in the future, we do not want to be troubled with all the legal headaches we would encounter without the necessary authority in the first instance to exercise exclusive Federal jurisdiction."

Mr. SALTONSTALL. That cannot be done in any other part of the United States today.

Mr. JACKSON. In certain States today the Federal Government has exclusive jurisdiction, depending upon the situation.

It is the opinion of the junior Senator from Washington that, in the absence of a statute, the Federal Government has concurrent jurisdiction with the State on federally owned land. A statute is necessary in order to obtain exclusive jurisdiction.

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

Mr. SALTONSTALL. I yield.

Mr. WATKINS. I ask the Senator from Massachusetts if the explanation made by the junior Senator from Washington is not acceptable to him. It seems to me that it is sound. I was hoping that the Senator from Massachusetts could accept that explanation.

Mr. SALTONSTALL. I do not mean——

Mr. WATKINS. I do not like to see the bill go to the Committee on Armed Services, because in my opinion if we send it back, the bill will die at this session. I am an advocate of statehood for Alaska, and I should like to see Congress act on the bill at this session. I do not believe there is any necessity, after all that has been said, to send it to another committee. I believe every question has been answered. I am a member of the Committee on Interior and Insular Affairs which considered the subject time and time again, as well as the question of statehood for Hawaii. Under the circumstances it seems to me that we ought to be able to clear up these questions without further reference to committee.

Mr. SALTONSTALL. General Twining specifically said that from a military point of view he believed section 10 would provide the desired defense safeguards. If section 10 is declared invalid, what would happen to the military safeguards?

Mr. WATKINS. They would be in the same status as in the State of Utah.

Mr. SALTONSTALL. I do not believe so.

Mr. WATKINS. The Federal Government can get any property it wants, and the Federal Government can get pretty much what it pleases. Any property which is owned by a private individual the Federal Government can get by going through due process. The same is true with respect to State-owned land.

Mr. SALTONSTALL. But the Federal Government must deal with the State Government.

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

Mr. SALTONSTALL. I yield.

Mr. STENNIS. I believe I have a situation which is on all fours with what has been stated by the Senator from Washington and the Senator from Utah. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. I wish to call attention to clause 17, section 8, article I, of the United States Constitution, enumerating the powers of Congress, wherein it is provided that Congress shall have the power "to exercise exclusive legislation in all cases whatsoever, over such district"—that applies to the District of Columbia, which is not pertinent here—"and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

It is under that clause that the Federal Government acquires jurisdiction and has legislative powers even over the military installations which are in a State. If we pass the bill in its present form, we will create a statehood status, and there is no analogy whatsoever except as it comes through these channels.

Mr. SALTONSTALL. Am I correct in saying that we have had several such cases before us in the Committee on Armed Services?

Mr. STENNIS. Yes; we have had several such cases before the committee.

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

Mr. SALTONSTALL. I yield.

Mr. LAUSCHE. From the testimony of General Twining we must infer that he deemed section 10 of such importance that probably he would not have subscribed to the bill unless section 10 were included. If he deems it to be of such importance, obviously greater rights accrue to the Government under section 10 than would accrue in its absence.

Mr. SALTONSTALL. That is my interpretation. That is why I am making my argument that we should determine what should be done if section 10 should be declared invalid.

Mr. LAUSCHE. In view of the fact that the committee listened to General Twining before including section 10 in the bill, I ask did any member of the committee ask General Twining: "What would your position on this bill be, General Twining, in the event section 10 was not included or in the event section 10 was held to be unconstitutional?"

Mr. JACKSON. Mr. President, the answer is found on page 113 of the hearings.

Mr. LAUSCHE. Will the Senator read that testimony?

Mr. JACKSON. I read it a moment ago.

Mr. LAUSCHE. That does not embrace the position I have just described, not in the least degree.

Mr. JACKSON. He made it very clear.

Mr. SALTONSTALL. I believe I should now yield to the Senator from North Carolina, but, first, with his permission, I should like to yield to the Senator from Washington to answer the question of the Senator from Ohio.

Mr. LAUSCHE. I might say further that it would be helpful if General Twining were to say clearly to the Senate: "In my opinion section 10 does not alter the defense posture of the Nation," or if he would say, "If section 10 is removed or declared unconstitutional, then I cannot subscribe to it."

Mr. JACKSON. I do not like to be repetitious, but I have covered the point several times. The Senator from New Mexico [Mr. ANDERSON] raised the question about what would happen in the event section 10 were not in the bill. At page 113 General Twining said:

> In answer to that question, it could be done under either condition.
>
> Senator ANDERSON. Now, what is the legal difference?
>
> Mr. DECHERT.—

Mr. Dechert is counsel for the Department of Defense—

> I believe, sir, that the situation here is that this concept of exclusive jurisdiction gives the Federal Government the right to act alone, without concert of action by the State of Alaska or by some other State. This whole section 10 provision concerning the possible withdrawal for national defense purposes is in the nature of an insurance policy, as I understand it.

In other words, he is merely saying that this is an effort to try to clarify some of the problems which might arise in the absence of section 10 in the bill.

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

Mr. SALTONSTALL. I yield.

Mr. ERVIN. I will ask the Senator from Massachusetts two questions. The first question is this: If the able and distinguished Senator from Washington is on solid ground in his argument, that the mere ownership of land by the Federal Government gives the Federal Government all the vast powers ascribed to it by the Senator from Washington, then section 10 is wholly unnecessary. Does the Senator agree with me in that statement, based on the argument of the Senator from Washington that mere ownership of land gives the Federal Government these vast powers?

Mr. SALTONSTALL. If I heard the Senator from North Carolina correctly, my answer is in the affirmative. He said that if the Federal Government has the ownership of the land——

Mr. ERVIN. If the ownership of the land gives the Federal Government the vast powers rising out of such ownership, then there is no necessity to have section 10 in the bill.

Mr. SALTONSTALL. That would be correct. But it seems to me that section 10 is not only an insurance policy, as the Senator from Washington has said, but also is necessary to make sure that the Federal Government can have the land when it wants it.

Mr. ERVIN. This is my second question: If the pending bill is passed in its present form and the courts should do what many of us believe they will do, namely, strike down section 10 as unconstitutional, the Federal Government would be put in the position of being a

mere landowner in this area of Alaska, subject to the sovereignty of the State of Alaska. Is that correct?

Mr. SALTONSTALL. That is my understanding. The Government would then be a landowner. The question of State sovereignty would arise. The State legislature would have to cede land to the Federal Government.

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

Mr. SALTONSTALL. I yield.

Mr. ALLOTT. I should like to call to the attention of my colleagues two places in the hearings. As a matter of fact, it might be a good idea to invite my colleagues to read the testimony of General Twining. If they did so, they would come to an entirely different concept than has developed on the floor. I shall quote from page 114, where Mr. Dechert, who is counsel to the Secretary of Defense, testified under very stringent questioning by the extremely able Senator from New Mexico [Mr. ANDERSON]. The Senator from New Mexico asked:

Senator ANDERSON. All right. What can you do specifically now, militarily.

Mr. DECHERT. You can do after withdrawal whatever the Congress says, without consulting the State legislature.

Senator ANDERSON. Well, did you consult the legislature in connection with your activity as to range down in my State?

Mr. DECHERT. Your State, I believe, has given the Federal Government the exclusive right to do this. I think New Mexico is one of the States where this right exists under State statutes.

The junior Senator from Idaho [Mr. CHURCH] asked the question:

Senator CHURCH. What is troubling me here in the testimony is this: So far I have not heard any testimony to indicate what handicap there would be to the defense either of Alaska or of the country if we granted statehood without limitation to the entire Alaskan Territory. How would this handicap the effectiveness of our defense? Is it handicapped in any of the 48 States where such lines do not exist? As far as the military is concerned?

General TWINING. I think I explained that initially. The fact that the President has this withdrawal action gives him freedom of action. It is much easier for him to withdraw the lands than it would be to go through the State to build a defense installation. We have built all of the defenses in the Territory now, and we have had no problem at all.

That is the answer to the question. We do not change the situation, except that it will not be necessary to have the State legislature act, when Alaska becomes a State, in order to accomplish this purpose.

I saw the Senator from California [Mr. KNOWLAND] sitting here a moment ago. The Federal Government owns 35 percent of his State. It owns 33 percent of my State of Colorado. The Senator from Utah [Mr. WATKINS] says it owns 72 percent of his State.

The Government can make withdrawals in Colorado, but must do so with the consent of the legislature. As the Senator from Washington will remember, I, myself, had a serious question about this matter, as did the entire membership of the Committee on Interior and Insular Affairs. The thing that developed from all General Twining's testimony, and from the testimony of Mr. Dechert, as well, was simply that in the event of an emergency, section 10 would enable the Federal Government to avoid having to work through the State legislature; the Federal Government could act under any such conditions as the Congress itself or the President, if he were acting in a military situation, had the power to authorize.

Mr. SALTONSTALL. I agree with what the Senator from Colorado has said, but he has quoted Mr. Dechert about the New Mexico matter. New Mexico is one of the States where such a situation might exist under a State statute. The whole point, as I understand, is that we are creating a sovereign State; yet we are saying something different from what was said to the other States. We are saying: "You are sovereign, but we may withdraw your sovereignty without recourse to the State statutes or without any compensation or without anything else."

Mr. ALLOTT. No, not at all. We are doing exactly the reverse. We are saying: "We are withdrawing this land for exclusive Federal use before the Territory is made a State." If the Federal Government should cede the land at another time, it would have the same status as the Federal land in my State or any other State.

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

Mr. SALTONSTALL. I yield.

Mr. PASTORE. I am not so well informed about section 10 as are the members of the committee, nor am I familiar with it from a reading of the testimony. But from what I have gathered from listening to the debate, if the bill is referred to the Committee on Armed Services, I do not see how General Twining, in view of what he has said, could change his position that we would be as well off without section 10 as we would be with it.

Under section 10, we are reserving to the United States, through the President, certain exclusive jurisdiction which ordinarily would have to be shared with the State of Alaska and various States, as such jurisdiction is shared with Massachusetts, Rhode Island, and other States.

If the argument is that if General Twining saw fit to do so, he could share this jurisdiction with the State, and that would be a hindrance to Alaska having statehood, I am afraid we are allowing the military to make a political decision. That would be wrong, because, in my humble opinion, this is an exclusive reservation being made to the President of the United States.

If this section should fall, and the United States saw fit to call upon, let us say, the Legislature of the State of Alaska to cooperate in the sense of a partnership with the Federal Government, I should think that Alaska, which is as jealous of its national security as we are of ours, would cooperate with the Federal Government, just as the Legislature of the Commonwealth of Massachusetts or the State of Rhode Island would cooperate with the Federal Government if it became necessary to guarantee the national security.

In my humble opinion, we are wasting a lot of words and a lot of apprehension in the Senate on a political question by trying to tie it to a determination of military security, something which I think will take care of itself.

As the law now stands, if section 10 remains as it is in the bill, the President of the United States will have the exclusive jurisdiction to patrol and control this particular area. That is all that is provided by section 10.

The question arises: What if section 10 should fall? Then we would have to content ourselves in the way we content ourselves concerning the 48 States in the matter of guaranteeing the national security in an emergency.

For the life of me, I cannot see how General Twining can be brought to say that the Nation will be better off from a military point of view without section 10 than it will be with section 10.

The bill will be better if section 10 stands, but even if it falls I see no inherent harm which will be done to the security of the Nation, because the President of the United States, in order to guarantee the security of the Nation, will call upon the State of Alaska, as he will call upon the State of Mississippi, the State of Rhode Island, or the State of Massachusetts, to cooperate in order to bring about control and jurisdiction, which will be for what? For the security of the Nation.

So I am afraid we are wasting a lot of words over an intricate question of legality, merely to delay what we should decide as a political question.

The question before us is political: Shall we grant statehood to Alaska? I think if we begin to dissect every word and every sentence, we will find many reasons to delay and to debate; but, fundamentally, I think the question is very simple. General Twining can never say and could never say that the country would be better off without section 10 in the bill. We know that. We know that if section 10 falls, the United States Government will have to call upon the legislature of Alaska to cooperate.

If we know anything at all about the people of Alaska; if we know anything at all from our experience with the present 48 States; we know that the Legislature of Alaska will grant the same cooperation as will come to the United States from any 1 of the 48 States if the security of the Nation is in jeopardy.

Mr. SALTONSTALL. The Senator from Rhode Island always states his position very clearly. There is this great distinction between the State of Alaska and the State of Rhode Island or the Commonwealth of Massachusetts. Alaska is very close to the Soviet Union. As General Twining said, Alaska today has comparatively few highways. The number of highways is increasing, and the economic condition of Alaska is improving. We want the economy of Alaska to continue to develop. But Alaska does not have a fully developed economy today. The transportation between areas of Alaska is uncertain. All these factors create quite a distinction between Rhode Island and Alaska.

Mr. PASTORE. On that point, the people of Alaska, who are geographically so close to Russia, as the Senator says, will understand the matter better than will either the Senator from Massachusetts or the Senator from Rhode Island, because they are right there; they want security more than anyone else. I foresee the State Legislature of Alaska cooperating with the Federal Government to the fullest degree on that point, even more so than a State which might be far removed from the very critical, strategic location of Alaska.

So while it is true that the argument which the Senator from Massachusetts is making should be considered, nevertheless, for all practical, realistic purposes, we must recognize the fact that no one understands the situation better than do the people of Alaska. No one can understand it better than the Legislature of Alaska.

If there were the remote likelihood—and this is all predicated upon the proposition that section 10 is unconstitutional—that section 10 would fall, the fact remains that all we would have to do with Alaska is what we do with the other 48 States, namely, ask them for their cooperation. And it would be forthcoming, because the people there would understand the situation better than anyone else would.

Mr. SALTONSTALL. I certainly hope it would be forthcoming.

The Senator has said this is a political question. Of course, that is true in terms of having the Congress consider what the State Department would consider, namely, the security of the United States. In that connection, the military can only advise those of us who have to make the decision.

Mr. PASTORE. Then does the Senator from Massachusetts believe that if General Twining says the Nation would be better off with section 10 in the bill than with section 10 out, that should be the determining or controlling factor as regards the question of whether statehood should be granted to Alaska? Or does he believe we should take the chance of having cooperation by the legislature of Alaska?

Mr. SALTONSTALL. I am not trying to answer that question; neither would the Armed Services Committee try to answer it.

Mr. PASTORE. But that is the question the committee would have to answer.

Mr. SALTONSTALL. As I view the matter, if the bill is referred to the Armed Services Committee, it will consider only the question of the security of the Nation. The committee will make its report; and then all Members of the Senate will make their political decision, based on that report and also based on the very fine report which has been submitted by the Committee on Interior and Insular Affairs.

Mr. THYE. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. SALTONSTALL. I yield.

Mr. THYE. I thank the Senator from Massachusetts for yielding to me.

Let me say that I have read section 10; and I have also read General Twining's statement, as set forth in the committee hearings.

In my opinion, the Senator from Rhode Island [Mr. PASTORE] is absolutely correct in his analysis of section 10; and he has stated the matter much clearer than I could possibly have stated it.

When we consider the fact that if section 10 falls, no other part of the bill will be destroyed, whereas if section 10 remains in the bill it will make secure some military installations which the United States Government now has in Alaska, certainly it is obvious that section 10 is of great importance to the national security. It will safeguard those installations for the immediate future, while the new State organizes and elects a legislature.

Therefore, I think there is wisdom in the inclusion of section 10, because its inclusion will not in any sense jeopardize the defense installations now in existence in Alaska.

When we read the testimony of General Twining, particularly in connection with the interrogation of General Twining and Mr. Dechert by the members of the committee, in my opinion there is no question that the security of the Nation will remain intact if section 10 remains in the bill, because in that event we shall not in any sense jeopardize the already existing Federal installations in Alaska.

So I wish to commend the distinguished Senator from Rhode Island for having so clearly defined the political considerations, as well as the statehood considerations.

Certainly nothing will be gained at this time by referring the bill to the Armed Services Committee, because the point at issue has been made as clear as it can possibly be made, namely, that today the United States Government has in Alaska defense installations which should not be jeopardized for even 1 hour while the organization of the new State is being effected, both in its legislature and at the administration level.

That is all General Twining must have had in mind when he made his statement; and I think the political question is very clearly answered both in the report and in the hearings.

Mr. SALTONSTALL. In reply to the Senator from Minnesota, let me say that, as I understand section 10, it provides for a condition subsequent to the granting of statehood; and there is a question as to whether that section is valid. If it is invalid, then the question of military security is involved; and that is what we have been debating.

Mr. THYE. For instance, in Minnesota the Congress established certain Indian reservations within the State. But those reservations did not involve the security of the Nation. However, in Alaska we have military installations which have been a decade or more in development, and more especially since the end of World War II. Therefore, section 10 should be included in the bill, so as not to jeopardize the security of the nation.

Mr. BRIDGES. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. BRIDGES. I wish to commend the distinguished Senator from Massachusetts [Mr. SALTONSTALL], the distinguished and able Senator from Mississippi [Mr. STENNIS], and other Senators who have joined in the motion to refer the bill to the Armed Services Committee.

In the case of any matter which involves the security of the Nation, certainly no Member should hesitate to vote in favor of a motion which would involve a delay of 15, 20, or 30 days, or any other reasonable period of time.

If that issue is as clear as the Senator from Rhode Island and the Senator from Minnesota say it is, then they should not worry about having the motion agreed to, because they know what the decision of the Armed Services Committee will be. [Laughter.]

So I think the motion is a very worthwhile one, and I commend the Senator from Mississippi for making it.

Mr. SALTONSTALL. I thank the Senator from New Hampshire.

Let me add that the distinguished Senator from Washington [Mr. JACKSON] is a member of the Armed Services Committee.

Mr. THYE. Mr. President, if the Senator from Massachusetts will yield further to me, let me say to our very distinguished friend, the former President pro tempore of the Senate [Mr. BRIDGES]—and I recognize all the wisdom which comes from his years of service—that my experience teaches me that if this measure goes to the Armed Services Committee for 30 days, the chances of enactment of the Alaskan statehood bill will become zero. That is why I will not vote in favor of the motion, because I realize that the wisdom of the Senator from New Hampshire is such that he knows very well that if the motion is agreed to and if the bill is referred to the Armed Services Committee, the bill will have all the anchors of the granite of New Hampshire tied to it. [Laughter.]

Mr. SALTONSTALL. Mr. President, let me say to the Senator from Minnesota that I gather from his remarks that he will not vote in favor of the motion. [Laughter.]

Mr. JACKSON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. JACKSON. I merely wish to ask my distinguished friend what will happen in the Armed Services Committee if the motion is agreed to. Will the committee strike out section 10?

Mr. SALTONSTALL. No; I do not understand that the committee would necessarily have that responsibility.

Mr. JACKSON. What would the committee do?

Mr. SALTONSTALL. The committee would have two questions before it, as I view the matter; first, if section 10 is included, what will be the effect on the national security; second, if section 10 is declared invalid—and that is the whole

purpose in this case—what will be the state of our national security?

Undoubtedly, we would have to have some legal advice on these questions. We would have to have advice from Mr. Dechert, and possibly from other legal sources.

Mr. JACKSON. The first point the distinguished Senator from Massachusetts has raised has already been answered, because the Department of Defense representatives testified before the Interior and Insular Affairs Committee that they needed section 10.

I should like to make this one point: Our able colleagues have, on the floor, raised some serious constitutional questions. I would be the last to assert that every part of this provision of the bill is clearly constitutional. I think there may be some serious questions. But the point is that this is our best effort to make the job of the Department of Defense easier.

If section 10 falls, I do not know what we can do about the matter.

The basic constitutional question involved is a simple one; namely, can the Federal Government—in this case, the Congress—as a part of the grant of statehood, insist that the United States have exclusive jurisdiction over areas to be used for defense purposes? I do not think that question has arisen before. On this question, lawyers will argue on both sides.

I do not know how the Supreme Court will rule. I am sure there is a question as to which way the Court might rule on such an issue. I believe that is the basic constitutional question involved.

Mr. SALTONSTALL. I think the Senator from Washington has stated the question very fairly and accurately.

When the debate on the floor of the Senate began, I had not studied section 10 and I had not realized its implications. But after listening to the debate, it seems to me that section 10 raises a very serious security question, particularly when we read the testimony of General Twining and when we consider the implications which the removal of section 10 would have.

Mr. JACKSON. Can my distinguished friend predict how the Supreme Court will rule on this question?

Mr. SALTONSTALL. No.

Mr. BRIDGES. No one can predict how the Supreme Court will rule on anything. [Laughter.]

Mr. SALTONSTALL. I do not care to predict what the Supreme Court will do on this question.

Mr. JACKSON. Either we can give this authority to the Federal Government, or we cannot. That is as clear as anything can be. The Court will have to decide the question.

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

Mr. SALTONSTALL. I yield.

Mr. STENNIS. Let me ask the Senator from Massachusetts if this is not the problem as he sees it: If section 10 is invalid, what other method does the President or the military or the Government suggest be provided and written into the bill to protect the national security? Is that not the only question before the Senate?

Mr. SALTONSTALL. That is the question.

Mr. STENNIS. It is not a question for lawyers to decide. It is not a legal question.

Mr. SALTONSTALL. No; it is a question of security.

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

Mr. SALTONSTALL. Yes. I am ready to yield the floor with one additional statement, but I shall make it after the Senator's question.

Mr. COOPER. I intend to vote for the motion of the Senator from Mississippi. As I said on the floor the other day, I do not consider this to be a dry, legal question. I think the purpose of the motion of the Senator from Mississippi is not to kill the bill or delay it, but to send it to the Armed Services Committee in order to get the advice of the Department of Defense and whoever else represents the President of the United States as to whether section 10 has any vital significance to the security of the United States.

On page 112 of the hearings before the Senate Committee on Interior and Insular Affairs appears a statement by Mr. Chilson, from the Department of the Interior, as to the purpose of section 10:

> These amendments are designed to give the President authority to act, without the existence of a national emergency, to establish special areas which the President determines necessary for the defense of the United States.

That is in accord with the testimony of General Twining, when he stated, as appears on page 104 of the same hearings:

> It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in Federal Government should be left in the hands of the Commander in Chief.

The question has been raised, If the bill is referred to the Armed Services Committee, what can it learn? I agree wholly with the statement of the Senator from Washington [Mr. JACKSON] that the committee could not ascertain whether section 10 is constitutional. No one will know the answer to that question until the Supreme Court finally rules upon it. If there is any question about the importance of section 10 to the defense of the country, it is possible that the President and the Department of Defense may recommend an alternative provision to section 10 as it is now constituted, which will take care of the situation.

I should like to make a couple of suggestions. It might be recommended that instead of including this section, with respect to the grant to Alaska, the section be left out, for later disposition of the question. A provision might be recommended whereby the grant of the Territory would pass to Alaska, say, 10 years from now. If something like that were done, it would remove this whole question from the area of debate. On the other hand, if the Department of Defense should state that we could defend the Nation just as well with section 10 out or with section 10 in the bill, then all of our doubts and misgivings about the question would be gone.

I myself feel this way about it: I have said before I would like to see Alaska become a State, but my greatest interest is in adequate defense of the United States, and that includes Alaska as a Territory. I think this question is vital. I do not see why we cannot take 30 days at least to clear our minds on the question, to be sure of what we are doing.

Mr. JACKSON. Mr. President, will the Senator yield so I may reply to the statement of the Senator from Kentucky?

Mr. SALTONSTALL. I yield to the Senator from Washington.

Mr. JACKSON. I should like to say to the Senator from Kentucky that section 10 as it now appears in the bill was placed in the bill at the request of the President of the United States. He made reference to it in his budget message, I believe.

I want all Senators to know that the committee proceeded, and was proceeding, on the assumption that section 10 would not be in the bill. The President said section 10 was vital and necessary. His military representative, the Chairman of the Joint Chiefs of Staff, appeared before the committee representing the Department of Defense.

We attempted to make other suggestions with reference to section 10, to modify it or to change it. The administration said it wanted the section. Is the same question to be raised again before the Armed Services Committee?

Mr. COOPER. Did the committee decide that the maintenance of section 10 in the bill was vital to the defense of the United States?

Mr. JACKSON. It was a matter of personal opinion on the part of the members of the committee. I, frankly, had serious doubt as to whether we could accomplish our objective by including section 10. In the last analysis, I came to the conclusion that the courts would have to decide the question. I knew if the section were to fall in a court of law, and the court held it unconstitutional, there was nothing Congress could do short of amending the Constitution of the United States.

Mr. COOPER. Mine is a practical question. Did the committee decide that control of, or power to control, the area of land in question by the Federal Government or by the President was necessary to the security of the United States?

Mr. JACKSON. No, there was no such decision. I believe the Joint Chiefs of Staff had that opinion. I believe there may be differences of opinion among the chief military minds on the question. I wish to point out that all 48 States are close to Russia. Alaska is close geographically, but all 48 States are close when we consider missiles and long-range bombers and the ability of scientists to reduce time and space.

Mr. COOPER. That is a general answer to my question. There is here involved the question of providing a particular kind of control over the area of land in Alaska under discussion. The very fact that it has been provided for

is the reason why the doubts and questions have been raised.

Mr. JACKSON. Let me answer the other part of the question first. Many of us felt, and I considered that our view was shared by the administration, that the President could do everything provided for in the section without section 10. The only point was that having section 10 in the bill might solve the problem of possible concurrent authority over the area by the new State and the Federal Government. That situation raises a constitutional question: Can Congress, as a condition of statehood, reserve exclusive jurisdiction over these lands? In all candor, I do not believe it has ever been attempted before. That does not mean it cannot be done. I do not know. I shall have to await a decision of the Supreme Court, should the question ever be raised. I think that is exactly where we stand.

Mr. SALTONSTALL. I think that is a very fair statement, and a statement with which I could be in hearty accord. What I want to do is make sure that the security of the Nation is safeguarded.

I should like to make a very brief statement, Mr. President, and then I intend to yield the floor, unless some Senator wants to ask a question. I desire to read to my colleagues on this side of the aisle, because the platform of our party has been quoted so much, the platform on statehood for Alaska, which says:

> We pledge immediate statehood for Alaska, recognizing the fact that adequate provision for defense requirements must be made.

My desire to have the bill referred to the Committee on Armed Services is to make sure that those requirements are met.

Mr. President, I hope the motion will prevail.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. STENNIS] to refer to the Armed Services Committee the pending measure with instructions to report back to the Senate within 20 days. On this question the yeas and nays have been ordered——

Mr. STENNIS. 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 motion of the Senator from Mississippi [Mr. STENNIS] to refer the pending bill to the Armed Services Committee with instructions to report it back within 20 days. On this question the yeas and nays have been ordered.

Mr. RUSSELL. Mr. President, I shall not delay the Senate. I merely wish to state that this is a matter of great moment and importance. I am always very reluctant to seek to have any bill sent to the Committee on Armed Services. Under ordinary circumstances we have as much legislation to handle as we can say grace over. However, this question is of paramount importance to the defense of the country. As I stated earlier in the afternoon in discussing the bill, I think the Senator from Mississippi is entirely justified in making the motion, and I shall be pleased to support it.

Mr. BUSH. Mr. President, I spoke on the bill earlier in the day, but I have listened with intense interest to the past few hours of debate, since the motion was made by the distinguished Senator from Mississippi to refer the bill to the Committee on Armed Services. I compliment him on that motion, and I compliment my good friend the Senator from Massachusetts for his presentation in favor of the motion.

The motion involves the security of the United States, which I feel, from reading the hearings, has not received adequate attention in connection with the entire question of admission of Alaska to statehood. Very grave doubts are expressed by some of the finest lawyers in the Senate, including the distinguished Senator from Ohio [Mr. LAUSCHE], the distinguished Senator from Mississippi [Mr. STENNIS], and the distinguished Senator from Georgia [Mr. RUSSELL] on the other side of the aisle, and on our side the able Senator from Kentucky [Mr. COOPER], and the distinguished Senator from Massachusetts [Mr. SALTONSTALL], who recently held the floor.

I think it is only fair to the people we represent that this question be reviewed by the Armed Services Committee. I do not believe there will be any tendency there to bottle up the bill. The glare of publicity is on this situation, as it should be, and the Armed Services Committee should act as promptly as possible to review the situation, as called for by the motion of the Senator from Mississippi, which I hope will prevail.

Mr. STENNIS. Mr. President, I do not propose to use more than a few minutes in very briefly reviewing the points originally made, with some slight reference to the points made by those in opposition to the motion.

This is merely a motion to refer the bill to the Armed Services Committee, to pass on the particular question involved in section 10, and report back to the Senate in not more than 20 days.

The sole purpose of the motion is to allow the committee to call such witnesses as it sees fit to call, and to go into the very vital question first raised by the President of the United States himself.

I am satisfied that section 10 is invalid and cannot possibly stand. Someone may ask, "What would the committee do?" or, "What substitute section would it offer that would protect the security of the United States?"

I should like an opportunity to study that question. I would propose leaving out this vast territory, because I am aware of facts which make it certain in my mind that this area can not be compared to any area in any State such as Rhode Island, or any other State.

The area involved is one of the most vital spots on the entire globe, offensively or defensively.

This concern is not mine alone. It originated with the President of the United States himself. I quote from his budget message of January 16, 1957:

> I also recommend the enactment of legislation admitting Hawaii into the Union as a State, and that, subject to area limitations and other safeguards for the conduct of defense activities so vitally necessary to our national security, statehood also be conferred upon Alaska.

Could there be more positive, clear-cut words than those? Certainly the President thinks something should be done. General Twining thinks something should be done in connection with this vital question. The committee thinks something should be done on this vital question, and has undertaken to do something about it, but in a section which, most unfortunately, it is pretty well agreed, cannot stand the constitutional test.

I shall not go into the precedents, but they are unanimous. There is no dissent, and no argument has been made against the clear-cut precedent of the Oklahoma case.

Section 10 is bound to fall. Where would that leave national security, without a substitute for section 10? The President of the United States says that the national security is vital, and that the Federal Government must have exclusive jurisdiction. General Twining says it is vital to have exclusive control of this very area. At the expense of repetition, I read again a part of a paragraph from his testimony:

> It is the view of the Department of Defense that these lands in the north and west of Alaska form an outpost so vital to the defense of our country that the power to vest their exclusive control in the Federal Government should be left in the hands of the Commander in Chief.

If there is not some kind of protection, all kinds of problems will arise, including the suspension of the writ of habeas corpus, moving people out, and a number of others, all of vital constitutional import.

The President of the United States is almost begging that we should not grant statehood without these vital and necessary controls. The chief of the military and his advisers are of the same opinion. It has been said that there is nothing involved but forest lands or lands like those in an Indian reservation or something like a military reservation in a State such as Rhode Island.

The President of the United States used the words I have quoted after the most careful thought and consideration on his own part, and legal and military advice. They cannot be brushed aside. The committee says something needs to be done. The motion represents merely an attempt to go into the very vitals of the question, and come back to the Senate with a specific report and perhaps some kind of recommendation.

I submit that to brush off this motion by saying that it is merely an effort to kill the bill, or some such argument as that, is to deny the import, the gravity, the seriousness, and the essential vitality of this question, as described by the President of the United States.

I hope the Senate will agree to the motion.

Mr. CHURCH. Mr. President, as a member of the committee on Interior and Insular Affairs, I urge Members of the Senate to vote against the motion to refer the bill to the Armed Services Committee.

In view of the fact that we are now in the second week of debate on the statehood question, I think there can be no question that if the bill is referred to the Armed Services Committee and remains there for 20 days, when it is returned to the floor of the Senate it will be extremely doubtful if it will be possible to enact statehood legislation, and the cause will be lost.

I ask the Senate to consider that what is at issue is one section of the bill which relates to the boundary lands in the northernmost and westernmost parts of Alaska. These are the icelands, the tundra lands. They are lands almost entirely owned by the Federal Government, and so sparsely populated that one can point to only 1 or 2 communities located in the area.

Much has been said about the constitutionality of section 10. I believe a cogent and strong argument can be made that section 10 is constitutional and will never fall. As the Senator from Washington has said, this is an unprecedented situation, and we are merely writing into the enabling act a condition whereby the President of the United States is given the right to withdraw from the Federal area land for military purposes, if he chooses to do so. That proposal, along with all the other proposals contained in the enabling act will be placed before the people of Alaska, and they will vote it up or down in a special election, which is provided for in the bill.

I submit it cannot be said definitely that the section is unconstitutional. Many cogent arguments can be made that it is constitutional. However, let us assume, as is contended by those who support the motion, that the Supreme Court will someday determine that section 10 is invalid in some particular regard. What will have been lost? The distinguished Senator from Mississippi asks if section 10 falls, where will our defense be? I will tell the Senate where our defense will be. It will be just where it is with respect to all the other 48 States of the Union.

I join in the powerful and potent statement made by the Senator from Rhode Island [Mr. PASTORE] a few minutes ago, that if we cannot trust the people of Alaska with concurrent jurisdiction, as we trust the people in all the other 48 States, then let us vote statehood down, because then the people of Alaska are not entitled to it, and it is obviously against the national interest to extend it to them. I do not believe that is the case. Therefore, I urge the Senate to vote down the motion and get on with the important business at hand, that of making the Territory of Alaska the 49th State in our Federal Union.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. STENNIS] to refer the bill to the Committee on Armed Services. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. JOHNSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that if present and voting, the Senator from Texas [Mr. YARBOROUGH] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Nevada [Mr. MALONE] is absent on official business.

The Senator from Vermont [Mr. FLANDERS] is absent because of death in the family.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from New York [Mr. IVES] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Maryland [Mr. BEALL] is detained on official business.

If present and voting, the Senator from Vermont [Mr. FLANDERS] would vote "nay."

The Senator from New York [Mr. IVES] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from New York would vote "yea" and the Senator from Maryland would vote "nay."

The Senator from Nevada [Mr. MALONE] is paired with the Senator from West Virginia [Mr. HOBLITZELL]. If present and voting, the Senator from Nevada would vote "yea" and the Senator from West Virginia would vote "nay."

The result was announced—yeas 31, nays 55, as follows:

YEAS—31

Bennett	Ervin	Revercomb
Bricker	Frear	Robertson
Bridges	Fulbright	Russell
Bush	Goldwater	Saltonstall
Butler	Johnston, S. C.	Schoeppel
Byrd	Jordan	Stennis
Cooper	Lausche	Talmadge
Curtis	Martin, Pa.	Thurmond
Dworshak	McClellan	Young
Eastland	Monroney	
Ellender	Mundt	

NAYS—55

Aiken	Hickenlooper	Morton
Allott	Hill	Murray
Anderson	Holland	Neuberger
Barrett	Hruska	O'Mahoney
Bible	Humphrey	Pastore
Capehart	Jackson	Payne
Carlson	Javits	Potter
Carroll	Kefauver	Proxmire
Case, N. J.	Kennedy	Purtell
Case, S. Dak.	Kerr	Smith, Maine
Chavez	Knowland	Smith, N. J.
Church	Kuchel	Sparkman
Clark	Langer	Symington
Cotton	Long	Thye
Dirksen	Magnuson	Watkins
Douglas	Mansfield	Wiley
Green	Martin, Iowa	Williams
Hayden	McNamara	
Hennings	Morse	

NOT VOTING—10

Beall	Ives	Smathers
Flanders	Jenner	Yarborough
Gore	Johnson, Tex.	
Hoblitzell	Malone	

So Mr. STENNIS' motion to refer the bill to the Committee on Armed Services was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion to commit was rejected.

Mr. KNOWLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment which would exclude from statehood the area withdrawn by section 10 of the bill and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 2, line 13, it is proposed to strike out the period and insert in lieu thereof a comma and the following:

Except for such portions of such Territory as are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and 5 miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and 5 miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and 5 miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

On page 5, beginning with the colon in line 20, strike out all to the period in line 23.

On page 9, beginning with line 5, strike out all through the period in line 18.

On page 19, beginning with line 6, strike out all through line 6 on page 24 and renumber the following sections accordingly.

Mr. BRIDGES. Mr. President, will the Senator yield so that I may ask a question of the acting majority leader?

Mr. THURMOND. I yield.

Mr. BRIDGES. Will the acting majority leader state to the Senate his intentions concerning the length of the session this evening?

Mr. MANSFIELD. It is my understanding that the Senator from South Carolina will offer two amendments, and that possibly the Senator from Mississippi [Mr. EASTLAND] will offer a motion to refer the bill to the Committee on the Judiciary. I understand that on these matters there will not be too much debate; however, I would not bet on that.

I should like to have the Senate remain in session, if it meets with the approval of the membership, until 9 or 10 o'clock, in an attempt to finish the bill tonight. If that cannot be done, then it is pro-

posed to have the Senate convene at 11 o'clock tomorrow morning.

Mr. BRIDGES. I thank the Senator from Montana.

Mr. THURMOND. Mr. President, I think statehood for Alaska at this time is unwise. However, if we are to pass a bill, then I should like to see passed a bill which is constitutional. That is the reason I am offering the amendment to eliminate section 10 from the bill. The amendment would eliminate a portion of the land which the President has a right to withdraw for national defense purposes.

One hundred and seventy-one years ago, a group of men dedicated to a single purpose gathered in the City of Brotherly Love and drafted a document which has proved to be the most practicable embodiment of democratic principles the world has ever known. I speak, of course, of those representatives of the Thirteen Original Colonies who were sent as delegates to a constitutional convention. The instrument which they prepared was the revered, but of late neglected, Constitution of these United States.

The draftsmen of the Constitution, in all probability, did not realize at that time what a great stabilizing influence their efforts would lend to the future republic which they sought to create. These were in large part the same men who had fought a difficult war. It was a war of rebellion—a war fought on their native soil. It was a destructive war, one which occasioned great waste of property and disastrous loss of life, both through battle casualties and from deprivation. The uppermost thought in the minds of these delegates was, therefore, to provide for the common defense.

In retrospect, we can understand that the 13 Colonies did not have too much in common at the opposite extremes of the geographical limits of the United States when composed of the 13 States. There were at that time even more differences in the mores of the people, ways of life and political opinions than there are in our own time.

Historians tell us that even within an individual colony, there was great conflict of opinion as to the advisability of the political course which the Colonies should follow upon the successful termination of the war of independence with England. The one thing the individual Colonies and the people within the Colonies had in common was a desire for mutual protection. This desire to establish a common defense was so prevalent and so uppermost in the minds of the colonists at that time that I believe we might call the Constitution a mutual-security agreement.

Mr. President, there can be no doubt that the Constitution of the United States was prompted primarily for purposes of defense. The impelling desire to establish a common defense overrode all other questions, even though many of the colonists had strong reservations concerning the delegation of even the limited powers granted to the Federal Government to implement this defense.

It is my firm opinion that except for the continually pressing need to provide for the common defense, the United States could not have remained united to this date. This is still the most compelling reason for the continuation of the Federal Government. For no other reason could the States tolerate the continuous encroachment on their sovereign powers by the usurpation-bent Federal Government. The bill for Alaskan statehood must be viewed in the light of national-defense considerations, above all. There can be no doubt that questions of national defense are raised by the pending bill. Section 10 of the bill establishes this without equivocation.

The testimony by Department of Defense officials indicates that the national defense question involved in the cession of jurisdiction to the proposed State of Alaska is sufficiently serious to warrant a recommendation by this Department of the executive branch of the Government of a procedure about which grave constitutional questions, to say the least, are raised. The Congressional committees involved were so concerned about the questions of national defense in the northern and western portions of the Alaskan Territory that they drafted and recommended the inclusion of section 10 of the bill. I may say, parenthetically, that when the national defense is concerned to this extent, the Armed Services Committees of Congress should, in my opinion, have been consulted.

As I have indicated earlier, I am wholeheartedly in agreement with providing first for the national defense, for that was the paramount reason for the formation of the United States in the first place. It seems to me, however, that if there is a conflict between the desire to provide for the national defense, on the one hand, and the desire to grant statehood to an incorporated Territory, on the other hand, if the conflict cannot be reconciled, the consideration of providing for the national defense should by all means prevail. I should like to add that when I speak of reconciling this conflict, I speak of reconciling it by constitutional means, and no other. The means employed in the bill, as set out in section 10 thereof, are, in my opinion, unconstitutional, in that they violate the equal-footing requirement.

The amendment I offer would resolve the conflict between the desire to grant statehood, on the one hand, and the desire to provide for the national defense by constitutional means, on the other. It would eliminate the controversial section 10 of the bill. The amendment would establish the boundaries of the proposed State of Alaska in such a way as to exclude the so-called withdrawal areas from the bounds of the new State. Jurisdiction of the so-called withdrawal areas would then unequivocably be retained in the United States. The proponents of the bill should find little difficulty in accepting this approach.

In fact, President Eisenhower himself has suggested an identical approach, as a solution of the problem now confronting us. Let me read an extract from the President's news conference of September 11, 1956, as taken from page 18 of the New York Times of September 12, 1956. Frank Hewlett, of the Honolulu Star-Bulletin, asked this question:

> Mr. President, the Republican platform calls for statehood for Hawaii and Alaska in the strongest terms ever used. Would you care to elaborate on the Alaskan plank which pledges immediate statehood for Alaska, and then add the words, "recognizing the fact that adequate provision for defense requirements must be made"?

The President answered:

> I think I have talked about this subject before this body time and time again. As far as Hawaii is concerned, there is no question. I not only approved of it in the 1952 platform, but time and time again I brought it before the Congress in the terms of recommendations. Alaska is a very great area; and there are very few people in it, and they are confined almost exclusively to the southeastern corner. Could there be worked out a way where the defense requirements could be retained—I mean, the areas necessary to defense requirements could be retained—under Federal control in the great outlying regions, and a State made out of that portion in which the population is concentrated, it would seem to me to be a good solution to the problem. But the great and vast area is completely dependent upon the United States for protection, and it is necessary to us in our defense arrangements.

The distinguished junior Senator from Idaho [Mr. CHURCH] has, during the course of the debate, described the withdrawal area as "barren tundra land." I thoroughly agree with that description. Generally, the areas which, under my amendment, would be excluded from the State, include southwestern Alaska, the southern half of the Alaska Peninsula, the Aleutian Islands, and the so-called northern country.

I agree with the junior Senator from Idaho that it is improbable that the State of Alaska will select from the lands which the United States has so graciously and magnanimously tendered to it any appreciable amount of these largely useless parcels of real estate. This would be even more true if the mineral rights were not included with the proposed giveaway of these lands.

We should also note that the majority of the lands which under my amendment, would be excluded from the boundaries of the proposed State, are sparsely settled, and understandably so. Much of this territory is north of the timber line, and vegetation is practically non-existent there. Although there is a wide range of temperature during the various seasons of the year, the thaw in summer never extends quite as deep into the tundra as did the previous winter's freeze.

Mr. President, the liabilities of this area to the proposed State far outweigh the advantages. I can see no reason why this area, desolate for the most part, should be included within the boundaries of the proposed State. I reiterate that my amendment would resolve in a clearly constitutional manner the difficult question presented by national-defense considerations. I urge the Senate to adopt this modification in the statehood bill.

I realize that some think that the adoption of this or any amendment might mean that final action on Alaskan statehood could not be completed during

this session. In my opinion, the amendment might delay final action on the bill, because if the bill is amended now, it will have to go to conference. In all good conscience, however, I sincerely urge the proponents of the bill not to be carried away by their exuberance at the thought of reaching a long-sought goal. Once the proposed step is taken, it will be irrevocable. It is one which has been considered by the Congress for a number of years. A prudent approach, even though it requires more patience, is more advisable than hasty and regrettable action.

Mr. President, this amendment is very important.

I believe that if the amendment is adopted, it will, first, make the bill constitutional; and, second, reserve to the Federal Government the areas which the Federal Government has said it needs for national-defense purposes.

Mr. President, on the question of agreeing to my amendment, I ask unanimous consent for the yeas and nays.

The PRESIDING OFFICER. (Mr. JORDAN in the chair.) Is there objection? Without objection, the yeas and nays are ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. JOHNSON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH], are absent on official business.

I further announce that if present and voting, the Senator from Wyoming [Mr. O'MAHONEY] would vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Texas would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Nevada [Mr. MALONE] is absent on official business.

The Senator from Vermont [Mr. FLANDERS] is absent because of death in the family.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from New York [Mr. IVES] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Maryland [Mr. BEALL] and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

If present and voting, the Senator from Vermont [Mr. FLANDERS] would vote "nay."

The Senator from New York [Mr. IVES] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from New York would vote "yea" and the Senator from Maryland would vote "nay."

The Senator from Nevada [Mr. MALONE] is paired with the Senator from West Virginia [Mr. HOBLITZELL]. If present and voting, the Senator from Nevada would vote "yea" and the Senator from West Virginia would vote "nay."

The result was announced—yeas 16, nays 67, as follows:

YEAS—16

Bridges	Johnston, S. C.	Stennis
Butler	Jordan	Talmadge
Byrd	Martin, Pa.	Thurmond
Eastland	McClellan	Young
Ellender	Robertson	
Ervin	Russell	

NAYS—67

Aiken	Goldwater	Monroney
Allott	Green	Morse
Anderson	Hayden	Morton
Barrett	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bible	Hill	Neuberger
Bricker	Holland	Pastore
Bush	Hruska	Payne
Capehart	Humphrey	Potter
Carlson	Jackson	Proxmire
Carroll	Javits	Purtell
Case, N. J.	Kefauver	Revercomb
Case, S. Dak.	Kennedy	Saltonstall
Chavez	Kerr	Smith, Maine
Church	Knowland	Smith, N. J.
Clark	Kuchel	Sparkman
Cooper	Langer	Symington
Cotton	Lausche	Thye
Curtis	Long	Watkins
Dirksen	Magnuson	Wiley
Douglas	Mansfield	Williams
Dworshak	Martin, Iowa	
Frear	McNamara	

NOT VOTING—13

Beall	Ives	Schoeppel
Flanders	Jenner	Smathers
Fulbright	Johnson, Tex.	Yarborough
Gore	Malone	
Hoblitzell	O'Mahoney	

So Mr. THURMOND's amendment was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KNOWLAND. 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 California to lay on the table the motion of the Senator from Washington to reconsider.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment 6-25-58-D, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 19, line 8, after "proclamation" it is proposed to insert "approved by a concurrent resolution of the Congress."

On page 20, line 10, strike out "issuance of" and insert in lieu thereof "effective date of the concurrent resolution approving."

On page 22, line 8, strike out "by Executive order of proclamation" and insert in lieu thereof "in accordance with this section."

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. THURMOND. Mr. President, the portion of the bill which I seek to amend is section 10, which begins as follows:

> The President of the United States is hereby authorized to establish by Executive order or proclamation one or more special national-defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

Mr. President, I object strongly to lodging in one individual the power thus to shrink a sovereign State by withdrawing from its jurisdiction vast portions of its territory. For the Senate to pass a bill which would subject a State, ultimately any State—South Carolina, New York, California, or Nebraska—to the whim of one man in so important a respect would be, to say the least, most unwise.

I also have grave doubts that section 10 is constitutional. There is a constitutional requirement that new States be taken into the Union on equal footing with old States. I refer the Senate to the case of *Coyle* v. *Oklahoma* (221 U. S. 559) and other cases which I cited to this body on Friday.

Now I ask, Mr. President, could Alaska possibly be considered to be on equal footing with the other States if the Federal Government were given this extraordinary power of withdrawing up to half the State from State jurisdiction? And, Mr. President, I do not speak of any mere condemnation or eminent domain power, but of this new concept of national-defense withdrawal, whereby the Government would acquire not just a property right in the land under consideration but dominion also, with exclusive power in the legislative, judicial, and executive fields.

Obviously this glaring inequality between the status of Alaska and the status of the other States would violate the constitutional requirement of equal footing. Some may ask, "if I am so sure that the section is unconstitutional, why do I bother to submit an amendment? Why not simply wait for the Supreme Court to strike this section down?"

The reason is this: I am not at all sure that the Supreme Court would strike it down. Let us assume—and I realize this is perhaps a rash assumption to make these days, but still let us assume—that the Court will make at least a pretense of following the Constitution. Proceeding upon this assumption, I do not feel that the Court could completely ignore this glaring violation of the equal-footing doctrine. However, that does not mean that the Court would necessarily strike out section 10 granting the Federal Government this power of withdrawal.

I have a strong suspicion, Mr. President, that the Court may go about the problem in this way: Instead of restoring equal footing between the States by invalidating the withdrawal provision in the case of Alaska, the Court might simbly extend the principle of the withdrawal power to cover the present 48 States as well as Alaska. That would restore the situation of equal footing.

Is this a fanciful worry, Mr. President? Is it inconceivable that even the present Supreme Court would do such a thing? I do not think it is inconceivable, for this reason: This is a question involving State jurisdiction and State powers versus Federal jurisdiction and Federal powers. And where such an issue is at stake, the tendency of the Supreme Court is to try in every way possible to find a solution which will favor Federal encroachment on the States, rather than to reach a conclusion which would result in protecting the States from encroachment. This conclusion is not sim-

ply the bitter and cynical remark of one who has been alarmed by the Court's decisions of the past 3 or 4 years. This is a tendency which has been noted for a very long time. This tendency on the part of the Court to favor the Federal Government at the expense of the States began very early in our history. Thomas Jefferson saw the beginning of this process of usurpation by the Federal judiciary; he feared its ultimate result, and he expressed his fears as follows:

> There is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court.

With prophetic vision, the great Virginian warned further that the germ of dissolution of our Federal system lies in the Federal judiciary, "working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one."

Jefferson's description of the process and methods of judicial usurpation is truly remarkable. It could well have been written today. These are his words:

> The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our Confederated Republic. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet. * * * They skulk from responsibility to public opinion. * * * An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge who sophisticates the law to his mind, by the turn of his own reasoning.

Or, Mr. President, to sum the situation up in a few words, we might remember the conclusion reached by Professor Walter F. Dodd, one of America's most distinguished authorities on constitutional law. Writing in the Yale Law Journal—the citation, for all who may be interested, is 29 Yale Law Journal 137—1919—in an article entitled "Implied Powers and Implied Limitations in Constitutional Law," Professor Dodd declared:

> The Court is an organ of the National Government, associated with that Government, and has in the long run shown a disposition to support national powers.

Professor Dodd was not mistaken in his conclusion. Nor did it take any great constitutional expert or genius to comprehend the truth of that which Professor Dodd was stating. One of the very basic axioms of Anglo-Saxon law is the rule that "No man shall be judge in his own cause." The justice of this rule can hardly be denied, for a man judging in his own cause is rather likely, to say the least, to favor himself. Does it not follow then, that if, in a dispute involving the rights of a State versus the rights of the United States, a branch of the United States Government is permitted to be the judge, the rights of the United States are in the long run going to be upheld, rather than the rights of the States?

The answer to this question is too obvious, Mr. President, especially in view of the record of anti-State, pro-Federal Government decisions by the Supreme Court to date. Equal footing would be interpreted by the Court to mean that the old 48 States must relinquish their sovereign rights to place them on an equal footing with the less-sovereign, new 49th State.

As a matter of fact, the Court was once before faced with a problem which is somewhat similar to this one. The question involved the rights of the Federal Government versus the rights of the States, and, although the Court had to perform some remarkable contortions to reach its conclusion, it reached a decision favorable to the Federal Government. I refer to the question of the extent of the Federal Government's right of eminent domain.

I am going to take a few moments to explain to the Members of this body just how it was that the Federal Government came to claim the unlimited power of eminent domain.

Mr. President, I should say, not how the Federal Government came to claim or acquire the right of eminent domain, but rather how the Federal Government overcame a constitutional limitation on its right of eminent domain.

If anyone today should challenge the Federal Government's right of eminent domain, he would probably be referred to the case of *Kohl* v. *The United States* (91 U. S. 367), a case decided in 1876. For example, in the famous steel seizure decision, *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U. S. 579), a case which dealt really with the secondary issue of seizure by the President without Congressional authorization, both Mr. Justice Douglas in his concurring opinion, and Mr. Chief Justice Vinson in his dissent, asserted, in passing, the existence in the Federal Government of the power of eminent domain. Both Douglas and Vinson cited as their authority, the Kohl case. Although there are sections in the Constitution which expressly or impliedly confer a power of eminent domain on the Federal Government, the Kohl case bases the Federal Government's right of eminent domain primarily on the theory that eminent domain is an incident of sovereignty.

Now, generally, the Court has rejected the idea that the United States possesses powers by virtue of its sovereignty rather than by specific constitutional grant. For example, in the case of *Kansas* v. *Colorado* (206 U. S. 46, (1907)), when counsel for the United States, as intervenor, urged upon the Court a doctrine of "sovereign and inherent" power, the Court replied as follows:

> But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the amendments. * * * This natural construction of the original body of the Constitution is made absolutely certain by the 10th amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the national Government might, under the pressure of a supposed general welfare, tend to exercise powers which have not been granted.

However, we need not argue at this point the question of whether the Federal Government can have sovereign and inherent powers; for, whether as an attribute of sovereignty or by constitutional grant, it seems clear that the Federal Government does possess the bare right to condemn for public use lands situated within a State.

But the real question is this: Is the Federal Government's right absolute, or is it restricted? Corpus Juris Secundum espouses the attribute-of-sovereignty theory and denies the necessity of constitutional grant. However, it goes on to say as follows—and I quote from volume 29, Corpus Juris Secundum, section 3:

> The right of eminent domain is not conferred, but may be recognized, limited, or regulated by constitutions.

According to the Constitution, the Federal Government's right of eminent domain is limited, and very severely limited, by two provisions. One of these is in the body of the Constitution, and the other is in an amendment. The amendment to which I refer is, of course, the fifth. The limitation expressed therein is well recognized and has for the most part been faithfully observed. It reads:

> "nor shall private property be taken for public use, without just compensation."

Let me interject here, Mr. President, the observation that the fifth amendment of course does not in any way supersede, but only supplements, the other limitation, which I am about to mention, on the Federal Government's right to acquire lands within a State.

But the other provision in question, Mr. President, the one in the body of the Constitution itself, most definitely has not been faithfully abided by. As a matter of fact, it has been nullified, its meaning subverted by a trick of word-juggling, or Constitution-twisting, as brazen as any ever attempted by our Supreme Court.

Mr. President, what is this limitation within the main body of the Constitution, on the Federal Government's right of eminent domain? I shall read this limitation, which, while stated indirectly, is stated perfectly clearly. The provision, found in article I, section 8, reads as follows:

> The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

What that section says is—leaving aside the portion which refers to the acquisition of the District of Columbia—that the Congress is given the power of

exclusive jurisdiction over such lands within the States as may be acquired, for the stated purposes, by the Federal Government—such acquisition being dependent upon the consent of the legislatures of the affected States.

In the face of this clear constitutional clause, it seems almost unbelievable that any jurist could ever have asserted that there are other ways in which the Federal Government could acquire lands within a State. Can it be seriously contended that the words "by the consent of the legislature"—placed directly after the word "purchased" and modifying it—would have been inserted if the Framers had intended that the Federal Government should also possess the power to acquire such lands without the consent of the State legislature? The men who framed the Constitution were not in the habit of wasting words, nor did they insert words for no purpose. They meant that what lands the Government may need for the stated purposes could be purchased with the consent, and only with the consent, of the legislature of the affected State.

Mr. President, this is beyond dispute. This intention of the Framers can be shown by the Madison papers. The consent provision was missing from the original draft, and it was inserted specifically to give the States the right to veto Federal land acquisition. I shall now read from Madison's Reports of Debates in the Federal Convention to prove my point:

So much of the fourth clause as related to the seat of Government was agreed to, nem. con.

On the residue, to wit, "To exercise like authority over all places purchased for forts, etc."

Mr. Gerry contended that this power might be made use of to enslave any particular State by buying up its territory, and that the strongholds proposed would be a means of awing the State into an undue obedience to the General Government.

Mr. King felt, himself, the provision unnecessary, the power being already involved; but would move to insert, after the word "purchased," the words, "by the consent of the legislature of the State." This would certainly make the power safe.

Mr. Gouveneur Morris seconded the motion, which was agreed to, nem. con.; as was then the residue of the clause, as amended.

Mr. President, those quotes are taken verbatim from Madison's Reports of Debates in the Federal Convention. They show clearly that the Federal Government's power to purchase land within a State was strictly dependent on consent by the State. But listen, Mr. President, to how the Supreme Court now interprets this clear mandate of the Framers. I shall quote briefly from the case of *James* v. *Dravo Contracting Co.* (302 U. S. 134 (1937)):

It is not questioned that the State may refuse its consent and retain jurisdiction consistent with the governmental purposes for which the property was acquired. The right of eminent domain inheres in the Federal Government by virtue of its sovereignty and thus it may, regardless of the wishes either of the owners or of the States, acquire the lands which it needs within their borders. * * * In that event, as in cases of acquisition by purchase without consent of the State, jurisdiction is dependent upon cession by the State, and the State may qualify its cession by reservations not inconsistent with the governmental uses.

We can see what has happened, Mr. President. The phrase "by the consent of the Legislature" has been bodily lifted from its position after the word "purchased"—which word it was clearly intended to modify, as demonstrated in the Madison papers—and has been made instead to modify the phrase "exercise like authority." In other words, Mr. President, according to the Court, the provision now reads: "The Congress shall have power to exercise exclusive legislation, provided the State legislature consents thereto, over such lands as may be purchased for the erection of forts, magazines, and so forth."

This is quite a change in meaning. Naturally, the idea of State consent as a prerequisite to the Federal Government's acquisition of necessary lands was intolerable to the advocates of consolidation and national supremacy. Yet they could not ignore completely the existence of the passage beginning with the words "by the consent." Their only alternative was simply to juggle the clause to suit themselves—which they did. The new line was laid down by Mr. Justice Strong in the *Kohl* case. Here is what he said:

The consent of a State can never be a condition precedent to its (the power's) enjoyment. Such consent is needed only, if at all, for the transfer of jurisdiction and of the right of exclusive legislation after the land shall have been acquired.

Mr. Justice Field laid bare the process by which, without any amendment, this constitutional limitation on Federal power was subverted and brazenly given a different meaning, one that was harmless to the concept of national supremacy. In the case of *Fort Leavenworth Railroad Co.* v. *Lowe* (114 U. S. 525), Field described the change that came about in the matter of eminent domain. He did not seem to express approval of the change and, in fact, some of the language in his dissent in the Kohl case indicates that he had some doubts about Justice Strong's sweeping assertion. In this Fort Leavenworth case, decided in 1885, Field wrote as follows:

This power of exclusive legislation is to be exercised, as thus seen, over places purchased, by consent of the legislatures of the States in which they are situated, for the specific purposes enumerated.

It would seem to have been the opinion of the Framers of the Constitution that, without the consent of the States, the new Government would not be able to acquire lands within them; and, therefore, it was provided that when it might require such lands for the erection of forts and other buildings * * * and the consent of the States in which they were situated was obtained for their acquisition, such consent should carry with it political dominion and legislative authority over them. Purchase with such consent was the only mode then thought of for the acquisition by the General Government of title to lands in the States.

Mr. President, here is Mr. Justice Field's description of the metamorphosis of this constitutional limitation:

Since the adoption of the Constitution this view has not generally prevailed. Such consent has not always been obtained, nor supposed necessary, for the purchase by the General Government of lands within the States. If any doubt has ever existed as to its power thus to acquire lands within the States, it has not had sufficient strength to create any effective dissent from the general opinion. The consent of the States to the purchase of lands within them is, however, essential, under the Constitution, to the transfer to the General Government, with the title, of political jurisdiction and domain. Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the purposes of the Government, is subject to the legislative authority and control of the States equally with the property of private individuals.

Thus, Mr. President, did the consolidationists overcome the view held by the Framers that the Federal Government could acquire lands within a State only by consent of the State. They simply interpreted the consent provision as modifying "exercise like authority" instead of the word "purchased," which it did in truth modify. One can easily see the motive of the consolidationists: They had, at any cost, to get rid of the rule of State consent as a prerequisite to Federal acquisition of land, for they knew that this doctrine of State consent was a powerful weapon by which the States could resist that centralizing trend promoted by the Federalists.

This was perhaps the most flagrant, the most outrageous, of all the many examples of the Court's Constitution-twisting. I submit that a Supreme Court which is capable of this feat which I have described is certainly capable of extending the principle of national defense withdrawal from Alaska to all the States, especially since it could do so on the specious excuse of upholding the equal footing requirement of the Constitution. In fact, Mr. President, such a Supreme Court is capable of absolutely anything.

This is why I do not feel that we here in the Senate should shirk our duty and simply permit the Supreme Court to pass on the validity of this withdrawal clause later. Since the Supreme Court is likely to extend the withdrawal power to cover all the States, in the event this bill is passed, it is up to us in the Senate to erect as many safeguards as possible around this withdrawal power.

I hope Senators will note that my amendment does not propose to delete completely the section authorizing defense withdrawals. I am not unaware of the importance of Alaska to our national defense. In fact, I so fully realize just how vital Alaska is that this is another reason why I oppose statehood: I feel that Alaska—and I mean all of Alaska, not just this section within the withdrawal zone boundaries—is so crucial to our defense against Soviet Russia that it should be regarded as a military frontier area in which national security considerations must govern in every case.

I am only proposing, Mr. President, that this authority in the executive to decimate a sovereign State be, in each case, contingent upon the approval of this body and the House of Representatives. As I have already said, I do not consider it wise to leave a matter which

could be so overwhelmingly disastrous to a State or its people to the discretion of a single individual. I feel that the Congress, and this body especially, should have the final say in any such move. I feel so strongly about this that it is my belief that we, the Members of this body, will be derelict in our duty if we surrender our States to the whim of the Executive by failing to amend this section.

After all, Mr. President, this body is peculiarily the representative of the States collectively; and the individual Members of this body are the representatives of their respective States. Are we not, therefore, dutybound to take whatever precautionary step is necessary to withhold from one man the power to destroy, in effect, any one or more of these States which we represent?

Or is it the feeling of some of the Members that the States no longer really matter? This may be the feeling of a few, I suppose, who regard the States as little more than convenient election districts within the framework of an all-powerful monolithic national structure.

But, Mr. President, although some may wish it so, and some even make it so in practice, the Constitution does not provide for United States Senators to be primarily representatives of interstate social and economic groups. The Constitution never envisioned, and never provided for, a United States Senator from the CIO, or from the NAM, or from the ADA, nor even from the liberal establishment as a whole.

The Constitution, Mr. President, provided that Senators should represent States. The Constitution still requires a United States Senator to be, first and foremost, a representative of his State—his State as an entity, not merely as the geographical locality inhabited by a varied number of individuals and by portions of nationwide social and economic interest groups.

It is important that we remember this fact, that Senators represent States, because it is something often lost sight of. Many people have the mistaken notion that, in some manner, the 17th amendment changed the relationship of the United States Senator to his State. This the amendment did not do, and in fact, could not do, even had it purported to do so.

The 17th amendment only changed the method by which a State selects its representatives in the United States Senate.

Prior to the adoption of this amendment, Senators were elected by the legislatures of the States. Since the adoption of the 17th amendment, they have been elected by direct popular vote. This is a fact of which everyone in this Chamber is quite well aware.

What change could be wrought in the relationship between a Senator and his State by the fact that his election is now by the people of the State instead of by the legislature? Obviously, there has been no change; yet it is not surprising, perhaps, that some people have gained this false impression. From the earliest days of this Republic, the enemies of States rights and local self-government have sought, often successfully, to implant in the popular mind the notion that there is some great opposing distinction between the concept "the State" and the concept "the people." The corollary to this strange notion is that the terms "the people" and "the United States" are identical or interchangeable. It is this same notion that the States and the people are in opposition to each other which is perhaps responsible for the idea that the 17th amendment changed the basic concept of what a United States Senator represents.

A State can act through other agencies than its legislature. The State legislature is not the State. In fact, the State government as a whole—legislature, executive, and judiciary combined—does not constitute the State. The State is greater than its government. And thus the State is not limited to acting through its government, or through any particular branch thereof. The State can act through its people, either in convention assembled or by direct popular election.

In fact, "the people," far from being in contra-distinction to the State, is the State, acting in its highest sovereign capacity. Thus the contention that, since the 17th amendment, a United States Senator has represented the individuals within a State rather than the State as an entity, is false. The switch from election by the State's legislature to election by the State's people was a change in method only—it did not affect the fundamental fact that a United States Senator, is, first and foremost, the representative of his State.

Obviously, Mr. President, the 17th amendment could not affect this relationship between State and Senator. No amendment could affect it. For this relationship between Senator and State is clearly set forth in the Constitution, in a clause which is unamendable, and which reads as follows:

Provided, * * * that no State, without its consent shall be deprived of its equal suffrage in the Senate.

Mr. President, the word which appears in that unamendable clause is "State." Not "people of the State," not "people of the United States," not "the United States," but "State." "No State, without its consent, shall be deprived of its equal suffrage in the Senate." Thus it can clearly be seen that, according to the Constitution, United States Senators are, first and foremost, the representatives of their respective States.

As such, Mr. President, it is our bounden duty to protect the integrity of our States. This duty is a solemn one, of the nature of trustee's duty to his cestui que trust. This body should therefore be the last, Mr. President, to hand over to the Executive the power to annihilate a State, which is just what section 10 of this Alaska statehood bill would do.

My amendment proposes that, before the President can take this step of, in effect, depriving a State of great portions of its territory, this body, the Senate of the United States, and the House of Representatives, shall first give their consent. I believe this is asking only a little to protect so much.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered en bloc by the Senator from South Carolina [Mr. THURMOND].

The amendments were rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER (Mr. CHURCH in the chair). The Senator from Mississippi.

Mr. EASTLAND. Mr. President, I had intended to submit a motion to refer the bill to the Committee on the Judiciary. I think such a motion would be useless in view of the votes previously taken in the Senate. I am not going to make the motion, but I ask unanimous consent that my speech be printed in the RECORD.

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

STATEMENT BY SENATOR EASTLAND ON MOTION TO REFER H. R. 79999 AND S. 49 TO SENATE JUDICIARY COMMITTEE

I now move that H. R. 7999 and S. 49 be referred to the Senate Judiciary Committee for consideration for the reasons herein to be assigned:

S. 49, which is now on the Calendar of the Senate, is similar in many respects to H. R. 7999, now under consideration. S. 49 was considered solely and alone by the Senate Committee on the Interior of the United States Senate. The proposed Senate bill was the subject of only 2 days' hearing before this committee. H. R. 7999 is being taken directly from the Calendar of the Senate without any referral to any committee for consideration.

The House bill contains 37 pages. The Senate bill contains 44 pages. Bills containing 37 and 44 pages, respectively, are not easily read nor understood by a Member of the Senate who has not been directly involved in its hearings and consideration before the committee which reported it, but each of us has a responsibility to those he represents to study the measure to the best of his ability and to seek to determine the wisdom of its enactment.

The Judiciary Committee of the United States Senate is, as all Senators appreciate, composed entirely of lawyers. It has often been referred to by Members of the Senate as the legal arm of the Senate. As a committee, it has often been called upon to pass upon the substance of legal issues appearing in legislation to which other committees may have had some claim of jurisdiction. Before I have finished, Mr. President, I will show just how intimately these bills relate to the activities of the Judiciary Committee of the United States Senate.

Under paragraph 7 of the jurisdiction of the Senate Committee on Interior and Insular Affairs, as it appears in the Legislative Reorganization Act of 1946, that committee is given jurisdiction of "measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations." This seems to me to be the sole provision which serves to give the Committee on Interior and Insular Affairs a claim to jurisdiction over measures relating to the admission into the Union of any Territories, or, in particular, Hawaii and Alaska.

Measures relating to statehood, however, are comprehensive in their scope, and as I examine this bill I have discovered that in at least eight instances it presents questions which are clearly within the jurisdiction of the Committee on the Judiciary.

It may serve to clarify this point if I cite the paragraphs in the Legislative Reorganization Act of 1946, which I deem applicable:

(1) Judicial proceedings, civil and criminal, generally.

* * * * *

(3) Federal courts and judges.

(4) Local courts in the Territories and Possessions.

* * * * *

(10) State and Territorial boundary lines.

(11) Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

(12) Civil liberties.

* * * * *

(15) Immigration and naturalization.

(16) Apportionment of Representatives.

These eight jurisdictional paragraphs which I have set forth comprise about one-half of the jurisdictional items which have been committed to the jurisdiction of the Committee on the Judiciary.

My study indicates that each one of them in some measure is affected by this legislation which proposes to authorize the admittance of a Territory into the Union as a State. Each of these involve subjects which are ordinarily committed to the Committee on the Judiciary. That committee is most familiar with the problems which arise in connection with each of them. No other committee, from a legal or practical standpoint, is so well qualified to examine legislation within those fields. I do believe, therefore, that when bills involve so many matters within the jurisdiction of a committee as these statehood bills do that of the Committee on the Judiciary, that the committee should be permitted opportunity to examine their provisions and report to the Senate concerning their effect on, or compliance with, the laws within those respective fields.

In the consideration of this legislation, it is important to remember that we are not only passing an enabling act but we are also confirming, ratifying and accepting a constitution supposedly adopted by the residents of the Territory of Alaska. The last clause of section 1 of each of these bills so provides. The constitution which the bills thus purport to ratify have provisions which need to be reexamined, and I believe that the proper committee to perform that reexamination is the Judiciary Committee of the United States Senate.

I, therefore, move that H. R. 7999 and S. 49 be referred to the Senate Judiciary Committee based on the reasons assigned in my previously made points of order and these additional grounds.

1. MATTERS RELATING TO STATE AND TERRITORIAL BOUNDARY LINES ARE PROPERLY WITHIN THE JURISDICTION OF THE SENATE JUDICIARY COMMITTEE

Section 2 of S. 49 and section 2 of H. R. 7999 also provide that the State of Alaska shall consist of all the territory together with the territorial waters appurtenant thereto.

You may recall that one of the items of the jurisdiction of the Committee on the Judiciary to which I referred a moment ago is that related to State and Territorial boundary lines. As far as I have been able to determine, there has been no definitive description of the boundaries of the proposed State, either in its constitution or in the enabling act itself. There is no metes and bounds description, or any other adequate description, to show the boundaries of the new State of Alaska. This is a very serious omission. I have not been able to determine whether it has any parallel in our Nation's history. I do know that in many instances the specific boundaries were set forth in the enabling acts themselves. I think it is infinitely more important that it be incorporated in the enabling act where, as here, the Territory proposed to be admitted is not adjacent to or contiguous to any other State or any other Territory of the United States. Indeed, it seems to me imperative that such a description be given where, as here, the area adjoins the land of another nation and its waters abound that of still another nation.

The distance that the boundaries of this proposed State of Alaska extend seaward, with their nearness to Russian territory, is a serious matter and one that should be given the most careful scrutiny. Since there is no description of the actual boundaries, I, for one, am unable to determine just how far the territorial waters of the proposed State of Alaska may extend.

Section 8 (b) of S. 49 reads as follows:

"(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election help pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) The boundaries of the State of Alaska shall be prescribed in the act of Congress approved (date of approval of this act), and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States."

This provision of the act is deceptive for the boundaries of the proposed State of Alaska are not prescribed by this act. The only thing that can be said is that there is a general reference in section 2 that the State of Alaska shall consist of all the territory now included in the Territory of Alaska. There is no citation to any section of the law where the Territory of Alaska is set forth.

Section 21 of title 48 of the United States Code, it is true, says that the Territory ceded to the United States by Russia by the treaty of March 30, 1867, shall constitute the Territory of Alaska. Ultimately, when reference is made to the Treaty of Russia there is finally a description given of the boundaries of the area ceded. Thus, so far as section 8 is concerned, the boundaries are not prescribed in the act; they are not even incorporated directly by reference. About the best you can say is that they are incorporated indirectly by reference. I think it would have been better to have stated the boundary of the new State of Alaska in the bill, but my purpose in raising this question at this time is to show the need for referral of this bill to the Judiciary Committee in order that it may perform the functions which the Congress of the United States previously committed to it.

2. MATTERS RELATING TO APPORTIONMENT OF REPRESENTATIVES ARE PROPERLY WITHIN THE JURISDICTION OF THE SENATE JUDICIARY COMMITTEE

Section 9 of this bill also contains material which directly crosses the lines of jurisdiction of the Judiciary Committee of the Senate. You may recall from my earlier reading of it that item 16 of section 102 (k) of the Legislative Reorganization Act of 1946 grants to the Judiciary Committee jurisdiction over measures or bills relating to apportionment of Representatives. Under the provisions of section 9, the State of Alaska is granted, upon its admission, one Representative until the taking effect of the next reapportionment, and then this section further provides that "such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law." This, in effect, amounts to an apportionment, since it enlarges temporarily the number of persons entitled to serve in the House of Representatives. This, of course, has the incidental effect of adding an electoral vote to the 1960 election which will not be present in succeeding electoral votes unless the provision made in the enabling act is made permanent by later statute. I believe that it would be beneficial to the Senate of the United States to have the findings and opinions and recommendations of the Senate Judiciary Committee on the efficacy of this approach to the matter of adding an additional Representative to the House of Representatives. It may be that the method provided is the best one which can be adopted under the circumstances. However, it may also be possible to take care of the additional Representative by making an appropriate decrease in the representation afforded some other State of the Union.

3. MATTERS RELATING TO FEDERAL COURTS AND JUDGES ARE PROPERLY WITHIN THE JURISDICTION OF THE SENATE JUDICIARY COMMITTEE

Now let me turn to section 12 of S. 49 and its counterpart, section 12 of H. R. 7999. The effect of these two sections will be to establish in the proposed State of Alaska a United States district court. The bills provide that the State of Alaska shall constitute one judicial district, with court to be held at Anchorage, Fairbanks, Juneau, and Nome. The bills further provide that the judicial district of Alaska shall be afforded one United States district judge. As you will recall, I cited the judicial items assigned to the Judiciary Committee of the Senate earlier in these comments, and I again cite items 3 and 4 of that jurisdiction, item 3 being Federal courts and judges, and item 4 being local courts in the Territories and possessions.

Ever since the Legislative Reorganization Act was passed, every new judgeship created, every district created or abolished, every division authorized or abolished, and proposals for the establishment of new circuits, have consistently come to the Committee on the Judiciary for its study and recommendations. There has been, so far as I know, no exception to this procedure.

Let me point out that there now exists the district court for the Territory of Alaska, the subject matter of which is clearly within the jurisdiction of the Committee on the Judiciary under item 4 of its jurisdiction. All of the nominations of the judges who have been appointed have come to the Judiciary Committee for its recommendation in the matter of confirmation. This has also been true of the United States attorneys and the United States marshals for the Territory of Alaska. Here we have a section of a statehood bill which deals with legislation that is without any question within the province of the Committee on the Judiciary. As you all know, the present United States District Court for the Territory of Alaska is a term court, with four judges sitting in the various divisions of that court. Again, I emphasize the fact that this is a territorial court and a term court, meaning that the judges are appointed, nominated, and confirmed for a specific term of time. The legislation as contained in section 12 of both H. R. 7999 and S. 49 will, in effect, provide for the abolishment of the territorial court and establish in lieu thereof a constitutional court wherein the judge shall have tenure on good behavior under the Constitution of the United States. Further, under the terms of these sections, the judicial district of Alaska is limited to one judge although the territory to be served remains the same and the extent of the caseload remains to be determined.

I have no quarrel with the manner in which the proposed judicial system is set up, and it may be quite possible that it is in good form and technically correct. However, I must insist that the whole subject matter contained in these sections is the business of the Judiciary Committee of the Senate, and I do not believe that legislation of this type should be approved by the Senate until such time as the Committee on the Judiciary has been able to consider the matters therein contained and has submitted its report to the Senate. The question of abolishing a territorial term court and sub-

stituting therefor a constitutional court, with a judge to be appointed for good behavior, is a major step and a matter to which the Senate is entitled to have the views of the Committee on the Judiciary.

4. MATTER PERTAINING TO THE PROCEDURE OF COURTS IS PROPERLY WITHIN THE JURISDICTION OF THE SENATE JUDICIARY COMMITTEE

Sections 13, 14, 15, 16, 17, and 18 of S. 49, as well as sections 13, 14, 15, 16, 17, and 18 of H. R. 7999, all deal with matters pertinent to the procedure of the courts. These sections apply to the transfer of cases pending and undetermined, and appeals therefrom as to where they shall be taken and under what circumstances, and all of the matters incident thereto, which should necessarily be ironed out before the proposed State court and the proposed United States district court are set up, if they are to function properly. I note that section 18 of both bills contains the following language:

"The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section."

Under the provisions of this section, the United States District Court for the Territory of Alaska shall cease to function 3 years after the effective date of this act unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this act, is prepared to assume the functions imposed upon it; and during such period of 3 years, or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore.

Let us assume that the full 3 years after the enactment of this act are required in order to prepare for the United States District Court for the District of Alaska to assume the functions imposed upon it. During that period of time we have the anomalous situation of the Territory of Alaska having been made a State, with a Territorial court still in existence. Further, under section 18 of S. 49, it is stated that the provisions of this act relating to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until 3 years after the effective date of the act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established by such act, is prepared to assume the functions imposed upon it. The bill further provides that the United States District Court for the Territory of Alaska may continue its functions concerning matters to come under the jurisdiction of the courts of the State of Alaska until such time during the period provided for its existence that the Governor of Alaska shall certify to the President that the courts of the State of Alaska are prepared to assume the functions imposed upon them. As I stated before, from the standpoint of the Federal Government, here is a case where we have established a State by this act and possibly for 3 years thereafter the judicial system is administered by a Territorial court, or until the United States district court may assume its functions, and, in addition to that, we have established a State, admitted it to the Union, and the functions of the State courts are administered and exercised by a United States Territorial court. In reality, it would appear that there is a State created, with judicial power, but having no judicial system. Its judicial power—and, therefore, a part of its sovereignty—is committed to Federal courts for a period after its creation. What is the precedent for this? What are its ramifications so far as our Federal-State system is concerned? I feel a committee charged with responsibility in matters of this nature should not only be allowed, but required, to give its advice and recommendations to the Senate for enlightenment in this field.

Another matter to be considered in regard to the courts is related to the eventual abolition of the United States District Court for the Territory of Alaska. As I have stated before, these are term courts. Let us suppose, therefore, that the 3 year limitation expires, and when it expires one or more of the judges now serving the presently existing District Court for the Territory of Alaska still has a balance of his term to serve but is prevented from doing so by reason of the 3-year limitation placed upon the courts by this act. Are those judges still United States judges for the balance of their terms? What disposition is made of them? Have their offices been abolished? May they be reassigned to other jurisdictions, or are they to be consigned to private life? Are they entitled to be paid for the balance of their terms, or may their terms be ended without pay? All of these are questions which do not appear to have been answered in the reports on the Alaskan statehood bill. These matters must be gone into thoroughly by a committee and a report made to the Senate, and it is my view that the Committee on the Judiciary is the proper committee to resolve the questions and problems that arise in connection with the court system for the proposed State of Alaska. The questions I have mentioned concerning the United States district judges also apply in some measure to the United States marshals and United States attorneys now serving.

In short, in regard to the judicial system in the proposed State of Alaska, the jurisdiction of the Judiciary Committee is clear. To create a new United States district court, to abolish the Territorial courts, these are matters which are the business of the Judiciary Committee. Not to refer them to that committee is, in my view, unthinkable.

The District Court for the Territory of Alaska, as I stated before, consists of four judges. The committee has received recommendations for an additional judge in that district, which would increase the number of judges of that court to five. A provision to do this is contained in S. 420 of this Congress, which is now pending in the standing Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary. In hearings held on S. 420 of the 85th Congress—on the so-called omnibus judgeship bill—evidence was presented in regard to the justification for an additional judge for the District of Alaska. That evidence disclosed the following:

Since 1949 the Judicial Conference of the United States has consistently recommended another judgeship for the third district of Alaska, and the committee recommended this legislation both in S. 15 and S. 2910 of the 83d Congress as well as in S. 1256 of the 84th Congress.

That another judgeship for the third district of Alaska is greatly needed will be seen by even a casual look at the statistics for the civil cases in that district. The jurisdiction of the court includes local as well as Federal cases so that comparison with the national averages is not pertinent, but a steady growth in the number of cases filed and in the pending caseload shows very plainly the urgent need for another judgeship in this district. The seat of the court for the third division is in Anchorage.

The business of the fourth division has also grown very greatly and to equalize the caseload the Judicial Conference recommended that the judge assigned to the second division be assigned to the second and fourth divisions with the right to reside in either division.

The first United States District Court for the Territory of Alaska established by an act approved June 6, 1900 (31 Stat. 322), had 3 judgeships and 3 divisions with prescribed terms of court at Juneau and Skagway for the first division, at St. Michaels for the second division, and at Eagle City for the third division. The act of March 3, 1909 (35 Stat. 839), divided Alaska into four judicial divisions and provided a resident judge for each who had overall jurisdiction throughout the Territory. The number of judicial positions has remained the same since that time.

In 1947 the Territorial Legislature of Alaska recommended an additional judgeship to serve the third division and early in 1949 the Judicial Conference of the Ninth Circuit adopted the same recommendation. In the autumn of 1949 the Judicial Conference of the United States went on record in support of this measure and at each subsequent meeting has reaffirmed this recommendation.

In 1956 the Judicial Conference made the following additional recommendations to be effected by an amendment to section 4 of the Organic Act of the Territory (31 Stat. 322, title 48, U. S. C., sec. 101):

1. That the judge assigned to the second division to be assigned to the second and fourth divisions with the right to reside in either division.

2. That the district judge who is senior in length of judicial service in the Territory be the chief judge of the district court with power to designate and assign temporarily any district judge to hold sessions in a division other than that to which he has been assigned by the President.

3. That the chief judge of the ninth circuit be given power to assign a circuit or district judge of the ninth circuit, and the Chief Justice of the United States to assign any other circuit or district judge, with the consent of the judge assigned, and of the chief judge of his circuit, to serve temporarily as a judge of the Territory of Alaska whenever it is made to appear that such an assignment is necessary for the proper dispatch of business.

These measures would provide needed flexibility in the administration of the courts in the Territory of Alaska by establishing procedures whereby judge power may be made available, where it is most essential. The uneven distribution of the civil caseload among the four divisions, particularly in the last few years, is shown in the statistics furnished to the Committee on the Judiciary by the Administrative Office of the United States Courts, which show the large caseload in the third division, where over 57 percent of civil cases in the Territory in 1956 were filed, and the large increase in the business of the fourth division. Since the first recommendation of the Judicial Conference over 8 years ago, for an additional judge in the third division, the number of new cases there has mounted steadily from 546 in 1949 to 1,268 in 1956, and the civil cases pending have increased from 466 to 1,497.

In the fourth division the civil cases filed have increased more than 50 percent since 1953 to a figure of 613 in 1956. For 13 consecutive years the number of civil cases terminated has failed to keep pace with the number filed and on June 30, 1956, there were 661 civil cases awaiting disposition. The Conference recommendation that the judge now assigned to the second division, where the caseload is extremely light, be assigned to both the second and the fourth divisions, with permission for the judge so assigned to reside in either division, would make an all-around better use of judge power.

Because the district court in Alaska has local as well as Federal jurisdiction, the caseload is not comparable with that in the

other Federal courts. However, the pressure on the dockets in the third and fourth divisions at Anchorage and Fairbanks, is self-evident from the mounting caseload.

It would appear from the data submitted relative to the situation of the third division for the district of Alaska that such a caseload is intolerable.

The foregoing clearly demonstrates the study which the Judiciary Committee has made in regard to one small part of the proposed judicial system to be set up in Alaska. From an examination of the many considerations involved, it seems to me unwise to establish this hybrid judicial system in Alaska at the present time without the benefit of the advice and recommendations of the Committee on the Judiciary. Only by reference of these bills to the committee will the Senate be able to secure the considered judgment of those members who, by legislative experience, are most knowledgeable concerning the judiciary and the judicial system.

Mr. President, I respectfully submit that the provisions of sections 13, 14, 15, 16, 17 and 18 of H. R. 7999 should be submitted to the Senate Judiciary Committee for its careful consideration.

5. H. R. 7999 AMENDS THE IMMIGRATION AND NATIONALITY ACT INVOLVING MATTERS PROPERLY WITHIN THE JURISDICTION OF THE SENATE JUDCIARY COMMITTEE

Now, let us consider the provisions of this bill relating to immigration and nationality. First of all, let me say again that laws relating to immigration and naturalization are the exclusive jurisdiction of the Committee on the Judiciary. Let me say again that the Judiciary Committee has never had this bill before it.

Under the provisions of this bill, section 212 (d) (7) of the Immigration and Nationality Act would be amended by deleting Alaska from that provision of the act. Now section 212 (d) (7) of the Immigration and Nationality Act provides that, with but three exceptions, all the excluding provisions of the Immigration Act shall apply to any alien who leaves Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States and who seeks to enter the continental United States or any other place under the jurisdiction of the United States.

The deletion of Alaska from this provision of the Immigration and Nationality Act could cause serious consequences in the enforcement of our immigration laws. I have no wish to impute any disloyalty to, or to say that the people of Alaska are not as responsible and loyal as the citizens of our present 48 States. It is merely that Alaska, because of its location, is not in the same position toward the continental United States as are the present 48 States.

Under present procedures, aliens coming from Alaska to continental United States are subject to inspection by immigration officers and can be excluded if they fall within an excludable class. Under the amendment proposed in this bill, there would be no inspection whatsoever of aliens traveling from Alaska to continental United States. Removal of such inspection could lead to serious consequences. An alien in an illegal status in Alaska could depart from Alaska and enter the continental United States without detection. Under our present laws, to travel from Alaska to continental United States, these people have to be manifested and be on a passenger list and are subject to inspection upon arrival at any port in continental United States.

Under this bill, travelers from Alaska to continental United States would not be subject to inspection any more than the person who travels from New Jersey to Washington, D. C., or to any other place in the United States. For example, an alien could cross the Bering Strait, smuggle himself into Alaska and unless detected in Alaska, could travel to the continental United States, and since he is not subject to inspection upon arrival, no one would be the wiser once he reaches the United States.

As I stated previously, this is not to suggest that the people of Alaska are in any way less trustworthy than the people in the continental United States. But because of their geographic location, Alaska not being contiguous to the United States, the possibility is ever present that undesirable aliens could get to the United States without detection.

This particular provision of the bill was pending in the Judiciary Committee in the 83d Congress, in the 84th Congress, and in the 85th Congress. Because of the serious consequences resulting from the enactment of such a provision, the Judiciary Committee has not as yet seen fit to approve such legislation.

It should be remembered that over 4 years were spent in making a complete survey and study of our immigration and nationality laws. In the course of such study, it was shown that our laws contained no requirement for inspection of aliens entering the continental United States from Alaska and this deficiency was cured by placing such a requirement in the law of 1952. When one considers the vast expanse of territory which is Alaska, with its miles and miles of borders, it is not hard to visualize the many problems which would arise. Our enforcement agencies have always had difficulties in protecting both our Canadian and Mexican borders and Alaska, which is twice the size of Texas, could have unlimited possibilities in increasing our present security problems.

It may be asked how the admission of Alaska into the Union would create any greater problem than exists at the present time. The answer is that under the present law, aliens coming from Alaska are inspected by immigration officers and if this legislation were enacted, such inspection would no longer be required.

Of course I am aware that in the present Congress, and in the 84th Congress, there is legislation which would make the same amendment to section 212 (d) (7) of the Immigration and Nationality Act, and that this legislation was sponsored by the present administration and submitted by the Attorney General. That is consistent with the present position of the administration which favors statehood for Alaska, and everything that goes along with statehood.

But, at this point I would like to quote from a letter dated June 18, 1953, from the Deputy Attorney General to the chairman of the Senate Committee on the Judiciary in connection with a bill then pending before the committee to amend this particular section of the law:

"This is in response to your request for the views of the Department of Justice on the bill (S. 952) 'To amend section 212 (d) (7) of the Immigration and Nationality Act.'

"Under the provisions of section 212 (d) (7) of the Immigration and Nationality Act the admissibility of any alien who leaves Alaska and who seeks to enter the continental United States or any other place under the jurisdiction of United States is determined in essentially the same manner as his admissibility would be determined if he were coming from a foreign country. The only grounds of exclusion under the act which are waived in favor of such an alien are those which require him to present certain documents.

"The bill would amend section 212 (d) (7) of the recent Immigration and Nationality Act by striking out 'Alaska,' with the result that the inspection now required under that provision of the act would not apply to aliens leaving Alaska to come to the United States. It is to be noted that no requirement for the inspection of aliens entering continental United States from Alaska was provided by law prior to the Immigration and Nationality Act.

"Whether the bill should be enacted is a question of legislative policy concerning which this Department makes no recommendation.

"The Bureau of the Budget has advised that there is no objection to the submission of this report."

You will note from this letter that a certain emphasis is placed on the fact that under previous law, no requirement for the inspection of aliens entering the continental United States from Alaska was provided. Is it not significant that the Department preferred not to make any recommendation on such an amendment to the act, but merely stated that it was a question of legislative policy? You may draw your own conclusions as to what the failure to make a recommendation regarding the bill means. As for myself, having seen hundreds of reports from various departments on individual bills, I prefer to draw the conclusion that such an amendment to our immigration laws was then not looked upon favorably by the Department charged with the enforcement of our immigration laws.

In conclusion I would like to make these further observations:

Let us keep in mind the fact that the Senate is now operating under the Legislative Reorganization Act of 1946. Let us keep in mind the fact that since the Legislative Reorganization Act came into effect there have been no Territories or other areas which have become States. The legislation before us, which seeks to bring Alaska into the constitutional fellowship of States, will be, if enacted, the first of its kind since the reorganization of the Senate by the Legislative Reorganization Act of 1946.

This will, then, be a case of considerable importance as a precedent. The procedures and the methods followed in this instance will form the precedents for future applications for statehood.

The history of the Alaska bills now before this body show that consideration of them has been confined to one committee of the Senate—the Committee on Interior and Insular Affairs—even though many of the provisions of the proposed legislation deal with subjects that clearly are in the jurisdiction of other standing committees of the Senate.

The question arises: Is the Senate, in considering applications for statehood, going to cut across, bypass, or ignore the jurisdiction of the various standing committees of the Senate in favor of one committee which has general jurisdiction of the Territories? This is a very serious question, and requires very serious consideration. Either the committees of the Congress are to be allowed—or I might say required—to accept and execute their responsibilities for matters in the jurisdictions assigned to them, or, as in this case, are to be divested of those responsibilities.

Prior to the Legislative Reorganization Act of 1946, most admissions to statehood were processed through the Committee on Territories. Two, however, prior to the Legislative Reoganization Act, were referred to the Committee on the Judiciary. These were bills which related solely to admission to statehood. One of these bills, H. R. 557 of the 29th Congress, related to the admission of Iowa into the Union. This bill passed the House and was referred to the Judiciary Committee on December 23, 1846. The bill passed the Senate on December 24, 1846. The legislation was to be presented to the President on December 28, 1846, but apparently was never signed by him.

The calendar of the Committee on the Judiciary of the 29th Congress shows that

on February 17, 1847, a bill, H. R. 648, entitled "Admission of Wisconsin as a State," was referred to the Committee on the Judiciary, but no further action was taken.

In other instances the Judiciary Committee had the opportunity to pass upon certain steps relating to statehood, as in the case of California. A bill, S. 169 of the 31st Congress, which became 9 Stat. 452, was reported from the Committee on Territories. Nowhere in the admission statute was there any reference to the Federal system of courts, how they should be constituted, how they should be organized, or what their procedure was to be. That came at a later date. On September 11, 1850, S. 330 of the 31st Congress, which became Stat. 521, was introduced. This was legislation "to provide for extending the laws and judicial system of the United States to the State of California," and this bill was referred to the Committee on the Judiciary. On September 19, 1850, Mr. Dayton from the Committee on the Judiciary reported the bill to the Senate, without amendment. On September 28, 1850, it was approved by the President. Here we see an example of judicial matters in regard to statehood referred to the Committee on the Judiciary as the proper committee to pass upon the subject.

In the case of the State of Oregon, a bill providing for the admission of Oregon was reported from the Committee on Territories. That bill was S. 239 of the 35th Congress. Again, the statute admitting Oregon to the Union did not deal with the establishment of the Federal courts, nor contain provisions in regard to them. Subsequently, S. 593 of the 35th Congress, entitled "A bill to extend the laws of the judicial system of the United States to the State or Oregon," was referred to the Committee on the Judiciary on February 18, 1859. It was reported to the Senate on February 26, 1859, and was approved by the President of the United States on March 3, 1859 (11 Stat. 437).

We have two instances here in which the Judiciary Committee accepted and discharged its responsibility in regard to the establishment of Federal courts within new States, in the cases of the new States of California and Oregon. I suggest that by now it should be clear that there are matters contained in the legislation to which I have addressed myself which require, and properly so, the study of the Committee on the Judiciary.

In several instances the jurisdiction of the Committee on the Judiciary was recognized before the Legislative Reorganization Act. All that is asked here is that the Committee on the Judiciary be allowed to exercise the jurisdiction which has clearly been given to it by the Legislative Reorganization Act. I emphasize the point that what we do here becomes a pattern for future admissions to statehood and I believe that to deny a committee of the Senate the opportunity to consider those matters within its jurisdiction is a serious mistake.

Since the original 13 were established, there have been admitted to the Union a total of 35 States, commencing with the State of Vermont, which was admitted on March 4, 1791, and ending with the State of Arizona, which was admitted on February 14, 1912. Commencing with the State of Vermont down through the State of Colorado, which was admitted on August 1, 1876, my study indicates that each State had an enabling act and each State had a separate judicial act in which the laws of the United States and the district courts were extended to the new State. Commencing with the State of South Dakota, which became a State on November 2, 1889, there were 4 States, South Dakota, North Dakota, Montana, and Washington, which were all included within 1 act and this enabling act also set up the Federal judicial system for these proposed new States. The same procedure was used in the cases of Idaho, Wyoming, Utah, and Oklahoma, though these States were dealt with in separate enabling acts. In the case of New Mexico and Arizona, both of these States were included within one enabling act. The enabling act also established the Federal judicial system. It would appear, therefore, that the last 10 States admitted to the Union, of the 35 admitted, contained in their enabling acts provision for the creation of the Federal judicial systems applicable to their geographic area.

I point this out to show the transition during that time. Since the admission of Arizona on February 14, 1912, we have had interposed, insofar as the Senate is concerned, the Legislative Reorganization Act which has definitely established, without equivocation, the assigned jurisdiction of the matters before the Congress to its standing committees. Under the Legislative Reorganization Act, the preferable procedure is that of separate enabling acts and separate judicial acts, as was the system prior to the admission of South Dakota. If it should be desired that the judicial matters be made a part of the enabling bill, as in the case of Alaska, then, under the Legislative Reorganization Act, a reference of that bill should be made to the Judiciary Committee for a study of the matters under its jurisdiction. I should like to point out at this time that, unlike the Alaska bill, there were no provisions in any of the other bills, as far as I have been able to determine, that created a 3-year period, or any other like period, in which the Federal courts shall exercise both Federal and State jurisdiction. In the cases I have studied, there appears to be only a lack of Federal jurisdiction until such time as the State was admitted to the Union. In practically all cases, however, the separate judicial act was passed and enacted prior to the actual date of admission to the Union, so that there was no hiatus time whatsoever involved.

From a practical standpoint, as has been pointed out, Alaska contains a tremendous area—twice that of the State of Texas. Even though the population of Alaska is comparatively low, there is a question whether one judge can take care of the load of Federal cases which may be filed in that district in the four places named for the court to sit. It is true that when the proposed State judicial system is perfected many cases which now reside in the District Court for the Territory of Alaska may be transferred to the State system, so that the burden upon the Federal court may not be so great. However, I call attention to the fact that there have been no statistics supplied in the reports on this legislation which indicates how much the Federal caseload may be reduced by the creation of the proposed State judicial system. This is very important for the determination of whether one or more United States district judges are necessary to cover the vast territory which is now proposed to be made a State of the Union. It must be further borne in mind that the district of Alaska will be geographically far removed from its sister districts, so that the expense of sending judges in from the United States to sit on the district court of Alaska, in the event the caseload is heavy or the judge is disqualified in a particular case or unable because of illness or for other reasons to perform the duties of his office, would be considerable.

These are questions which should be gone into thoroughly before the judicial district is approved as a matter of course. We all know that a new State must of necessity have its Federal judge or judges, but this is an item of major importance in itself.

For the various reasons assigned throughout the course of my remarks, I respectfully move that H. R. 7999 and S. 49 be referred to the Senate Judiciary Committee for its studied consideration of the matters and substance contained within these bills that are properly within the jurisdiction of the said committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

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

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

Mr. THURMOND. Mr. President, on several earlier occasions I have attempted to give in detail my views on the pending bill which would provide statehood for the Territory of Alaska. Each time I have gotten only so far in my speech because of motions to recess the Senate until the following day. I have much material which I would like to discuss with the Members of the Senate on this particular legislation, but I shall try within the next 1 or 1½ hours to complete my basic speech from the point where I left off last night.

In the first part of my speech, I warned the Senate against the element of finality which is involved in this legislation. I pointed out that statehood, once granted, is irrevocable, and that the time to consider all aspects of the question is now and not after the new State is admitted into the Union, should it be so decided by the Congress.

Next, I stated and then answered the principal arguments—of which there appear to be seven—which have been advanced by the proponents of statehood. I shall not take the time of the Senate now to go into these points again other than to invite attention to my remarks in the CONGRESSIONAL RECORD of last Thursday, June 26, 1958.

I then began giving to the Senate the principal reasons why I feel the admission of Alaska would be unwise. In my first argument, I pointed out that by conferring statehood on a Territory so thinly populated and so economically unstable as Alaska, we, in effect, would be cheapening the priceless heritage of sovereign statehood. I told the Senate that there is no doubt that extraordinary doses of Federal aid would be necessary to keep Alaska solvent and that this will be used as an excuse for increased Federal aid to all the States with accompanying usurpation of State powers by the Federal Government. I urged those of my fellow Senators who are aware of the dangers of centralization and who are interested in stopping the flow of power to Washington not to support a step which would very shortly lead

to greatly stepped-up Federal encroachment on what remaining powers the States have. My first reason, then, for opposing the admission of Alaska to statehood is that it would further weaken to a very great extent the already weakened position of the States in our Federal system.

As the Senate recessed at 10 o'clock last Wednesday night, I was just beginning to discuss my second main reason for opposing Alaskan statehood. I pointed out that in admitting a noncontiguous Territory to statehood we would be setting a very dangerous precedent.

Mr. President, if Alaska is admitted to statehood in this Union, Hawaii will be admitted—regardless of the entrenched, and often demonstrated, power which is wielded there by international communism. In fact, it has been well publicized in the press that once the Republican Party permits Alaska to become a State, then the Democratic Party would permit Hawaii to become a State. Once these two Territories are admitted to the Union, Mr. President, the precedent will have been set for the admission of offshore Territories which are totally different in their social, cultural, political, and ethnic makeup from any part of the present area of the United States. Would we then be in a position to deny admission to Puerto Rico, Guam, American Samoa, the Marshall Islands, or Okinawa?

In making this point last Wednesday night, I stressed the ultimate possibilities that could follow after the admission of our new Pacific and Caribbean states. These possibilities include Cambodia, Laos, South Vietnam, and other Asian countries which might apply for admission on the basis that if we did not do so, that particular country might fall to communistic political and economic penetration. Then, too, Mr. President, some might argue for admission of these foreign countries on the basis that we might offend certain Asian political leaders or the Asian and African masses generally.

In closing my remarks last Wednesday night, I was in the middle of my noncontiguity argument and had just read to the Senate a quotation from the late Dr. Nicholas Murray Butler, long the president of Columbia University and Republican candidate for the Vice Presidency of the United States in 1912. This distinguished American devoted long and careful study to this matter of distant, noncontiguous States, and he stated:

> To add outlying territory hundreds or thousands of miles away with what certainly must be different interests from ours and very different background might easily mark, as I have said, the beginning of the end.

A country that is not American in its outlook, philosophy, character, and make-up—and here I refer not to Alaska but to these ultimate possibilities which Alaskan statehood would make probabilities—and in the case of Hawaii, a foregone conclusion—cannot be made American by proclamation or by act of Congress. An act of Congress may admit such a country to statehood in the American Union, but it cannot make it American, and, therefore, its admission would constitute a dilution of the basic character of the United States.

The development of the American character—the character and identity of the American people, of the American Nation, of American institutions and civilization—is the work of centuries. It did not come about overnight. Why, two centuries and a half had already gone into that development, from the time that this country had its beginnings in Virginia, before Alaska was even acquired from Imperial Russia.

I know that there are some who will attempt to brush all this aside. They will make the point that, despite this early development, this country, during the past half century, has received millions of immigrants from eastern and southern Europe and elsewhere. They will point out that these immigrants were of very different ethnic and national backgrounds from those of the earlier settlers, that they were accustomed to very different institutions and sprang from very different cultures; and, yet, that these immigrants have nevertheless become just as good Americans as the descendants of the earliest Virginians.

The point, however, is this: These were people who were emigrating from their native lands to America; that is a very different proposition from a proposal which would have American statehood emigrating from this country to embrace the shores whence these people came. The immigrants who came here in late decades settled amongst established Americans, amidst established American institutions, surrounded by established American characteristics and ways of living, which they were bound to pick up and adopt as their own—thus indeed becoming Americans in fact as well as in technical citizenship. But the bestowal of American statehood on a foreign land will not make its inhabitants Americans in anything but name. One can take a native of Sicily, for example, and bring him to America and settle him among us; and after several years he will pick up our language and customs, he will acquire a grasp of American institutions and culture, and he will adopt the ways of those about him. In short, while still retaining a sentimental attachment to his native land and some of his native characteristics, he will become an American.

It most certainly does not follow, however, that the granting of American statehood to Sicily would, or could, be a happy event either for the United States or for Sicily. The same is true in the case of, let us say, Greece. The mere fact that we have many citizens of Greek extraction or Greek birth who make fine Americans is absolutely no basis whatsoever for assuming that Crete, or the Peloponnesus, or Macedonia, or Thrace, or all of Greece, could be successfully incorporated into the American Union as a State—even if Greece and the Greeks desired the same.

The argument that America has successfully absorbed people of several very diverse foreign stocks has no bearing, then, on the question of whether American statehood could be successfully extended to offshore areas and overseas lands inhabited by widely differing peoples. To bring the peoples to America and settle them among ourselves and make of them Americans is one thing—and even then it is not always easy and often takes a long time, perhaps a generation or longer depending on the degree of dissimilarity to the basic American stock—to attempt to bring America to the peoples by means of the official act of statehood is quite another thing. Statehood may make them Americans in name, Americans by citizenship, Americans in a purely technical sense; it cannot make them Americans in fact. And, to the extent of the voting representation in this Senate and the House to which they would be entitled under statehood, we would be delivering America into their hands—into the hands of non-Americans. We have too much of this today.

But, Mr. President, perhaps Senators are asking themselves why I am going into all of this discussion about foreign stocks and overseas peoples when the subject before us is Alaska and when I, myself, have already declared earlier in this address that the majority of the population of Alaska is composed of American stock, a great proportion having actually been born in the States.

I will tell why, Mr. President. The reason is that I am opposed to Alaskan statehood not so much as something in and of itself but rather as a precedent—an ominous and dangerous precedent.

Should we oppose something otherwise good and beneficial merely because of considerations of precedent? Some may well ask this question. Let me reply: First of all, I do not consider Alaskan statehood otherwise good or beneficial, but on the contrary harmful and unwise, for many reasons, as I have already pointed out; but even if I did consider it a good and beneficial step—unless the good to be derived were of such a tremendous magnitude as completely to outweigh all other considerations, yes, I most definitely would oppose this measure because of the overriding consideration of precedent. Especially when I know full well that the precedent which would be established could well lead to the destruction of the United States of America and the collapse of the Free World.

Some say that our rule against admission to the Union of noncontiguous areas was long ago broken anyway, and that we are a little late in being so concerned about precedent. They refer to the case of California, admitted to the Union in 1850. It is true that at the time of its admission California was not contiguous to other already admitted States. The same may have been true in one or two other insances in our history. But always the territory in between, if not already possessed of State status, was commonly owned American territory, an integral part of our solid block of land.

Thus, we can see that our rule against admitting noncontiguous areas has been kept intact throughout our history as a country. The question before us today is whether to break that rule, thus estab-

lishing a precedent for the admission of offshore territories to statehood in the American Union.

Let no one be deceived into thinking that we can safely break the line by admitting Alaska and then reestablish another line which will hold. I hope that no Senators feel that it is safe to admit Alaska, in the mistaken belief that even after doing so we can still draw forth a sacred and holy rule which is not to be broken: a rule against admitting any Territory not a part of the North American continent. Such a rule will not hold for even a single session of Congress, because Senators know and I know that, once Alaska becomes a State, the doors will be wide open for Hawaiian statehood. And with the admission of Hawaii, out goes any rule about North-American-continent-only. Then will come the deluge: Guam and Samoa, Puerto Rico, Okinawa, the Marshalls. The next logical step in the process would be what I have already alluded to: the incorporation in the American Union of politically threatened or economically demoralized nations in southeast Asia, the Caribbean, and Africa. This is a progressively cumulative process, each step being relatively easier than the preceding one, as the legislative vote of the overseas bloc grows steadily larger with each new admission. Indeed it is conceivable, when we consider the "ultimate possibilities" which may result from passage of this bill, that we who call ourselves Americans today may some day find ourselves a minority in our own Union, outvoted in our own legislature—just as the native people of Jordan have made themselves a minority in their own country by incorporating into Jordan a large section of the original Palestine and thus acquiring a Palestinian Arab population outnumbering their own.

I repeat: this is not a case of conjuring up a ridiculous extreme. This is a distinct possibility which must be considered by this body before we take the irrevocable step—irrevocable, Mr. President, irrevocable—of admitting Alaska to statehood in the American Union.

Mr. President, in addition to the two major objections which I have just outlined, there are a number of other reasons why I oppose statehood for Alaska.

For one thing, I have grave doubts that Alaska is economically capable of assuming the responsibilities that go with statehood.

Mr. President, another reason why I object to statehood for Alaska is this: The Alaskan statehood bill raises grave legal questions which have not been answered. For example, the section authorizing the President to withdraw northern Alaska from State control and to transfer the governmental functions to the Federal Government would weaken the sovereignty of Alaska and make it inferior to the other States. This could set a precedent for further invasion of the sovereignty of the other States of the Union.

The so-called national defense withdrawal proposal deserves considerably more attention than it is getting. Much propaganda has been disseminated in an effort to show that even the original native population of Alaska has adopted the American way of life and thus qualifies for statehood. The proposed withdrawal indicates, on the contrary, that the United States Government is adopting the philosophy of the native Indians as exemplified by the most gigantic "Indian gift" conceivable.

First, proponents of Alaskan statehood and this bill would allow the entirety of the Territory of Alaska to be incorporated within the bounds of the proposed State. The State would have, initially, complete jurisdiction of the entire area now included within the territorial limits of Alaska. The United States, however, once conceived as a government of limited power, derived by grant from the States, themselves, proposes to reserve the right to withdraw from the State and administer as a territorial possession almost one-half—270,000 square miles of the total 586,000 square miles—of the State and to return it to semiterritorial status and administration.

There occur to me two reasons why this strange and unprecedented procedure may have been proposed. I am inclined to believe that both reasons were influential, but that the second is paramount. Let me say at this point that I thoroughly agree that the area embodied in this "Indian gift" should be retained by the United States for defense purposes. The United States would make a terrible mistake to impair its jurisdiction of this area to any extent whatsoever.

The first logical explanation for the "Indian gift" embodied in this bill is that a great proportion of the propaganda promulgated for the purpose of obtaining statehood was based on the dubious economical assets within the so-called withdrawal area. Included in the withdrawal area is all of northern Alaska; the Seward peninsula—including the city of Nome with all of its overly-touted gold mines; one-half of the Alaskan peninsula; the entirety of the Aleutian Islands; St. Lawrence Island; and those other islands of the Bering Sea which provide the home for seal and walrus. Without the inclusion of this area within the State, Alaska's bid for statehood would be even weaker, if a weaker case could be conceived.

The second motive to which I attribute this "Indian gift" is more subtle, and in my opinion, paramount. Our Government is one which relies for its operation, to a great extent, on precedent. Even on the floor of the Senate, the proponents of legislation invariably take the trouble to point out to their colleagues that there has been a precedent for such legislation, even though the precedent might be very illusory.

Now let us look at the precedent which our ambitious Federal Government is seeking to establish. The United States, by this proposed treaty with Alaska, seeks to confirm its right, as exercised by the President in his discretion, to withdraw from the jurisdiction of the States unlimited areas, which our all-powerful Federal bureaucracy can administer according to its whim in the status of a territory. If such a right is established in one instance, would we be so naive as to believe that the Federal Government would not cite this as a precedent for its authority to withdraw all of the coastal areas of the United States from the jurisdiction of the individual States in the interest of national defense? Do not be deceived. I do not hesitate, like Mark Antony, to attribute ambition to the ambitious. This Federal bureaucracy is ambitious, and worse, it is power hungry. It is a constant usurper of authority. It is a would-be tyrant. It is only through the maintenance of the integrity of the individual States that we can preserve the inherent right to local self-government that is our precious heritage. The proposed withdrawal agreement is a step toward the destruction of State entities and, thereby, a step toward the destruction of the right of local self-government.

The use of such a precedent is in defiance of the Constitution and contrary to the basic concepts on which this country was founded. This withdrawal proposal, although only one of many legally questionable aspects of this bill, is a more-than-sufficient cause, in itself, for the Senate of the United States to reject statehood for Alaska in the form proposed.

Mr. President, the provision of the bill granting public land to the State of Alaska is the greatest giveaway ever incorporated in a statehood bill. This gift is not in the interest of the people who inhabit the Territory of Alaska, nor is it in the interest of the United States.

It is not difficult to understand how this "great giveaway" came to be written into the Alaskan statehood bill. The drafters of the bill found themselves impaled on the horns of an insoluble dilemma.

The dilemma was this: The land area of the Territory of Alaska is owned 99 percent by the Federal Government. To declare such an area to be a State is a palpable absurdity. Obviously, a State which is almost wholly owned by the Federal Government cannot exercise any significant degree of sovereignty. It has no opportunity for any real independence of action. Such a State is merely a puppet State.

At the same time, the other horn of the dilemma evidently appeared to be equally sharp. Certainly it could not be ignored, for the point of the second horn was personified by the persistent, well-organized and clamorous Alaskan statehood lobby, which was doing its best to effectively convey the impression that statehood would remedy a whole conglomeration of Alaskan ailments.

I sympathize with the gentleman who had to wrestle with this problem. They wished to satisfy those Alaskans who were demanding statehood, but they could not, in clear conscience, see any basis for statehood in an area owned 99 percent by the Federal Government.

I sympathize with the gentleman. But I reject their solution as unworkable and unwise.

I quote now from the House report:

To alter the present distorted landownership pattern in Alaska under which the Federal Government owns 99 percent of the total area, the Committee on Interior and Insular Affairs proposes land grants to the new State

aggregating 182,800,000 acres. Four hundred thousand acres are to be selected by State authorities within fifty years after Alaska is admitted to the Union from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection. Another 400,000 acres of vacant, unappropriated, and unreserved land adjacent to established communities or suitable for prospective community or recreational areas are to be selected by State authorities within 50 years after the new State is admitted. The 182 million acres of vacant, unappropriated, and unreserved public lands are to be selected within 25 years after the enactment of this legislation from the area not included in land subject to military withdrawals as described in section 11 of H. R. 7999 without the express approval of the President or his designated representative. In each instance valid existing claims, entries, and locations in the acreages to be selected will be fully protected.

As stated earlier, a grant of this size to a new State, whether considered in terms of total acreage or of percentage of area of the State, is unprecedented.

Mr. President, I invite the attention of the Senate to the word "unprecedented" in the report of the committee, which recommended that the House of Representatives pass this bill. The word is well chosen.

The Members of this body are accustomed to dealing with large numbers, in considering the legislation that comes before the Senate. No doubt the Members of this body can readily visualize how large an area is encompassed in 182,000,000 acres. Perhaps there are some interested citizens, however, who would like to have this astronomical number of acres expressed in simpler terms.

It is 285,625 square miles. It is an area somewhat larger than the State of Texas. It is larger than the States of California and Nebraska combined. It is more than nine times as large as the State of South Carolina.

As delivered to the Senate, the bill scales down this grant to 102,550,000 acres. It is still a figure large enough to take anyone's breath away. It is almost half as much as the total acreage granted to all 48 States. It is by far the largest amount ever bequeathed by the Government to any State. It is almost twice as much as the total granted to the last 10 States admitted to the Union.

The bill specifically provides that the State may select lands which are now under lease for oil and gas or coal development, or which may even be under production for those products. The bill specifically provides that the grants of public lands to the State of Alaska shall include mineral rights, and that these mineral rights shall be controlled by the State.

Congress ought not to give away this vast area of land which belongs, not to the people of Alaska alone, but to all citizens of the United States. The bill provides that the State of Alaska shall have a free hand in selecting the land it will be given.

What is the monetary value of this land? Nobody knows. Most of it has never been surveyed.

Mr. President, I submit that the United States should make it a strict rule never to give away anything to anybody without at least taking a close look at the gift to see what it is. Nobody has ever taken a thorough look at the land and mineral resources of Alaska.

Mr. President, I hope that I have been able to show why I consider the passage of the measure before us, the granting of statehood to Alaska, to be unwise—to be, in my opinion, the very height of folly. I should now like to take a few moments to show that this action is also unnecessary—unnecessary even to Alaska, unnecessary for the bringing about of that condition of self-rule which, it is said, is Alaska's main reason for seeking statehood.

The choice is not statehood or nothing. There is another alternative, a plan which would be far safer for the United States and also far better for the people of Alaska. The same applies also in the case of Hawaii. This alternative is commonwealth status, along the lines proposed several years ago by, among others, the distinguished junior Senator from Oklahoma. I shall outline briefly the advantages of this commonwealth plan, by referring to the presentation of the Senator from Oklahoma [Mr. MONRONEY].

Commonwealth status would give to the people of Alaska—and Hawaii—complete local self-government. It would give them complete freedom to select their own legislators, their own judges, and their own executive, and to conduct freely their own local affairs.

The citizens of Alaska would enjoy, within their own commonwealth, practically all the privileges enjoyed by the citizens of our 48 States. In addition, a commonwealth would have one tremendous advantage over a State. It would have the power to raise and retain all tax revenue originating in its area. Commonwealth citizens would not be subject to our Federal income tax, at least as regards income derived from within the commonwealth. I shall discuss this aspect in more detail in a few minutes.

Now, as the distinguished Senator so ably pointed out, Mr. President, citizens of a commonwealth are in no sense beneath those of the mother country.

I am sure no Canadian feels inferior to a Briton—

The Senator from Oklahoma [Mr. MONRONEY] declared—

and there is no reason why he should. I have heard of no movement in Canada to make that member of the British Commonwealth of Nations a more direct participant in the government of the British Isles. The same statements apply to other members of the British Commonwealth.

Mr. President, I know of no people who have had more experience with overseas associates than the British. After a century or more of trial and error, they have developed the commonwealth plan as the most workable relationship in the modern world between a home government and distant associated governments.

The commonwealth plan fully recognizes the rights of the people to be free and to have home governments of their own choice, and, at the same time, recognizes their mutual responsibility for security against an outside enemy.

Now I realize, Mr. President, that the commonwealth status extended by the United States to distant territories need not—in fact, could not—be identical in all respects with the British system. Unlike members of the British Commonwealth, our commonwealths would not have separate foreign relations. They would not have their own ambassadors to foreign countries. In common with the existing States of our Union, the American commonwealths would have no foreign relations except through the Government in Washington. Nor would there be any separate currencies under the American plan. As far as Congressional representation is concerned, our commonwealth members would be represented by delegates, as now.

Under commonwealth status, Alaska would enjoy complete self-government over its entire area, except of course in areas controlled by the Federal Government for defense and other national purposes—as with every State in the Union.

No State would have greater power over its own affairs. In fact, as I have already pointed out, due to the progress of Federal usurpation of the constitutional powers and rights of the States, a movement which shows no sign of diminishing its pace, no State is likely to have nearly as much power over its own affairs as a commonwealth.

Like the States, the commonwealths would be free to write and adopt their own constitutions—subject, as are the States, to requirements of the Federal Constitution. They would have the right to create their own governmental systems, their offices, their courts, their own regulatory boards and commissions. They would control their own elections and, depending on their own preferences, could fill offices by either election or appointment.

The commonwealth approach would do away with the objectionable features which, it is claimed, mark Alaska's dependency as a Territory. The same would be true, of course, in the case of Hawaii. Their Governors, often nonresidents under the present setup, would no longer be appointed by Washington; instead they would be elected by the people of each area. Local judges also would be locally selected. Instead of having their daily life closely regulated and supervised by the Department of the Interior and its Territorial bureaucracy, the people would control their own lands to the same extent as the people of any State.

The inhabitants of a commonwealth would enjoy full autonomy in all matters of self-government; yet they would also have the full protection of our Constitution, including the Bill of Rights. They would share in the benefits and detriments of Federal legislation, as the States do.

But for the lack of full representation in the national Congress, it would be difficult to find material differences between commonwealth and State status, except that a greater degree of self-government would probably reside in the

commonwealths eventually, owing to unfortunate trends toward Federal encroachment on the States. And for their lack of full national representation in Congress, one very important compensation has been proposed for the commonwealths—exemption from Federal income tax.

As set forth by the distinguished junior Senator from Oklahoma, Mr. President, here is the way this tax-exemption feature would operate:

> All revenues originating within the commonwealth areas would be at the disposal of locally chosen officials for expenditure within those areas. Because the commonwealth plan does not provide for voting membership in the national Congress, it seems to me (I am quoting from the remarks of the Senator from Oklahoma [Mr. MONRONEY] that this exemption is necessary to maintain the fine American tradition of no taxation without full representation. But this provision would not mean that citizens of continental United States could avoid their Federal income taxes merely by establishing residence in a commonwealth area. Only that income derived from production, employment, or investment in the areas would be exempt. Income earned in the United States, even though received by a resident of Hawaii or Alaska, would still be taxed at our regular rates.

Mr. President, this tax exemption would be of incalculable importance for the development of these areas. It would strike at the very root of Alaska's economic problem, which is due to no inconsiderable extent to tax factors. This opportunity to invest and to develop new industries and new enterprises while paying only local taxes will help to attract badly needed private capital to the area.

Our Government has experienced great difficulties in attempting to attract immigration to our territories, especially Alaska. The projects have been characterized by costly administration and cumbersome regulations and red tape. The rigid rules which must surround the expenditure of Government funds or of Government-guaranteed loans do not facilitate development in pioneer countries. Free enterprise, with its risk and high return after taxes, would do a far better job. Alaska, with all its timber, minerals, land and fisheries, is starved for investment capital because the returns after taxes are insufficient to reward the venture.

Naturally, over and against the rich benefits which they would enjoy, any new commonwealth areas would have a full obligation, as has Puerto Rico, for the defense of the United States. As in any State, their land and their harbors would be subject to condemnation for military purposes, and their young men would be subject to the draft.

Mr. President, there is no need for this body to take the view that it is statehood or nothing. The alternative plan of commonwealth status would be far better for Alaska. More important, it would be far better, and far safer, from the standpoint of the United States, as a whole, to give Alaska commonwealth status than to take the reckless, unwise and unnecessary step of admitting Alaska to statehood in the Union.

Mr. President, in conclusion I should like briefly to summarize six of the principal reasons why I am so firmly opposed to the admission of Alaska to statehood. These reasons are:

First. Alaska is a Territory with a poorly developed and very unsound economy, a territory in which the principal activities are those conducted by the Federal Government. I have grave doubt that Alaska is economically capable of assuming the responsibilities that go with statehood.

Second. The Alaskan statehood bill raises grave legal questions which have not been answered. For example, the section authorizing the President to withdraw northern and western Alaska from State control and to transfer the governmental functions to the Federal Government would weaken the sovereignty of Alaska and make it inferior to the other States. I cannot see how this could be construed as being constitutional. If it were so construed it could set a precedent for the invasion of the sovereignty of other States by the Federal Government.

Third. The provision of the bill granting public land to the State of Alaska is the greatest giveaway ever incorporated in a statehood bill. The gift is not in the interest of the people who live in the Territory of Alaska, nor in the interest of the people of the United States.

Fourth. The new State of Alaska would require extraordinary Federal aid. Those persons who favor the extension of Federal power at the expense of the States would seize upon this as an excuse to extend further Federal aid to all the States, and State sovereignty would be further diminished.

Fifth. The admission of Alaska, a noncontiguous area, would set a precedent for the admission of other noncontiguous areas, whose customs, traditions and basic philosophies have non-American roots.

Sixth. There is no necessity to grant statehood to Alaska, for it is possible—through the commonwealth plan—to provide Alaska with a form of government which will give its citizens as great a degree of home rule as they desire.

Mr. President, I hope we will all bear in mind the fact that statehood, once granted, is irrevocable. I urge my fellow Senators to join with me in opposing this dangerous bill.

Mr. WATKINS. Mr. President, the people of the State of Utah knocked at the doors of Congress for nearly 40 years before they were to be admitted to the Union as a State. I do not know how long the people of Alaska have been doing the same thing, but it has been ever since I have been in the Senate, at least. There were reasons why I was not in the beginning of my term enthusiastic about statehood for this Territory, but conditions have radically changed since that time.

I voted for statehood for Alaska and Hawaii several years ago when the two Territories were joined in one bill, but the bill failed in the House.

I have supported statehood for these Territories several times in the Interior and Insular Affairs Committee of the Senate.

I have had conversations with young men from my own State who served in Alaska with the Armed Forces. They have come home with great enthusiasm for that Territory. Many of them have returned there to make their homes, and I am convinced that many thousands of young Americans will go to this area to make their homes and to help develop the new State.

I need not go into the reasons why I shall vote for this measure tonight, but I now extend my congratulations to the people of Alaska who have waited these long years for admission as a State. I believe they will make good, and that the new State will become one of the outstanding States of the Union.

In Alaska there is still left a vast, untamed area in which pioneering can take place. The people of Alaska have a great challenge facing them. I am confident they will meet that challenge in the same spirit American pioneers have demonstrated in the past. The people of this country also have a challenge to extend a helping hand to the new State.

I hope the time will speedily come when the Territory of Hawaii will also be brought into the Union as a State. Both Democrats and Republicans can make this possible by the same bipartisan cooperation which will finally make Alaska the 49th State. And it can be done if there is a will to do it, in the present session of Congress.

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

Mr. WATKINS. I yield.

Mr. JAVITS. I thought the 10 words which I might say might properly be juxtaposed with those of the Senator from Utah, whose State waited a long time for admission into the Union.

I represent the largest State in the Union, in terms of population and economic power. If any State would be affected by two additional Senators, my State certainly would be.

On behalf of the people of my State—and I think I know how they feel—I consider it a historic honor to vote for statehood for Alaska tonight, and to welcome the enlargement of all our frontiers—frontiers in our minds and spirits as well as those relating to our continental boundaries in this historic area.

Mr. WATKINS. I thank the Senator from New York. I greatly appreciate the sentiments which he has expressed, as one coming from one of the largest States in the Union.

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

Mr. WATKINS. I yield.

Mr. GOLDWATER. As a member of the subcommittee which handled the bill, I have purposely refrained from speaking, because I knew that the Senate, in its wisdom, would smile kindly upon Alaska's appeal for statehood.

This is a very pleasing moment for me. One of the first memories I have in my life is that of my mother sewing two additional stars in the flag of the United States when the Territory of Arizona became a State. I may be mistaken, but I believe that my senior colleague [Mr.

HAYDEN] and I are the only two Members of this body who were born in Territories which later became States. I know something of the struggle, something of the almost tragic appeal of the people of my Territory, who struggled for many years to become a State of the Union.

I have not spoken on this subject, because I intended all along to vote for the bill, but I take this opportunity to express the deep feeling I have for Americans all over the world who have an allegiance to the flag, as expressed in their desire to become a real part of the Union.

I thank the Senator from Utah.

Mr. WATKINS. Mr. President, I too, was born in a Territory which later became a State. I was a lad 9 years of age at the time. I can still remember the enthusiastic celebrations held in every nook and corner of that area when Utah, after 40 years delay, was finally admitted to the Union. The scenes of my childhood will no doubt be repeated tonight by the people of Alaska. I think I know how deeply they feel. May the blessing of God be with them in their great adventure.

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

Mr. WATKINS. I yield.

Mr. AIKEN. I represent in part a State which was the first State admitted to the Union after the Original Thirteen. That was 167 years ago. Last year the legislature of the State of Vermont memorialized the Congress to grant statehood to Alaska and Hawaii. I am sure the people of our State will be very happy to know that half of their request is being granted.

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

Mr. WATKINS. I yield.

Mr. COTTON. Last October it was my privilege to visit Alaska, and to talk with many of its people. I visited its towns and cities. Let me say to my friend from Utah that I feel that it is an honor and privilege, as a Member of the Senate, to vote to admit Alaska to the sisterhood of States.

The reason is that I learned to know its people. We may talk about its resources; we may talk about its physical attributes, but I am betting on the people of Alaska. They are among the best of Americans. They are most ambitious and far-seeing. There are no Harry Bridgeses in Alaska. There are no Communist cells in Alaska. The people of Alaska are the blood and bone and sinew of our pioneers, and I am happy this night to have the privilege, as a United States Senator, to do my part in bringing into the Union a State which I believe, in future years, will be an honor and a credit to this great Union of States.

Mr. WATKINS. I thank the Senator from New Hampshire. I am in full accord with the statement he has just made.

Mr. President, I yield the floor.

Mr. KNOWLAND. Mr. President, the Territory of Alaska is destined to become one of the great States of our American Union.

The population of Alaska is greater than was the population of 18 of our Territories at the time they were admitted into the Union, and it is almost three times as large as was the population of my own State of California at the time it was admitted into the Union without passing through an apprenticeship of Territorial government.

When California became a State in 1850, our population was approximately 65,000, and it took 100 days to get from Independence, Mo., to Sacramento, Calif., and Independence in those days was quite a trip in itself from the eastern seaboard.

As late as 1860, when the terminus of the telegraph lines was at St. Joseph, Mo., it took 7 days and 17 hours for the news of Lincoln's election to be brought by pony express from St. Joseph to San Francisco. The argument of distance and time is no longer valid against the admission of our organized Territories.

It is my belief that Alaska will develop far more rapidly as a State in the Union with its own elected State officials and Senators and Representatives in Congress than under a Territorial status.

I am hopeful that the Senate will provide an overwhelming stamp of approval on the measure before us which calls for the admission of Alaska into the American Union as the 49th State.

BOTH PARTY PLATFORMS

Previous reference has been made to both our great political parties and their platforms. I ask that the portions of the Democratic and Republican platforms of 1952 relating to this subject be placed in the RECORD.

There being on objection, the excerpts were ordered to be printed in the RECORD, as follows:

DEMOCRATIC PLATFORM 1952

Alaska and Hawaii: By virtue of their strategic geographical locations, Alaska and Hawaii are vital bastions in the Pacific. These two Territories have contributed greatly to the welfare and economic development of our country and have become integrated into our economic and social life. We therefore urge immediate statehood for these two Territories.

* * * * *

REPUBLICAN PLATFORM, 1952

We favor immediate statehood for Hawaii. We favor statehood for Alaska under an equitable enabling act.

Mr. KNOWLAND. Mr. President, I should like to read from the national platforms of the two great political parties for 1956. The Republican platform reads as follows:

We pledge immediate statehood for Alaska, recognizing the fact that adequate provision for defense requirements must be made.

I compliment the committee for the bipartisan approach to this problem. I believe that the Committee on Interior and Insular Affairs made an attempt to safeguard our national defense in the bill which has been reported.

The Democratic platform said, speaking of Alaska and Hawaii:

These Territories have contributed greatly to our national economic and cultural life and are vital to our defense. They are part of America and should be recognized as such. We of the Democratic Party, therefore, pledge immediate statehood for these two Territories. We commend these Territories for the action their people have taken in the adoption of constitutions which will become effective forthwith when they are admitted into the Union.

We are doing half the job tonight. It is an important job. It is one which I think has the enthusiastic approval of the overwhelming majority of this body. But if we are really to carry out the platforms of both great political parties, I hope the majority leadership will bring very promptly before the Senate a bill providing statehood for Hawaii. Such a bill has been on the Senate calendar as long as the bill for statehood for Alaska.

I think it would be a rank discrimination against the people of Hawaii if the Senate were not given the same opportunity to express itself on statehood for Hawaii that it has tonight in expressing itself regarding statehood for Alaska. If the pledges of the two parties mean what they say, I can assure the Senate that on this side of the aisle, if the Democratic leadership will only bring the Hawaii bill before the Senate, we can supply, I believe, an overwhelming majority for statehood for Hawaii as well.

Mr. MANSFIELD. Mr. President, I wish to take this occasion to thank the distinguished minority leader and the Members of the Senate on both sides of the aisle for the fine cooperation and understanding they have shown. I wish especially to pay a tribute to the opponents of the legislation for the high level and thorough understanding which they gave to their views. It has been a pleasurable experience for me, because I have seen the Senate of the United States at its best. I wish to say to all Senators that I am deeply thankful to them for the courtesies and consideration they have shown to me personally during the course of the debate.

A word of gratitude is due also to the floor managers of the bill, the distinguished junior Senator from Washington [Mr. JACKSON] and the distinguished junior Senator from California [Mr. KUCHEL], for performing an outstanding job. I wish also to extend and thank our youngest Member, the distinguished and capable junior Senator from Idaho [Mr. CHURCH], for the understanding and the grasp he has shown. I again wish to thank all Senators because you have acted, each in his own way, in the best interests of our country in considering the pending bill.

I should also like to say a few words of commendation about Representative LEO O'BRIEN, of New York in the House of Representatives. As floor manager he piloted the bill through the House of Representatives and worked long and consistently in favor of the bill which we now have before us. He and his associates did an outstanding job in piloting the measure through the House. To Delegate BOB BARTLETT, I want to say that I know how hard he has worked through the years for this moment. Alaska should be especially proud of these two great Americans. To Senators Egan and Gruening and Representative Rivers we and the people of Alaska

owe our thanks for an effective job in behalf of statehood.

Just as the House has done an outstanding job in passing this legislation so will the Senate collectively do a responsible job in assuming its share of responsibility in passing the legislation now before us.

I should like to say to the able and distinguished minority leader that if the House passes a Hawaii statehood bill I will do my best to see that it is brought up in the policy committee. I assure him that, so far as I am concerned, I am in favor of statehood for Hawaii, and it should be given the same consideration that has been given to the Territory of Alaska. I am pleased that we have now reached the final decision so far as the future of the incorporated Territory of Alaska is concerned. I am certain and I am hopeful that we will pass the bill with an overwhelming majority and bring about this much needed objective.

I could not conclude my remarks without calling to the attention of the Senate the outstanding leadership of my colleague, the chairman of the Committee on Interior and Insular Affairs, Senator JAMES E. MURRAY. Senator MURRAY fought long, hard, and consistently for statehood for Alaska and I know this is a happy moment for him.

To the people of Alaska, I extend congratulations and best wishes. We are proud to have you join us as the 49th State.

Mr. ANDERSON. It is appropriate to call to the attention of the Senate, and to the people of the country, that the junior Senator from Montana merits the praise and appreciation of all for his great services as acting majority leader, in bringing this truly historic legislation to a successful decision and passage.

Under our two-party system, it is not often that the majority leader and the minority leader, in either the House or the Senate, can cooperate in the passage of such measures. Not many of them are at all likely to come before either body.

I hope that every resident of Alaska will appreciate what the distinguished junior Senator from Montana and the senior Senator from California have accomplished in being able to bring the statehood for Alaska issue to final success.

It was my honor and pleasure in the 81st Congress, during the month of April 1950 to preside over the first Alaska statehood hearings ever held by the Senate of the United States. When Delegate BARTLETT'S H. R. 331 came before the Committee on Interior and Insular Affairs, the able Senator from Wyoming [Mr. O'MAHONEY], then chairman of the committee, could not conduct these hearings, and he asked me to act as chairman for them.

We heard approximately 50 witnesses from Alaska, and numerous others from elsewhere. We spent 6 full days, mornings and afternoons, on the hearings, and they proved an incontrovertible demonstration of the burning desire of the people of Alaska to have statehood. Subsequently, in the 83d Congress, a group of committee members accompanied the late Senator from Nebraska, Mr. Butler, then chairman, on an official visit to Alaska and held enthusiastically attended hearings there. We again had an opportunity to examine witnesses, in all of the major communities of the Territory, and we again found that there was a deep desire for statehood. All of us were convinced, from our personal investigation, that Alaska had the ability to maintain a stable State government and services when statehood was granted.

Efforts have been made in each Congress since the 81st to bring about enactment of Alaska statehood bill, on its merits, in the Senate.

As a veteran in the fight for Alaska statehood, I am happy to join in commendation of the junior Senator from Washington [Mr. JACKSON] and the junior Senator from California [Mr. KUCHEL] for their untiring zeal, and their ability, in bringing to a successful conclusion our long fight for a bill for statehood for Alaska.

I believe their contributions are an outstanding example of how a task can be passed on to younger shoulders and have a fine job done. I wish to commend also the junior Senator from Idaho [Mr. CHURCH] for his untiring zeal and enthusiasm in this momentous issue. Eight years ago the result was doubtful indeed. Many sincere persons have been gravely concerned over the years that Alaska could not achieve statehood, and that it would be unable to support it if it were achieved.

Now, happily, with the discovery of oil in Alaska, it is quite probable that the new State will receive substantial revenues from its oil lands. Therefore, we can expect that Alaska will be a worthy State, adequately financed, and will take her place in our great Union of States on a basis of full equality in every respect—one of which all of us will be justly proud.

I am happy indeed to have the opportunity to pay tribute to the many able, conscientious Senators who have worked so hard for this great landmark legislation in our Nation's history.

Mr. MAGNUSON. Mr. President, I shall not delay the Senate more than a minute. In the past 22 years in the House and in the Senate I have probably spoken about a half million words about statehood for Alaska. Likewise I have spoken many words on the subject outside the halls of Congress. I am so happy about the fine job that has been done, I shall ask unanimous consent to have a statement I have prepared on the subject printed in the RECORD at this point. Then I will sit down. All I say is: "Let us vote for the 49th star in the flag."

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

STATEMENT BY SENATOR MAGNUSON

Alaska has sat impatiently in the anteroom of history for 42 years.

The Territory feels entitled to sit and deliberate with us—be one of us. Alaska wants to work out her own future just as each of the other 48 partners in our Nation has been allowed to do.

Alaska's hopes, aspirations, and quiet self-confidence are understandable.

She knows that her resources, her people, and their combined potential spell a brilliant future.

Alaska is just as aware of her strategic location as we are, or for that matter, as the Soviet Union is.

Recent installation of the defense early warning system signified this. And, of course, earlier proof came during World War II when our Alaskan bases—and Alaskan Highway—came into being. Those bases have grown since then.

But Alaska, and Alaskans, have difficulty understanding how they can be in the forefront of missile and jet-age defense and so woefully far behind in self-government.

Alaska has had its Territorial legislatures; it has faced the problems of raising revenue to run its government, such as it is.

Legislative committees have had a relatively free hand in studying Territorial problems, but have never had a free hand in solving many of the problems. After going so far, solutions have been sidetracked to Washington, D. C., and the Territory all too often has been forced to wait for final answers from either administrative agencies or Congress.

Actually, Federal agencies have been neither as expeditious in rendering decisions nor as interested in solving long-range problems with long-range solutions as an Alaskan State government would have been.

Still, Alaskans have paid their Federal income taxes.

Many Alaskans must feel today as New England and Virginia colonists felt when the cry "Taxation without representation is tyranny" was being heard in Revolutionary times.

If the cry were raised today in Alaska, it would not be without justification.

The 66,000 residents of Missouri or the 107,000 citizens of Kansas may have felt the same way until their moment for statehood came.

Perhaps the same could be said for the 62,000 residents of Arkansas, the 40,000 who lived in Nevada, the 84,000 in Idaho, and the 144,000 in Alabama at the time of statehood.

Alaska today has a population of 180,000 plus—far more than any of these States mentioned at the time of statehood.

Actually, I discover that four of the Original Thirteen States had fewer than 180,000 citizens when they formed the Union.

Then the first nine States admitted to the Union, including Mississippi, were under 180,000.

In all, 27 of the 48 States have been admitted to the Union with a population under that of Alaska.

It is surprising, going through legislative history, how many times the argument of economics has cropped up in connection with statehood being granted a Territory.

It came up when Washington became a State. Congress was worried that the Territory would not be able to support itself as a State.

Actually this argument of economics is not confined to Territories or States. As we know, it appears in family discussions. The parents are always worried that the youngsters will not be able to support themselves.

As a Union of States, we express and advance this argument with each State added.

Of course there should be concern as to Alaska's ability to support itself and advance its own program. But this is more a concern of Alaskans than it is of Congress. Alaskans know this. They have been taxing themselves to develop their area toward statehood for many years.

Like the pioneers who brought each of the 48 States into the Union, Alaskans feel confident that they can lick this problem as they

have met and solved others. I say, we should give them that opportunity.

Show me a State which does not have problems of raising money to finance schools, and support other needed governmental functions and State projects.

None are to be found.

Alaska is no different.

These are problems of growth and Alaska is growing, just as the United States is growing.

Alaskans are fully capable of solving these problems as are other Americans through their State and National Governments.

We have two choices:

These United States, like fearful parents, can waver further in indecision, and allow our lack of confidence to undermine Alaskans and say: "You will be ready for statehood someday—but not now."

Or, we can be proud of Alaskans' determination to strike out for their true independence through their own real self-government and say: "We approve and commend your vision, understand and believe your hopes, know that your mission and goal can and will be reached; so good luck and godspeed."

I heartily recommend the second course of action.

Alaska should be a State—

Because that is the best way to strengthen and to realize the potentialities of a growing region that constitutes the closest approximation of a frontier with the Soviet Union anywhere under American laws.

Because it is alien to the spirit of our institutions to keep a large group of Americans—well over 200,000 now, and their number rapidly increasing—in the second-class citizenship of Territorial status.

Because the world at large looks to the United States to set an example of extending full participation in government to all those peoples under its flag who want and who fulfill the requirements for statehood.

Alaska's distance from the present group of 48 States and the fact that it is not contiguous with them has very little pertinence in these days of rapid communications. It is much easier for an Alaskan to reach Washington by air than for an Ohioan a century ago. And there is no comparison between Alaska's proximity to the heart of the Nation and that of California, when it was admitted in 1850, at a time when no railroad, no telegraph, not even a regular stagecoach service, spanned the continent.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief summation of the reasons which constrain me to vote against statehood for Alaska.

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

STATEMENT BY SENATOR SALTONSTALL

Ever since the Constitution was adopted in 1789 and the flag of the United States was flown, men and women have sought for themselves the rights and privileges which under a democracy belong to them. They have sought political equality and political franchise. So recently the citizens of Alaska have voted 2½ to 1 to be admitted as a sovereign State of the United States. The desire of its citizens is a most important factor, but statehood must be measured in the light of other factors as well. Therefore, we owe a duty to the citizens of Alaska to study those other factors thoughtfully and conscientiously. At the same time we owe a great duty to the citizens of the United States as a whole to study the effect of the admission of Alaska as a State in order that the Union as a whole may be made most secure and its people best served.

Thus we must examine very carefully the economic progress and the economic future of the Territory—its ability for self-government of its people—its state of development of resources, communications and transportation, and its geographical location. On balance, I am constrained at the present time, June of 1958, to vote against the admission of Alaska as a State.

I have noted the great progress that Alaska has made in recent years in economic growth and in the development of its resources. I have noted the increase in the number of people who want to make Alaska their home. I have noted thoughtfully Alaska's great economic potential. In due time we can truly hope that it will take its place among the major political entities of our country.

However, at the moment we must note that only approximately 2 percent of the Territory of Alaska is privately owned. The balance is owned by our Government. Thus it will be exceedingly difficult for the people of the various communities and of the new State to maintain their governments, local and State, on a stable basis that permits growth.

When we consider the issue of statehood, we must consider whether the Territory involved satisfies all of the fundamentals of a sound economy. As many of my colleagues have pointed out, there are deficiencies in population, subsistence, and transport.

There have been many conflicting figures with respect to Alaska's population. The distinguished Senator from Virginia, who has made a very careful study of the composition of Alaska's population, cites at 113,000 the actual population figure in Alaska, and it is significant to note that the total vote in the 1956 delegate election was 28,266. Well over one-fourth of the population credited to Alaska consists of Federal Government officials.

We note also that the Territorial limits of Alaska have never been thoroughly surveyed. Its population in relation to its territory is a very small one. Its communities, while growing rapidly, have not yet become in most instances self-supporting. Transportation is mostly by air and sea although the great Alaskan Highway is being extended and there is a railroad servicing many communities which is operated by the United States Government.

We must consider whether conferring statehood would in view of the condition of Alaska's economy actually aid its development or whether the added responsibilities of self-government having so few people would impede its development.

It would be more realistic for the time being to continue the present system of government in Alaska. Let us hope the day will soon be upon us when the world will be more stable and our country's position more secure. Then a greater proportion of the inhabitants of Alaska will need not be occupied with their present military responsibilities. At that time its citizens will be able to devote their full energies and talents to the development of Alaska's resources and economy and thus provide us with convincing evidence of its abilities to support itself.

In my analysis of the Alaskan statehood measure, I have asked the question: In what way will statehood contribute to Alaska's economic development? The answer in each instance has been that statehood will permit the application of different laws and different regulations to situations which are now impeded by existing Federal laws. I refer to homesteading and local resources control boards. But every one of these changes which statehood would confer, thus facilitating Alaska's economic development, could be effected by Congressional action. There seems to be to be no validity to the argument that we should do indirectly what we have failed to attend to directly.

I think it would be worth while if Congress should request the Department of the Interior to establish a commission of responsible citizens from Alaska and from the United States to consider a carefully planned program for the development by private and public funds of Alaskan resources and how best to carry it out by the efforts of an increased citizenry in Alaska.

For the reasons I have briefly stated, but which I have considered with the utmost care and deliberation, I shall cast my vote against statehood for Alaska at this time when it comes to a vote at this session of the Congress. My reasons for doing so in no way reflect upon the needs and desires of the Alaskan people for political equality, nor upon the need of our Nation as a whole to fully develop the resources of Alaska. I do, however, feel that our mutual aims can be achieved more effectively and more expeditiously by continuing the present system of the government in Alaska. I believe this after a thorough consideration of the factors which promote the strength and unity of our Nation as a whole and the factors which will continue economic growth and population expansion in Alaska.

Mr. KUCHEL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by me on the bill granting statehood to Alaska.

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

STATEHOOD FOR ALASKA

(Statement by Senator KUCHEL)

Alaska is about to become the 49th State of the United States of America. The press of our country accurately has reflected the feelings of our people that a long overdue legal and moral commitment is about to be, and should be, fulfilled.

Friends of Alaskan statehood have furnished me with an interesting and significant sampling of editorial comments across the Nation favorable to Alaska's cause. One editorial from each State has been selected, and a sentence or two from each is reproduced in the following rollcall of States:

Alabama, the Birmingham Post-Herald: "The Alaskans have waited 42 years. They have amply demonstrated their right to the same sort of self-government enjoyed by other Americans. We hope and believe that a farsighted majority in the Senate will unite to grant it to them."

Arizona, the Tucson Star: "Congress should give statehood to both Alaska and Hawaii."

Arkansas, the Little Rock Arkansas Gazette: "It is now certain that Alaska will shortly become the Nation's 49th State."

California, the San Francisco Examiner: "Alaskans blame Federal bureaucracy for many of their troubles, expect these to be cured under statehood. Above all, the thing that rankles is that, since they pay United States income taxes, they have taxation without representation, the very grievance that led to United States independence."

Colorado, the Denver Post: "* * * Admission of Alaska to the Union this year will evidence a sincerity in our anticolonialism attitudes, giving Americans in Alaska the self-government we have advocated for the peoples of other territorial possessions of imperialist powers. Our slowness in doing so has put us under suspicion of hypocrisy."

Connecticut, the New London Day: "Most people agree that Alaska is ready for statehood and its people entitled to become first-class citizens of the United States."

Delaware, the Wilmington News: "In terms of the national interest, or of the interest of Alaska itself, there is very little that can be said against statehood."

Florida, the Miami Daily News: "Both Republican and Democratic Parties have repeatedly endorsed statehood for both Alaska and Hawaii in their platforms. Members of Congress who have been elected on those

platforms are morally committed to carry them out."

Georgia, the Albany Herald: "* * * Alaska's rate of population growth is almost four times that of the United States; the rich resources of the Territory deserve development which could only be accomplished in a State, not a territory; the Territory is strategically located so that it could become a more effective part of our defense system, and the loyalty of the Territorial people is unquestioned."

Idaho, the Boise Idaho Statesman: "Secretary Seaton concedes by inference that Federal management in Alaska isn't all that it might be when he says that statehood would allow Alaskans to develop the region's natural resources 'and thereby enlarge their contributions to the economic good of all America.'"

Illinois, the Aurora Beacon-News: "The United States stands before the world as the foremost champion of the full political rights and freedoms for individuals. Then why has statehood been so long denied?"

Indiana, the Rensselaer Republican: "The United States Government is treating Alaska like a colony, and the economic effects of United States policies are probably worse than those which led the American colonists to stage the Boston Tea Party and eventually to begin the American Revolution."

Iowa, the Des Moines Tribune: "We think the great majority of the citizens of the present 48 States would applaud if the Senators were to drop everything else and rush the Alaska statehood bill through to final passage."

Kansas, the Emporia Gazette: "The Alaska boom is something from which the entire Nation will benefit, long-term and short-term. It will engage not alone the people who live in Alaska but those who trade with it and produce for it."

Kentucky, the Madisonville Messenger: "At a time when a lot of people are greatly disturbed about what other nations of the world think about us—our everlasting desire to be liked—the United States could at least set an example of extending full rights to self-government to Alaskans who want and are ready to meet the requirements for statehood."

Louisiana, the Baton Rouge State Times: "There could be no disadvantage suffered by the present 48 States in the admission of Alaska. It would be a good thing to make American citizens out of Alaskans, with full rights in the Union."

Maine, the Bangor News: "Plain strong-arm politics has prevented to date admission of Alaska at the Nation's 49th State. The platforms of both major parties have for years pledged statehood."

Maryland, the Baltimore News-Post: "* * * the delaying tactics being pursued against the Alaskan statehood bill are not merely an injustice to the people of Alaska but a grave disservice to the United States as a whole."

Massachusetts, the Springfield Union: "The Senate would be serving the ends of justice, long overdue, if it followed the lead of the House and embraced Alaska as a State."

Michigan, the Muskegon Chronicle: "* * * Congress can give an important message to the rest of the world—that the United States does not consider itself territorially locked up for all time to come."

Minnesota, the Fairmont Sentinel: "If we are to continue regarding Alaska and Hawaii as too far away, too hazardous to be included in our fold, what about our interest (including investments, money and aid) heaped on Nations much farther away?"

Mississippi, the Canton Madison County Herald: "Eventually the people of Alaska will be given statehood, and their cause is just. As time goes by, more and more are converted to the cause of statehood for Alaska."

Missouri, the St. Louis Post-Dispatch: "It is high time that Congress applied the adage that 'actions speak louder than words' to the rapidly growing Territory to the northwest."

Montana, the Missoula Missoulian: "* * * statehood would give Alaskans both the responsibilities and the rights and privileges of full citizenship."

Nebraska, the McCook Gazette: "'Alaska today is better prepared for statehood than almost any Middle West State was'."

Nevada, the Las Vegas Courier: "Nevada's Legislature, during its recent session, memorialized the Congress to create a State out of the vast Territory of Alaska. This is as it should be, for Alaska richly deserves statehood."

New Hampshire, the Claremont Eagle: "If the question of statehood rested merely on merit, Congress would have acted long since."

New Jersey, the Paterson Call: "The citizens of the United States are overwhelmingly in favor of bringing Alaska into our family of States."

New Mexico, the Albuquerque Tribune: "Since the 13 Colonies became the United States of America, there have been 35 additions to the Union. And each time a new State has been admitted, the national economy has surged ahead."

New York, the New York Herald Tribune: "We have just got through making magnanimous offers to the Soviets to open up our Arctic territory in Alaska to international inspection. If we are that big-hearted, the least we could do is open up Alaska to the Alaskans."

North Carolina, the Charlotte News: "Statehood for Alaska has been repeatedly promised by both political parties."

North Dakota, the Devils Lake Journal: "Action on statehood is long overdue and the Government, in all fairness, should open the door for Alaska."

Ohio, the Fremont News-Messenger: "No matter what other considerations there may be, the question is whether it is fair to hold down Alaskan Americans to the status of second class citizens."

Oklahoma, the Enid News: "* * * the American people are in favor of the statehood bill. Every poll taken on the question shows an overwhelming majority in favor of it."

Oregon, the Portland Oregonian: "Congress need not worry about Alaskan population. It would come with the stimulation provided by statehood."

Pennsylvania, the Mechanicsburg Local News: "* * * this country was founded on the principle of taxation with representation, and that is what this question is all about."

Rhode Island, the Woonsocket Call: "It is to be hoped that Congress will get on with the admission of Alaska."

South Carolina, the Rock Hill Herald: "Admittedly the problems of granting statehood to Alaska are great. So were the problems of the development of the West in stagecoach days—but the results were worth the effort."

South Dakota, the Mitchell Republic: "* * * both major political parties, again and again in recent years, have unanimously adopted election platform planks which unequivocally pledged statehood."

Tennessee, the Nashville Banner: "That Alaska is ready for statehood there can be no doubt."

Texas, the Beaumont Journal: "* * * admitting Alaska as the 49th State would have more than national interest. It would train the eyes of the entire world on the growing United States and its increasing power to protect and preserve the democratic way of life that had its birth in a courageous handful of States."

Utah, the Salt Lake City Deseret News and Telegram: "There is simply no justification for continuing longer the United States own peculiar brand of colonialism; if it is continued, the Senate will have some tall explaining to do."

Vermont, the Burlington Free Press: "* * * equal senatorial representation by States was intended to meet regional objections to domination by large States. This argument still applies and the larger States have a remedy in their greater representation in the House."

Virginia, the Blackstone Courier-Record: "* * * Alaska's claim is worth the serious consideration of every citizen."

Washington, the Tacoma News Tribune: "Old Glory would have less than 48 stars today had Congress in years gone by applied some of the rules that now are suggested by Congressmen trying to beat statehood."

West Virginia, the Grantsville Chronicle: "The merits of the case seem to be indisputable."

Wisconsin, the Sheboygan Press: "Statehood would be a rich reward for a noble group that has steadfastly toiled to develop Alaska into a region worthy indeed of becoming our 49th State."

Wyoming, the Sheridan Press: "Although Alaska's population is comparatively small, and the area is huge, presenting some problems, statehood status was long overdue."

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a telegram which Committee Counsel Stewart French, of the Committee on Interior and Insular Affairs, sent to the Secretary of the Interior, and the reply of the Secretary of the Interior.

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

SENATE INTERIOR COMMITTEE,
June 23, 1958.

Hon. FREDERICK A. SEATON,
Secretary of the Interior,
Department of the Interior,
Washington, D. C.:

Senator JACKSON, chairman of Territories Subcommittee, has instructed me to ask you for written opinion from Interior Department on effect of July 3 date. Senator also points out that time of essence and requests full and speedy compliance as possible with subcommittee request.

STEWART FRENCH,
Committee Counsel.

THE SECRETARY OF THE INTERIOR,
Washington, June 25, 1958.

Hon. HENRY M. JACKSON,
United States Senate,
Washington, D. C.

DEAR SENATOR JACKSON: Thank you for your telegram concerning section 7 of H. R. 7999—the Alaska statehood bill. I am advised there is no reason to amend the July 3 date which appears in section 7. This is particularly true in view of the fact that the Senate is now debating H. R. 7999 and the Acting Majority Leader has announced that he hopes the bill can be considered fully and passed during this week.

Further, I am informed that the July 3 date was placed in H. R. 7999 at the request of some Alaskans who wanted the first official notification of passage of the bill received in Alaska on July 4. This would be a symbol to the world of our continued adherence to the beliefs of our founding fathers—to the principles of representation and the full enjoyment of all the rights, privileges, and immunities of our Republican form of government.

In any event, I am also advised that compliance with section 7 by the President on

or before July 3 is not essential; the primary objective of that section is that official notification be sent to the Governor of Alaska upon enactment of the bill. The intent of the section would not be defeated if such notification is given after July 3.

It would be unfortunate, indeed, if Alaska's hopes and dreams for political equality could be frustrated because of what some might interpret to be an overabundance of patriotic zeal. Therefore, it is my hope that the Senate can adopt H. R. 7999 without amendment.

Sincerely,

FRED A. SEATON,
Secretary of the Interior.

Mr. JACKSON. Mr. President, the Senate is about to cast a historic vote which will grant statehood to Alaska. Only historians will be able truly to evaluate this act. I do not believe there is a Member of the Senate who can assess the great good that has been done today or all the benefits that will accrue to the people of Alaska and to all Americans by our action. People throughout the world will herald statehood for Alaska as dramatic proof of the dynamic characteristics of democracy in America.

I should like personally to express my deep appreciation to the acting majority leader, the Senator from Montana [Mr. MANSFIELD] and to the minority leader, the Senator from California [Mr. KNOWLAND], as well as to the ranking minority member of the subcommittee who handled this matter on the Republican side of the aisle, the distinguished Senator from California [Mr. KUCHEL]; likewise, to the chairman of the full committee, the distinguished Senator from Montana [Mr. MURRAY]; to the members of the subcommittee, and to the members of the full committee, who have been so helpful.

I wish to mention particularly the distinguished junior Senator from Idaho [Mr. CHURCH], who has been so helpful throughout the debate, and other members of the subcommittee, as well.

I think when we consider the historic situation today, it is well to call attention to the fact that one of the ardent supporters of statehood has been the distinguished senior Senator from Arizona. He remembers the long, hard fight for statehood for his great State. It has been 46 years since the last State was admitted—Arizona. I think we can be proud tonight to have in the Chamber the man who has served that State continuously in the House of Representatives and in the Senate since the last act of statehood was passed by Congress. I refer, of course, to the distinguished senior Senator from Arizona, the President pro tempore, CARL HAYDEN. We are all proud of the able assistance which he has given to us.

It would be impossible to enumerate all the persons who have ably assisted in the passage of this legislation. But I think it would be a mistake, indeed, if I did not call attention to some of the persons who, year in and year out, have fought hard for statehood for Alaska.

I refer, first of all, to Delegate Bartlett; to former Gov. Ernest Gruening; to Senator Egan who is Senator-elect under the Tennessee plan, together with Senator-elect Gruening; and to Representative-elect Rivers.

I express my deep appreciation also to the Secretary of the Interior, Hon. Fred Seaton, and to his staff, who so ably assisted us in all matters connected with statehood; and to the Governor of Alaska, Hon. Michael A. Stepovich, who has given his full support to statehood.

In any fair appraisal of the Alaska statehood bill, one fact stands out very clear. Our work to date has not been the product of a single party. It has been the product of a bipartisan majority. This demonstrates again that Americans can close ranks on the truly great issues.

This is not a Republican victory; it is not a Democratic victory; it is not simply a victory for Alaskans. Mr. President, it is a victory for all Americans and for the Democratic process.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The question is on the passage of the bill. 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 Tennessee [Mr. GORE], the Senator from Texas [Mr. JOHNSON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that, if present and voting, the Senator from Texas [Mr. JOHNSON], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Nevada [Mr. MALONE] is absent on official business.

The Senator from Vermont [Mr. FLANDERS] is absent because of death in the family.

The Senator from West Virginia [Mr. HOBLITZELL] is absent because of illness.

The Senator from New York [Mr. IVES] and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Maryland [Mr. BEALL] and the Senator from Nebraska [Mr. CURTIS] are detained on official business.

If present and voting the Senator from Vermont [Mr. FLANDERS] and the Senator from Nebraska [Mr. CURTIS] would each vote "yea."

The Senator from New York [Mr. IVES] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from New York would vote "nay," and the Senator from Maryland would vote "yea."

The Senator from West Virginia [Mr. HOBLITZELL] is paired with the Senator from Nevada [Mr. MALONE]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Nevada would vote "nay."

The result was announced—yeas 64, nays 20, as follows:

YEAS—64

Aiken	Bricker	Chavez
Allott	Capehart	Church
Anderson	Carlson	Clark
Barrett	Carroll	Cotton
Bennett	Case, N. J.	Dirksen
Bible	Case, S. Dak.	Douglas
Dworshak	Kerr	Payne
Frear	Knowland	Potter
Goldwater	Kuchel	Proxmire
Green	Langer	Purtell
Hayden	Lausche	Revercomb
Hennings	Long	Smith, Maine
Hickenlooper	Magnuson	Smith, N. J.
Hill	Mansfield	Sparkman
Holland	Martin, Iowa	Symington
Hruska	McNamara	Thye
Humphrey	Morse	Watkins
Jackson	Morton	Wiley
Javits	Mundt	Williams
Jordan	Murray	Young
Kefauver	Neuberger	
Kennedy	Pastore	

NAYS—20

Bridges	Ervin	Russell
Bush	Fulbright	Saltonstall
Butler	Johnston, S. C.	Schoeppel
Byrd	Martin, Pa.	Stennis
Cooper	McClellan	Talmadge
Eastland	Monroney	Thurmond
Ellender	Robertson	

NOT VOTING—12

Beall	Hoblitzell	Malone
Curtis	Ives	O'Mahoney
Flanders	Jenner	Smathers
Gore	Johnson, Tex.	Yarborough

So the bill (H. R. 7999) was passed.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries will preserve order.

Mr. JACKSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, Senate bill 49 is indefinitely postponed.

DEVELOPMENT OF MINERAL RESOURCES OF THE UNITED STATES

The PRESIDING OFFICER. The Chair lays before the Senate unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 3817) to provide a program for the development of the mineral resources of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes.

AMENDMENT OF SMALL BUSINESS ACT OF 1953

Mr. MANSFIELD. Mr. President, for the information of the Senate, the next order of business will be Calendar No. 1748, House bill 7963. I ask unanimous consent that the unfinished business be laid aside, and that Calendar No. 1748 be made the pending business.

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

The LEGISLATIVE CLERK. A bill (H. R. 7963) to amend the Small Business Act of 1953, as amended.

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

There being no objection, the Senate proceeded to consider the bill (H. R.

7963) to amend the Small Business Act of 1953, as amended, which had been reported from the Committee on Banking and Currency with amendments.

Mr. MANSFIELD. Mr. President, let me state that it is possible that in connection with the consideration of House bill 7963, there will be a yea-and-nay vote.

Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader, I wish to inform the Senate that after the disposition of the bill amending the Small Business Act of 1953, the Senate will then consider the District of Columbia appropriation bill, Calendar 1799, House 12948, and a number of noncontroversial measures on the unanimous-consent calendar.

I ask unanimous consent that a list of these measures be printed at this point in the RECORD, so all Members of the Senate may, when they read the RECORD tomorrow morning, know what the program for the remainder of the week will be.

The PRESIDING OFFICER. Is there objection?

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

LEGISLATION TO BE SCHEDULED

The following bills appear to be noncontroversial or subject to only limited debate:

JUDICIARY COMMITTEE

1. Calendar No. 1772, H. R. 982, amending section 77 (c) (6) of the Bankruptcy Act.

2. Calendar No. 1773, S. 3728, incorporating the Big Brothers of America.

3. Calendar No. 1779, H. R. 10154, empowering the Judicial Conference to study and recommend changes in and additions to rules and practice procedure in the Federal courts.

FOREIGN RELATIONS COMMITTEE

1. Calendar No. 1785, Senate Resolution 293, requesting the Secretary of State to express the interest of the Senate in the completion of the loop road linking the Glacier National Park in the United States and the Waterton Lakes National Park in Canada.

2. Calendar No. 1786, S. 3608, reviving and reenacting authorization for the construction by the State of Maine of a highway bridge between Lubec, Maine, and Campobello Island, Canada.

3. Calendar No. 1787, S. 3437, authorizing the State of Minnesota to construct and operate a free highway bridge between International Falls, Minn., and Fort Frances, Canada.

PUBLIC WORKS COMMITTEE

1. Calendar No. 1789, S. 3177, authorizing the modification of the Crisfield Harbor, Md., project.

2. Calendar No. 1781, S. 2117, directing the Secretary of the Army to transfer certain buildings to the Crow, Creek, Sioux Indian Tribe.

3. Calendar No. 1792, H. R. 11936, extending the time for collection of tolls on a bridge across the Missouri River at Brownville, Nebr.

4. Calendar No. 1792, H. R. 11861, authorizing the city of Chester, Ill., to construct new approaches to a bridge across the Mississippi River at Chester.

INTERIOR COMMITTEE

1. Calendar No. 1781, S. 3203, revesting title to minerals in the Indian tribes within the Wind River Indian Reservation, Wyo.

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

1. Calendar No. 1794, S. 3919, amending section 1105 (b) of title 9 of the Merchant Marine Act of 1936, to implement the pledge-of-faith clause.

2. Calendar No. 1797, S. 3499, amending the vessel admeasurement laws relating to water ballast spaces.

3. Calendar No. 1798, H. R. 12311, amending the act of September 7, 1950, relating to the construction of a District of Columbia public airport.

In addition, Calendar No. 1799, H. R. 12948, the District of Columbia appropriations bill, was reported on June 27, 1958.

The Defense, Public Works, and Legislative appropriation bills have not yet been reported from committee; the Independent Offices and Labor-HEW appropriation bills are still in conference.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn until tomorrow, at 12 o'clock noon.

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

DONATION OF CERTAIN UNITED STATES SURPLUS PROPERTY FOR PARK AND RECREATIONAL PURPOSES

Mr. THYE. Mr. President, I have received from the commissioner of conservation in my State of Minnesota a letter enlisting my support for the enactment of Senate bill 1318, which would permit the donation of certain surplus property of the United States without monetary consideration, for park and recreational purposes. The Minnesota commissioner of conservation points out that very often State budgetary requirements do not make it possible for States to acquire Federal lands when they have been declared surplus, and that by the time appropriations can be made, these lands have been otherwise disposed of, and no longer are available for acquisition for public use.

I wish to declare my support of the principles embodied in Senate bill 1318; and I ask unanimous consent, Mr. President, that Commissioner Selke's letter be printed in the RECORD at this point in my remarks, and be referred to the Committee on Government Operations, for its consideration.

There being no objection, the letter was ordered to be referred to the Committee on Government Operations, and to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF CONSERVATION,
St. Paul, June 27, 1958.

Hon. EDWARD J. THYE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR THYE: I understand that Senators Mansfield and Murray have introduced S. 1318, and that Representative Younger has introduced H. R. 3121, identical bills, which authorize the Federal Government to turn over surplus Federal lands to States and municipalities for recreational use, without monetary consideration. I understand that a similar arrangement is now possible if the land in question is to be used for historic sites or health and educational purposes.

As you undoubtedly know, under the present law, States and municipalities are required to pay 50 percent of the appraised value when acquiring surplus Federal land. Usually, under our State budgetary restrictions it is impossible to have funds available when these Federal lands are declared surplus, and by the time appropriations can be made such lands have been otherwise disposed of and are no longer open to acquisition for public use.

Land suitable for recreational development is becoming more scarce and more high priced every year in most States. I feel that it is extremely short-sighted to let any Federal tracts which lend themselves to public recreational use fall into private hands, particularly if a State or municipality has use for the area. I am afraid the public will be paying in the rather near future for the present indifference and apathy regarding our failure to save these lands for public use.

I am, therefore, enlisting your support in getting the Mansfield-Murray, and Younger bills out of committee, passed by both Houses of Congress, and placed before the President for signature.

Very truly yours,

GEORGE A. SELKE,
Commissioner of Conservation.

ACCOMPLISHMENTS OF THE UTE INDIAN RECREATION DEPARTMENT

Mr. WATKINS. Mr. President, I think most of us recall tales of the immortal Jim Thorpe, of the Carlisle Indians, one of our Nation's most splendid athletes. But I think many of us are unaware of what fine health and recreation programs are now going forward in various areas of the country where present-day Indian athletes are making names for themselves and bringing credit to their people.

I particularly wish to cite the all-Indian basketball tournament held recently in the northeast corner of my State of Utah, the Uintah Basin country. Here the Ute Indian Tribe's Recreation Department, and others, have rendered a particularly noteworthy service that I think all Members of Congress should know about. Here we have a case in which Indians and their neighbors, within and outside the State, all joined in this leading event.

The Uintah Basin Standard, an ably edited paper published at Roosevelt, has called attention to the full meaning and significance of these activities. I ask unanimous consent to have printed as a part of my remarks in the CONGRESSIONAL RECORD that newspaper's editorial entitled, "Compliments to the Ute Indian Recreation Department," together with a list of the persons who are most fully associated with this excellent program.

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

The Ute Indian Tribe, a Federal chartered corporation of the Uintah and Ouray Agency at Fort Duchesne, Utah, has the following as a governing body: Jason Cuch, chairman;

Henry Cuch, vice chairman; and Connor Chapoose, Thomas G. Appah, Ouray McCook, and Albert W. Tabbee, members. The administration officers are: R. O. Curry, executive secretary; Francis McKinley, director, community services; and Henry Cuch, treasurer.

[From the Uintah Basin Standard of April 10, 1958]

COMPLIMENTS TO THE UTE INDIAN RECREATION DEPARTMENT

Those who took time to see parts or all of the all-Indian basketball tournament held last weekend at the Randlett recreation center and at Union High School were pleased at the high type of play they witnessed.

Not only did the directors of the Ute tribal recreation department do an outstanding job of arranging and promoting the tournament, but the quality of play and the type of competitors were among the better teams that might be found in the country.

The Standard has enjoyed a very friendly relationship with the men and women who direct the recreation program for the Ute Indians on the Uintah-Ouray Reservation. We have offered the services of the paper to help them promote their programs they are carrying on, and hasten to reiterate our willingness to continue aiding them in their programs.

Last week we carried a report of the success their boxing team enjoyed in the recent AAU boxing tournament. A week or so before, this group of Indian kids came back from the Golden Gloves tourney at Denver with a peck of trophies and honors won in this western meet.

Within the past few weeks a very successful kids' basketball program was completed in which the Ute directors cooperated with the Roosevelt Kiwanis Club in a western basin tournament. They made available their gym, balls, officials, and other facilities to make the project a definite success.

If such a program of physical development continues under proper supervision on the reservation for the Indian children, one thing certain will result: As these kids develop and mature, the Indian boys and girls will be well fortified with the physical abilities to compete with their white brothers and sisters, thus creating a new world for many who might not otherwise enjoy the association of society as a whole.

We offer our sincere congratulations to everyone connected with the progressive program of youth training now in progress on our Ute Indian Reservation. You are doing a great service to this people—a service that must bring a lot of personal satisfaction and joy to the instructors and directors.

CURRENT DEVELOPMENTS IN WATER LAW

Mr. WATKINS. Mr. President, for nearly a century we in the semiarid West have been concerned with the legal question of the ownership and regulation of water.

Settlers of the West moved there from humid areas, where this problem had not—and has not yet, in some cases—been raised. In these humid areas of origin, the western colonizers had grown up under a legal doctrine known as "riparian rights." Under this doctrine, imported into our legal system from England, where it evolved as common law, the person who bought property alongside a stream or a lake acquired a property right in the water itself. As a "riparian" owner, he was entitled to have that water remain in the same quantity and quality as when he acquired the property.

In a humid country, such as England, where natural streamflow perhaps always will be more than sufficient, this is a reasonable legal doctrine; and for many centuries it has proved adequate for conditions there.

In my State, however, the first action of the settlers, slightly more than a century ago, was to divert a stream from its channel, and to use the entire flow of the seasonally reduced stream to irrigate crops planted to stave off starvation for those intrepid colonizers. From that day forward, similar diversions for irrigation, municipal, and industrial use have been made throughout the West, some even for the purpose of transporting water across major mountain ridges, to deliver water into an adjoining drainage basin.

The practice of diversion of water for consumptive use became, through court decisions, a legal doctrine of the right to appropriate water for beneficial purposes. Eight of the Western States even went so far as to incorporate into their State constitutions provisos decreeing that ownership and control of water vested, not in the riparian property owner, but in the State, as a public resource.

This background suggests why we of the West have clamored so persistently about State water rights. For the last century, water in the Western States has been acquired by a use license or certificate of appropriation, issued, in most cases, by the respective State engineers in those States. Municipalities, farmers, industry, wildlife refuges—all users of water in the West—have acquired rights to use water under State law. Any action to upset this century-old program, or to cast a shadow of invalidity upon these acquired rights, would be simply catastrophic in the 17 Western States.

Also, as I believe I have indicated on this floor on several occasions, it is true that other States in the East and South are now finding the need for adoption of this western water doctrine. Many areas in the humid East and South have discovered a current or impending use of additional water; and now they are faced with the problem of finding a legal basis for holding streamflow in storage, in order to provide needed water supplies for municipal use, irrigation, fish and wildlife preservation, and to augment low streamflows for a variety of needs.

In my opinion, most States will experience this need, if they have not already done so, and eventually will find it necessary to modify their State laws so as to provide for legal appropriation of water under State regulation.

One of the outstanding discussions of this subject in recent years was made here in Washington recently by a young water attorney in my State who has acquired a national reputation in this field. He is Edward W. Clyde, of Salt Lake City, one of the speakers at the recent briefing conference.

I ask unanimous consent to have the excellent address entitled "Current Developments in Water Law," which was delivered by Mr. Clyde before the Briefing Conference on Water Resources, in Washington, D. C., on May 23, 1958, printed at this point in the RECORD.

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

CURRENT DEVELOPMENTS IN WATER LAW

(Address by Edward W. Clyde, 351 South State Street, Salt Lake City, Utah, before the Briefing Conference on Water Resources in Washington, D. C., May 23, 1958)

Current developments in water law are best analyzed against the backdrop of the past. At first, the doctrine of riparian rights was not rejected because it was ill-adapted to western climatic conditions. The doctrine was based on the ownership of riparian lands, and in the Western States the land was in the beginning all owned in a proprietary capacity by the United States of America.[1]

All settlers were trespassers against the Government. Miners and farmers alike were diverting water from its accustomed channel and taking it for use on distant lands. Others were locating along the banks of the stream and claiming, under the riparian doctrine, the right to have the water stay in its accustomed channel. The courts ruled against these riparian settlers—and in favor of the first appropriator, because the settlers owned no riparian lands, and were not in a position to assert the riparian-right doctrine.

The original precedent for the doctrine of prior appropriation is generally considered to be the California case of *Irwin* v. *Phillips*.[2] There the plaintiff had diverted water from a stream running through public lands and transported it to mining lands located some distance from the stream. Subsequently, the defendant located along the banks of the stream and asserted the right to have the water remain in its accustomed channel in accordance with the doctrine of riparian rights. The court rejected the defendant's claim.

In so doing, the court said that it was required to take notice of the political and social conditions of the area, which it judicially ruled. The United States of America had shown no intention of disposing of its public lands, and had permitted a system governing the use of water to grow up by the voluntary act and assent of the people. To be sure, some of the elements were still crude and undigested, but a universal sense of necessity and propriety had so firmly fixed other elements of the system that they have come to be looked upon as having the force and effect of res judicata. The plaintiff, being first to use the water, was held to be first in right, and the doctrine of prior appropriation was thus born. It was, of course, conceived by the needs of the people, and its entire character has since been shaped by the local environment in which it has grown.

The principle that he who is first in time is first in right was soon affirmed in other California cases. The doctrine became so firmly established that the California court rebuked counsel for disputing its existence.[3]

Wherever the matter was litigated in regard to public lands, the courts of the West applied the doctrine.[4]

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[1] *Boggs* v. *Merced* (14 Cal. 279, 374, 1859); *Moore* v. *Smaw* (17 Cal. 199, (1861)); *Broder* v. *Water Co.* (101 U. S. 274, 25 L. Ed. 790 (1879)).

[2] 5 Cal. 140 (63 Am. Dec. 113).

[3] *Logan* v. *Driscoll* (19 Cal. 623, 81 Am. Dec. 90).

[4] For example, see *Mallet* v. *Uncle Sam Gold & Silver M. Co.* (1 Nev. 188; 90 Am. Dec. 484 (1865)); *Lobdell* v. *Simpson* (2 Nev. 274 (1866)); *Sieber* v. *Frink* (7 Colo. 148; 2 Pac. 901); *Schilling* v. *Rominger* (4 Colo. 100 (1878)); *Crane* v. *Winsor* (2 Utah 248).

As is noted by the Supreme Court of Nebraska: [5]

"It was a crude attempt to preserve order and the general peace, and to settle customary rights among a body of men subject to no law, under which so many and so valuable rights arose that when the law stepped in it was obliged to reorganize them."

Mr. Justice Fields, who had authored the *Irwin* v. *Phillips* case, for the Supreme Court of California, had been appointed to the United States Supreme Court, and in 1866, in the case of *Atchison* v. *Peterson*,[6] the United States Supreme Court affirmed the prior appropriation doctrine. The Court, speaking through Mr. Justice Field, said:

"This equality of right among all the proprietors on the same stream [riparian rights doctrine] would have been incompatible with any extended diversion of the water by one proprietor, and its conveyance for mining purpose to points from which it could not be restored to the stream. But the Government being the sole proprietor of all the public lands, whether bordering on streams or otherwise, there was no occasion for the application of the common-law doctrine of riparian proprietorship with respect to the waters of those streams. The Government, by its silent acquiescence, assented to the general occupation of the public lands for mining, and to encourage their free and unlimited use for that purpose, reserved such lands as were mineral from the sale and the acquisition of title by settlement. And he who first connects his own labor with property thus situated and open to general exploration, does, in natural justice, acquire a better right to its use and enjoyment than others who have not given such labor."

It is interesting to note that though great numbers of people had settled in the West and Territorial and State governments had been set up by 1849, no steps were taken by Congress to provide for private acquisition of the Federal lands and water. However, a firm system of law had been formulated by judicial decision, and the fundamental principles then established have since been consistently followed. They are: (1) that water in its natural course is the property of the public, and it is not subject to private ownership; [7] (2) that a vested right to use the water may be acquired by appropriation and application to beneficial use; [8] (3) that the person first in time is first in right; [9] and (4) that beneficial use is the basis, the measure, and the limit of the right.[10]

By 1862,[11] Congress began to provide ways by which title could be acquired to Federal land. Conflicts between the riparian land owner, who desired to keep the water in its accustomed channel, and the appropriator who desired to remove it from the channel for use on distant lands developed. In isolated cases, the courts were holding in favor of the landowner.[12] Where the appropriation had preceded the land patent, the courts had less difficulty in applying the appropriation doctrine. However, where the water was unappropriated and thus in its accustomed channel at the time of the patent, the contention that the landowner acquired riparian rights in the water, presented a more serious problem. Legislative ratification of the prior rights doctrine was clearly desired. The local customs, which were adopted by the appropriations doctrine, were first recognized in 1865 in an act concerning Federal courts in Nevada.[13] In 1866 Congress expressly confirmed acquisition of water rights in accordance with local customs by a general statute dealing for the most part with mining claims. The act simply said that whenever by priority of possession, rights to the use of water for mining, agriculture, manufacturing or other purposes have vested and accrued, and the same are recognized and confirmed by local customs, laws and decisions of the courts, the owner of such rights shall be protected in the same.[14]

This act was construed by the United States Supreme Court to be "a voluntary recognition of a pre-existing right of possession constituting a valid claim to" the continued use of the water, rather than "the establishment of a new one," and the courts were bound to protect rights which had vested under local custom, whether initiated prior to or after the passage of that act.[15]

In 1877, with the enactment of the Desert Land Act, Congress further aided those States desiring to reject the claim of riparian rights by severing the water from the public land. After that act, no United States patent to lands in specifically named Western States would carry with it any interest in the water of non-navigable streams. In construing this act, the United States Supreme Court said: [16]

"As the owner of the public domain, the Government possessed the power to dispose of land and water thereon together, or to dispose of them separately. The fair construction of the provision now under review is that Congress intended to establish the rule that for the future the land should be patented separately; and that all non-navigable waters thereon should be reserved for the use of the public under the laws of the States and Territories named."

The right of each State to adopt its own system of water law to govern the appropriation of nonnavigable waters was thus expressly granted by Congress and repeatedly confirmed by the United States Supreme Court.[17] The Federal Government, as the proprietor, had the right through Congress to dispose of its lands and waters. It was deemed wise to permit each State to formulate the solution to its water problems as best fitted local needs. Even agencies of the Federal Government were required by Congress to comply with State laws in the appropriation of water. For example, the National Reclamation Act of 1902 required the Bureau of Reclamation to secure project waters, in accordance with the local law.[18] At the present time, this section no longer serves its original purpose, because it does not cover all the uses included in multiple purpose projects. As an extension of this concept, the Utah Supreme Court has recently held that since the Bureau files as any other appropriator, it thereby subjects itself to State administrative procedures and to the jurisdiction of the Utah courts in court review of the orders of the State administrative officer.[19]

The fact that the Federal Government was the proprietor of western lands and waters was probably in the overall end result beneficial to the States. It may be that the courts would have repudiated the riparian doctrine simply because it was not adapted to western needs. It is, however, entirely possible that the courts would have applied the riparian doctrine, had there been a riparian owner. If riparian rights had attached, serious constitutional problems would have been encountered in abolishing that doctrine. The development of the West absolutely required the diversion of water from its accustomed channel, and it is, in any event, fortunate that at the very beginning the public ownership concept of water developed. As water needs continue to rise in the eastern portions of the United States, and it becomes necessary, in order to meet those water needs, to divert water for use on distant lands, these constitutional problems are going to be encountered. The courts in the East have applied the doctrine of riparian rights. If the various riparian land owners have acquired rights to the waters of the streams, the diminution of those rights through diversion for use on distant lands may be halted by the due process clauses of the Federal and the various State constitutions.

A similar problem was encountered in Utah, where the Supreme Court had held for 75 years that underground water was owned by the owner of the soil. When the Supreme Court finally concluded that the private ownership doctrine would not work and that underground water, like surface water, had to be administered on a priority basis, these early decisions could not be permitted to stand. If the underground water were in fact private property, owned by the owner of the soil, it could not be made public property, simply by legislative fiat. The Supreme Court got around the problem by holding that all its prior decisions in this regard were wrong, that underground water was and always had been the property of the public. Public water, under the law existing in Utah, could be appropriated by diversion and application to beneficial use. Those who had in the past diverted and used underground water had acquired rights, and these existing rights were protected. Waters not yet diverted and not yet placed to beneficial use were held to be public waters, subject to all the principles of the appropriation doctrine and in particular subject to State control. The 1935 underground-water law regulating the appropriation of ground water was upheld, and the priority doctrine was applied to the use of underground water, even though for 75 years the Court had erroneously said again and again that underground water was owned by the owner of the soil. (See *Riordan* v. *Westwood* (115 Utah 215, 203 P. 2d 922).)

While the Federal Government, as the proprietor, has thus acquiesced, both through the courts and Congress, in State control of the appropriation of water, the Federal Government, as a sovereign, has placed substantial limitations on the concept of State control. It was early recognized that the Federal Government received its sovereign powers from the Constitution. These powers could not be increased through the purchase of land from foreign nations, and although France and Mexico, from whom this western land was acquired, followed the civil law and as such had sovereign rights to the precious minerals, the purchase from these nations did not increase the sovereign powers of the purchaser. The Supreme Court has also recognized that, where the Constitution excludes the States, Congress cannot regrant or

[5] *Meng* v. *Coffey* (67 Neb. 500; 93 NW 703 (1903)).

[6] 20 Wall 507; 22 L. Ed. 414 (1874).

[7] *Adams* v. *Portage Power* (95 Utah 1; 72 P. 2d 648 (1937)).

[8] *Hague* v. *Nephi Irrigation Co.* (16 Utah 421 (1898)); *Whitmore* v. *Salt Lake City* (89 Utah 387; 57 P. 2d 726 (1936)).

[9] *Dameron Valley Reservoir* v. *Bleak* (61 Utah 230; 211 P. 974 (1922)).

[10] *Mt. Olivet Cemetery Assn.* v. *Salt Lake City* (65 Utah 193; 235 U. 876 (1925)).

[11] Homestead Act (12 Stat. 392).

[12] *Vansickle* v. *Haines* (7 Nev. 249), *Union Mining Co.* v. *Ferris* (Fed. case No. 14371).

[13] 13 Stat. 441.

[14] 14 Stat. 253.

[15] *Broder* v. *Natoma Water & Min. Co.* (101 U. S. 274, 25 L. Ed. 790).

[16] *California-Oregon Power Co.* v. *Beaver Portland Cement Co.* (295 U. S. 142 (1935)).

[17] See *United States* v. *Rio Grande Dam and Irr. Co.* (174 U. S. 690 (1899)). *Clark* v. *Nash* (198 U. S. 361 (1905)); *Kansas* v. *Colorado* (206 U. S. 46, (1907)); *California-Oregon Power Co.* v. *Beaver Portland Cement Co.*, supra; *Nebraska* v. *Wyoming* (325 U. S. 589 (1945)).

[18] 34 Stat. 325, *Nebraska* v. *Wyoming* (325 U. S. 589 (1945)). See also as to Indian Lands the Act of June 21, 1906.

[19] In re Bear Drainage Area (2 Utah 2d 208, 271 P. 2d 846 (1954)).

in any manner reconvey to the States that power.[20] Where the Constitution grants to Congress the power to legislate, it may discharge its legislative function by adopting State laws, present or prospective.[21] It may also remove the obstacles to State legislation which will permit the State itself to directly legislate upon the subject.[22]

One of the main restrictions on State control of the appropriation of water is the power of Congress to regulate commerce and to control navigable waters. The Supreme Court has said that the Federal Government holds a dominant servitude on the waters of navigable streams. If it chooses to exercise its full powers, private rights initiated under State law to use the navigable waters can apparently be totally wiped out without compensation.

In *United States* v. *Twin City Power Co.*,[23] the problem of just compensation for a potential power site, which was taken by the United States, was involved. Congress had authorized construction of a multiple-purpose dam. One of the uses was to improve the river for navigation. The Court held that the United States need not compensate the owner of the power site, and in so holding, stated:

"The interest of the United States in the flow of a navigable stream originates in the commerce clause. That clause speaks in terms of power, not of property. But the power is a dominant one which can be asserted to the exclusion of any competing or conflicting one. The power is a privilege which we have called 'a dominant servitude' (citing cases) or 'a superior navigation easement.' The legislative history and construction of particular enactments may lead to the conclusion that Congress exercised less than its constitutional power, fell short of appropriating the flow of the river to the public domain, and provided that private rights existing under State law should be compensable or otherwise recognized. Such were *U. S.* v. *Gerlach Live Stock Co., supra*,[24] and *Federal Power Commission* v. *Niagara Mohawk Power Corp., supra*.[25] We have a different situation here. One where the United States displaces all competing interests and appropriates the entire flow of the river for the declared public purpose.

"The exclusion of riparian owners from the benefits of the power in a navigable stream 'without compensation is entirely within the Government's discretion.' "

The absolute power over navigable waters conceded to Congress by the United States Supreme Court is a matter of considerable importance. All navigable waters are fed by tributaries, which in their upper reaches are not navigable. Still the diversion and consumptive use of such waters can deplete the flow and thus interfere with navigation.

Also, the question of whether the purpose is in fact for navigation is left to Congress. In the case of *Arizona* v. *California*,[26] Arizona charged that the Secretary of the Interior was proceeding in violation of Arizona laws to invade its quasi-sovereign rights by building Boulder Dam. Half of the dam was to be located in Arizona. Its purpose was to divert water from the Colorado River. The Supreme Court held that the Federal Government may perform its functions without conforming to the police regulations of any State. It also held that Congress had the power to authorize construction of the dam for the purpose of improving navigation. To the contention of Arizona that the purpose of the dam was really other than improving navigation, the Court said:

"Into the motives which induced Members of Congress to enact the Boulder Canyon Project Act, this Court may not inquire. The act declares that authority to construct the dam and reservoir is conferred, among other things, for the purpose of 'improving navigation and regulating the flow of the river.' As the river is navigable and the means which the act provides are not related to the control of navigation * * * the erection and maintenance of such a dam and reservoir are clearly within the powers conferred upon Congress. Whether the particular structures proposed are reasonably necessary, is not for this Court to determine."

It is of some interest to note that the several States involved, with the consent of Congress, had in 1922 adopted a compact. Under article IV the States had recited "that the Colorado River has ceased to be navigable for commerce, and that the use of water for purposes of navigation shall be subservient to the use of water for domestic, agriculture, and power purposes." Notwithstanding this declaration, that the river had ceased to be navigable and that navigation should be subservient, the authority to build the dam was upheld, the motives of Congress were not for the Court. The doctrine has recently been reaffirmed in *First Iowa Hydroelectric Cooperative* v. *Federal Power Commission*.[27]

If the various Federal legislative grants of the right to appropriate water in accordance with the State law are subordinate to the sovereign power to control navigable waters, and if the sovereign power can be exercised without compensation, what rights initiated under State law can be secure? No one would quarrel with the principle of superior Federal control in regard to navigation. The power is one which by its nature must be Federal, but its exercise need not wipe out private rights without compensation.

Logically, the Federal statutes confirming local custom and permitting appropriations under State law should be construed as a consent by the proprietary owner to the initiation of private rights. Where private rights have been initiated, in accordance with the requirements of the applicable law, the rights ought to be protected. In disposing of its public lands, the Federal Government has long recognized that the various land statutes constitute an offer to the public of the right of entry. For example, when mining claims are located in accordance with controlling statutes, rights are initiated and subsequent withdrawal of the land for governmental purposes cannot cancel those rights without compensation. Such has been the uniform holding of our courts.[28]

The same principle is applied to entries under the Homestead Act and to desert entries. Even though the fee title is still in the United States, and much work must yet be done before a patent may be applied for, the mere initiation of the right is recognized as a species of property entitled to the protection of the due process clause. If the Federal statutes permitting the appropriation under State law were intended to mean that appropriations made thereunder are subservient and junior to the rights of the Federal Government to the same water for navigation, the statutes ought to be changed. The entire economy of the West is tied to its water resources. Diversions of water for use on distant land are expensive. Often the efforts of a lifetime, even of generations, have been invested in building facilities in reliance on appropriations of water initiated under State law. The Government, itself, has been vitally concerned in having resources developed, and past Federal water statutes have been calculated to lend encouragement to those efforts. Without regard to technical questions of where the ultimate power resides, as between the Federal Government and the State, practical considerations require the development of a system of law upon which the appropriator may rely. He must be assured that the investment he makes to develop the resources will not be wiped out by some dominant power without compensation.

The protection of these rights is not without precedent. In regard to the use of the surface of Federal lands, permits have been issued for grazing.

The permits generally fall into two classes, one governing the use of forest lands, and the other under the Taylor Grazing Acts, relating to the use of winter range. The act providing for the issuance of permits expressly recited that the permittee had no vested right in the land, and the courts have uniformly held that when the lands are needed for governmental purposes, the permits may be revoked and the Government has no legal duty to compensate the permittee. Still, when the lands became necessary for military purposes, Congress expressly provided that:

"Whenever use for war purposes of the public domain * * * prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the heads of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons." [29]

Even in the field of navigation, in the Mohawk case and the flood cases along the San Joaquin River,[30] compensation was allowed to the holder of the private rights, because Congress had not elected to assert its full dominant power. In the latter case, the Court said: "that Friant Dam in fact bears some relation to control of navigation, we think nevertheless that Congress realistically elected to treat it as a reclamation project. * * * Whether Congress could have chosen to take claimant's rights by the exercise of its dominant navigation servitude is immaterial," because it didn't elect to do so here.

And in the Mohawk case, the Court said:

"We conclude, as did the court of appeals, that, even though respondent's water rights are of a kind that is within the scope of the Government's dominant servitude, the Government has not exercised its power to abolish them."

In still another case relating to the licensing of pilots on navigable streams, the Supreme Court upheld the power of Con-

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[20] *Cooley* v. *Board of Wardens of the Port of Phila.* (12 How. 299 (1851)).

[21] *Prudential Ins. Co.* v. *Benjamin* (328 U. S. 408 (1946)); *U. S.* v. *Sharpnack* (355 U. S. 286 (1958)).

[22] In re *Rahrer* (140 U. S. 545 (1890)); *Butte City Water Co.* v. *Baker* (196 U. S. 119, (1905)).

[23] 350 U. S. 222 (1956).

[24] *U. S.* v. *Gerlach Live Stock Co.* (339 U. S. 725 (1950)), involved payment for flood rights on riparian lands along the San Joaquin River. The Court said that while Congress may have provided otherwise, it had not intended to exercise its full power. The private claimants were paid for their rights.

[25] *F. P. C.* v. *Niagara Mohawk Power Co.* (347 U. S. 239 (1954)) involved the purchase of rights from two power companies. In this case the Commission had ruled that payments should go into the amortization reserve. It concluded that Congress not only could constitutionally abolish local water rights on navigable streams without compensation, but that it had done so. The Supreme Court agreed that Congress had this power, but held that in the instant case Congress had exercised less than its full dominant servitude.

[26] 283 U. S. 423 (1931).

[27] 328 U. S. 152 (1946).

[28] Lindley on Mines, sec. 539.

[29] Sec. 315 Q. title 43, U. S. C. A. *Osborne* v. *U. S.* ((9th Circuit) 145 F. 2d 892 (1944)); *U. S.* v. *Cox* (190 F. 2d 293 (1951) (certiorari denied 342 U. S. 867, rehearing denied 1951)).

[30] *F. P. C.* v. *Niagara Mohawk Power Co.* (347 U. S. 239 (1954)); *U. S.* v. *Gerlach Live Stock Co.* (339 U. S. 725 (1950)).

gress to require pilots to comply with State law.[31] The Court noted that until it became necessary for Congress to exert its power:

"It should be left to the legislature of the States; that it is local and not national; that it is likely to be the best provided for, not by one system, or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits."

Insofar as the power to protect water for the Indians is concerned, again I believe that the power is and should be Federal. At the time most Indian tribes were placed on reservations, they had not developed agricultural skills to a point where full use of water resources was made. Individually they lacked the educational qualifications to equip them to comply with State law on appropriation of water. In most instances the water flowing across the public lands and into and out of the reservations was unappropriated. The courts simply held that Congress, in creating the reservations, had intended to reserve both the land and the water. The Government, we must again note, was the proprietor. By its acts of 1866 and 1877, it had offered the waters to the public, but as to the unappropriated waters, the grant had not yet been accepted. The Congressional power which could make the offer, likewise could rescind before acceptance. The creation of the reservations did this, and waters thus withdrawn with the lands were no longer offered by the proprietor for public entry. Instead, there was reserved to the Indian tribes the water presently needed for their reservations, and also the water which they might reasonably need in the future. No other holding would be moral insofar as the Indians are concerned, and theoretically the power of the proprietary owner to withdraw the offer and the power of the sovereign to provide for the Indians can hardly be challenged.

In the Pelton decision,[32] the fact that the Federal project was in part on Indian lands and part within a power reserve was used as a basis for exclusive Federal control and noncompliance with the laws of the State of Oregon. The Federal Power Commission had licensed the construction of a dam on a nonnavigable stream. The purpose was solely for the generation of power with no consumptive use of the water. The power was not for the use of the Indians and the theory of the earlier cases on Indian rights would not work. The State of Oregon protested, because of alleged interference with fish, and because of noncompliance with Oregon laws.

One side of the proposed dam was to be located on lands within the Indian reservation. The other was on land withdrawn for power purposes. The Supreme Court held that the matter was exclusively Federal and no compliance with State law was necessary. The power was said to reside in the property clauses which authorize Congress to dispose of Federal property. The Desert Land Act and other Federal water statutes were held to be inapplicable. The Indian reservation had been created prior to the enactment of the Desert Land Act. The Desert Land Act was intended to apply only to public lands. Lands in an Indian reservation, said the Court, were not public lands. The power withdrawal, however, had occurred in about 1910, long after the date of the Desert Land Act. The problem was to determine whether Congress, by creating the procedure for withdrawing lands for power purposes, had intended to have the withdrawal also withdraw the unappropriated water. If the power withdrawal was intended to constitute a withdrawal of the unappropriated water, then there is nothing wrong with the holding. But if Congress, by permitting the withdrawal of the land, had not intended to withdraw the water, then the various Federal water statutes should control, and Federal agencies should have been required to comply with State law to get the water for the power project. The holding of the Supreme Court in the Pelton case, then is that the subsequent withdrawal of Federal lands for power purposes impliedly superseded the Desert Land Act. Mr. Justice Douglas dissented, because he did not think that such was the Congressional intent.

While there is no theoretic reason why Congress, in exercising the power of the proprietor under the property clauses of the Constitution cannot withdraw its offer of unappropriated waters, and remove the same from State control, still such a far-reaching change of policy ought not to rest on implication. If such is the intent of Congress in providing machinery for withdrawal of lands for various Federal purposes, that intent ought to be expressed.

It must, however, be recognized that in the very nature of the problem there must be some dual control. Obstacles constructed across navigable streams have to be regulated if navigability is to be protected, and such construction can hardly be left to the control of the individual State. The licensing and regulation of such structures is in fact a Federal problem and is in any event placed under the control of Congress by the Constitution. Yet, the power to regulate and license such structures does not need also to embrace control over the appropriation of project water. The use of water from a stream ought to be administered under a single system insofar as this is possible. Users of water above and below the licensed dam will have initiated their rights under State law. It will in no way interfere with the Federal Government's power to protect the navigability of streams to first require the procurement of a Federal license, and then to require the securing of project water in accordance with State law, as was provided for in reclamation projects by the National Reclamation Act. If this were done, the agencies created by Congress could prohibit the obstruction of navigable streams, except under Federal license, but the use of water would be fitted into the priority system in existence above and below the licensed dam.

The problem is complicated in some areas by the fact that the river in question may be the boundary between two States with different rules of appropriation. It might also be an interstate stream which originates in one State and flows into another. But theoretically this problem is solved by the fact that each State is only entitled to its equitable share of the stream, and the total rights initiated under the laws of one State may not exceed that State's equitable share of all the water. (See *Hinderlider* v. *LaPlatta River & Cherry Creek Ditch Co.* (304 U. S. 92, 1938).)

One further problem in these cases develops after the conclusion is reached that Congress withdrew the water. For example, to the Indians the right of use. This also that Congress by implication withdrew the water. This just gets it back in Federal control. To get the water to the Indians, Congress must act in some fashion to grant to the Indians the right of use. This also must in some cases rest on implication. Where the Indians use the water from the same stream where other users divert under State law, the administration of these rights on a priority, or any other basis, will inevitably bring conflicts. The quantity of water available for the Indians must be given some type of a priority, and the water of the stream must be divided upon some basis during periods of low flow and in times of shortage. In the Pelton case the water of the stream in question is going to be used for power purposes. The Supreme Court concluded that Congress had granted to the Federal Power Commission the right to license the use of the water under section 4 of the Federal Power Act, which provided that the Commission could issue a license for a power project to use waters on lands constituting reservations of the United States located in Oregon. It isn't at all clear what these waters consisted of, what the extent of the grant was intended to be, how it fitted into the priority system, except that vested rights of others were supposed to be protected.

Water rights granted under such a project may or may not be fitted into the State priority system. In the Pelton case the water use was nonconsumptive, and a lower regulating dam made it possible to feed the water on downstream in an even flow, rather than in surges, as needed for power purposes. But the principle of law there stated will permit Congress, under the property clause, to withdraw other unappropriated waters and to grant the right of use to other projects, where such protection may not exist. If such is done, conflicts will arise with rights initiated under State law. It would permit a much more orderly administration if the Federal agencies were to license and control the operation and construction of facilities which would interfere with navigation, and the water were appropriated under the existing State system, as was expressly required in the National Reclamation Act. No particular difficulty has been encountered from this requirement in more than 50 years of reclamation projects.

Perhaps in this discussion of power, one other problem ought to be noted. On nonnavigable streams, where the Federal Government has permitted acquisition of private rights, in accordance with State law, these rights are vested and should be protected by the due process clause of the Constitution. On navigable streams, where rights have been initiated under State law, may the same rule apply, or are such rights subject to the dominant power of the Federal sovereign to provide for and protect navigation? If this dominant power can wipe out rights initiated under State law on navigable streams, how far upstream can the dominant power run? The depletion of stream flow by diversion and consumption use could interfere with navigation, even though the diversion may be from a nonnavigable tributary. The dominant power really ought not to be extended so far. The Federal Government, under the property clause in the Constitution, may dispose of Federal property. This is a right without limitation.[33] From the Supreme Court opinions, it would appear that

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[31] *Cooley* v. *Board of Wardens of the Port of Philadelphia* (12 How. 299 (1851)).

[32] *Federal Power Commission* v. *Oregon* (349 U. S. 435 (1955)).

[33] For example, in *Alabama* v. *Texas, et al* (347 U. S. 272 (1954)) the Supreme Court said:

"The motions for leave to file these complaints are denied. Art. IV, sec. 3, clause 2, United States Constitution. *United States* v. *Gratiot* (14 Pet. 526, 537): The power of Congress to dispose of any kind of property belonging to the United States 'is vested in Congress without limitation.' *United States* v. *Midwest Oil Co.* (296 U. S. 459, 474); 'For it must be borne in mind that Congress not only has a legislative power over the public domain, but it also exercises the powers of the proprietor therein. Congress "may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale." *Camfield* v. *United States* (167 U. S. 524): *Light* v. *United States* (220 U. S. 536).' *United States* v. *San Francisco* (310 U. S. 16, 29–30): 'Art. IV, sec. 3, clause 2, of the Constitution provides that "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the

the Federal Government owns the unappropriated waters of both navigable and nonnavigable streams flowing through public lands. If under the property clause Congress elects to offer the waters to the public, and the offer is accepted by the initiation of private rights of use, there isn't any theoretic reason why these rights ought not also to be protected by the due process clause. Were Congress to elect to dispose of the propriety interest of the Federal Government in the waters of a navigable stream, such legislation should not be held to be unconstitutional, even though it might interfere with navigation. The power to regulate commerce does not require the Federal Government to prohibt all obstructions to commerce.

In the last analysis, however, the matter ought to be resolved as a matter of policy—not of power. Even if the dominant servitude for navigation could wipe out all private rights, as a matter of theory, it ought not to be exercised to that full extent as a matter of policy. Rights initiated in accordance with the Federal offer ought to be protected. If it is thereafter necessary to take the rights for public use, compensation should be paid therefor.

The Federal Government itself ought to be and is vitally concerned with the development of the West. It is easy to forget that there was once written across the old maps of the West the legend "Great American Desert." The settlers have built an empire from the desert. The whole economy of the West is dependent upon its water resources. The people have been encouraged by the Federal Government to so build, and the great western water resources, which have not yet been put to beneficial use, should be. A doctrine which will encourage the continued appropriation and use of the unappropriated waters is in the common interest of all. Waters readily available have long since been appropriated. Such water as is yet unappropriated can only be diverted and put to use at great expense. If under the various Federal sovereign powers, rights so initiated were to be taken without compensation, there is little encouragement to future development. The Federal Government has encouraged the development of oil and gas through liberal tax and leasing laws. Procedures for acquiring mining claims, homesteads, desert entries, etc., have been as a matter of policy calculated to encourage development. The western lands cannot be developed without water, and a protective policy, which will encourage the expenditures necessary to appropriate the water and develop the land must be evolved. Because the problems incident to the use of water are local in character, the law should be developed on a local level.

Current developments in Utah demonstrate the peculiar, local nature of water problems. Because surface streams which can be diverted at reasonable expense have long since been fully appropriated, persons desiring to acquire more water are turning to two sources. First, there are unappropriated underground supplies. Secondly, on surface streams, the users are going to conservation methods which will permit a more efficient use of the available water. Originally in Utah, underground streams were considered to be a part of the soil, and the supreme court, for more than 75 years, had held that they were owned by the owner of the soil. As the basins were more fully developed, it was demonstrated to the courts that underground waters are migratory, as are surface streams. The principle of individual ownership simply was not realistic. In 1935 the Utah Supreme Court questioned the doctrine,[34] and in 1949 it fully reversed itself and held that it had always been wrong; that underground water, like surface water, was and always had been the property of the public; and rights of use could be initiated only by appropriation and beneficial use; and the priority doctrine was applied to ground water.[35] By statute, the administration of underground water was placed under the State engineer. He has authority to inventory underground water supplies, and for many years comprehensive studies have been made to measure the effect on ground water levels of continued development. It is now readily conceded that to use efficiently and completely the underground supplies, underground reservoirs must be operated on the same general principles as are surface reservoirs. That is, they must be lowered during drought cycles and refilled during wet cycles, and administered on a priority basis. This presents its problems.

In artesian basins, the initial appropriators can easily divert from the underground by artesian pressure without pumping. Their wells generally are not expensive to drill, because they are shallow. The use of water from such a basin is almost without expense, because the wells are usually at or near the point of use, and there is little expense in canal or other maintenance. As new appropriations are made, ground water levels are lowered. Newer wells go to deeper aquifers, and during a dry cycle the basin may be lowered to a point where all water used from it must be pumped. Though in Utah, rigid control is maintained over the depth of new wells, the strata into which the new wells may be perforated, etc,, water levels are lowered during dry cycles (the reservoir is emptied) and Nature refills it during wet cycles. If prolonged dry periods are accompanied by heavy use, the water could be drawn so low as to make the pump lift uneconomic. Before this happens, the wells should in a properly administered system be shut off on a priority basis. This solves part, but only part, of the problem.

By this stage of development, the old settlers who drilled the first shallow wells cannot get their water by artesian flow. They must pump and sometimes must deepen their wells. They frequently bring suit to protect the claimed right to get the water by artesian pressure. On the trial court level, the holdings are to the effect that these early appropriators have vested rights to pressure. The new appropriator is enjoined from using his well, except upon condition that he replaces the water for holders of the earlier priorities. The Supreme Court of Utah has refused to apply this doctrine in one case involving the use of artesian pressure for power purposes, to lift water considerably above ground level, and to operate a hydraulic ram. The court placed its decision on the fact that this use of pressure was unreasonable.[36] A case now pending before the Utah Supreme Court[37] involving this problem concerns a relatively small basin, with only three users. An order of replacement would have few administrative problems. The court, of course, could hold that no one has a vested right to pressure, that everyone has drilled with knowledge that one day the basin would be fully developed, and he might have to pump from reasonable depths. His prior right carries with it no right to pressure. He is reasonably protected if new users are prohibited from overappropriating the basin and junior rights are shut off if their withdrawal would lower the reservoir below its "safe" yield. On the other hand, the court might hold that one of the elements of the prior right is the right to have water levels and artesian pressure maintained as they were when the appropriation was made. This would require the last appropriator to help pump the water for all junior rights. In this small basin, this could be done and yet if we move into other basins in Utah, where 60,000 acre-feet of water per year are pumped from several thousand wells, a replacement order theory might be impossible to administer.

By contrast, we have another basin which apparently has very large reserves, but negligible annual recharge. Fifty thousand acre-feet of water per year are being pumped from it. Without question, the underground reservoir is being emptied through the "mining" of water. No one is alarmed at the moment, because the basin is not under pressure, and everyone must pump. It appears from water studies that it might take a decade of present usage to lower the water table even a few feet, and yet within 200 years present withdrawls may lower the water table to a point where it will be uneconomic for anybody to pump for agriculture use. Does the very first appropriator have the right to exclude all others, so that his right may be good for a thousand years or more, or should the courts permit rapid development by numerous users whose use will assuredly lower the water table to uneconomic levels within 75 to 100 years? A rule of law relating to pressure and underground water levels in an artesian basin with good annual recharge may require one rule of law; while this area of large reserves and negligible recharge may require another.

Another example of the problems to be encountered by a Federal law of general application in the West is being presented in connection with the efforts of appropriators to make more efficient use of water. We have had several cases in Utah where the owners of direct flow rights have sought to place their early water in storage for use in August when it is more badly needed. To do this, of course, changes the whole pattern of return flow. Evaporation losses are greater from irrigation in the heat of the summer. There are also evaporation losses from the reservoir. Even if the water were to return to the channel from August irrigation, it will return at a different time. Changes in nature of use from irrigation to municipal involve the same general problem. Our Utah Supreme Court has permitted the change, but only for a lesser quantity of water. The portion which would have returned to the stream must be left in the stream, and only the balance can be stored or taken into the municipal system. The principle enunciated by the court is that changes in the method or nature of use must not increase consumption of water and interfere with the established usage below.[38]

On a neighboring stream this principle is not adequate to solve the problem. There the watershed had been overgrazed. In the spring of each year the streamflow would normally rise rapidly and crest above 60 cubic feet per second. It would flow at a relatively high level for 1 or 2 weeks and then drop rapidly to a trickle. Heavy rainstorms sometimes would also cause a short flash flood. Farmers have been able to develop ranches with the assurance of one water turn and the hope for a second. With this they have been able to mature some alfalfa.

Territory or other Property belonging to the United States." The power over the public land thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be administered. That is for Congress to determine'." *United States* v. *California* (332 U. S. 19, 27): 'We have said that the constitutional power of Congress (under art. IV, sec. 3, clause 2) is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29–30)'."

[34] *Wrathall* v. *Johnson* (86 Utah 50, 40 P. 2d 755 (1935)).

[35] *Riordan* v. *Westwood* (115 Utah 215, 203 P. 2d 922 (1949)).

[36] *Hansen* v. *Salt Lake City* (115 Utah 404, 205 P. 2d 255).

[37] *Fowkes* v. *Current Creek Irrigation Co.* (not yet decided).

[38] *East Bench Irr. Co.* v. *Deseret Irr. Co.* (2 Utah 2d 170 (1954)).

The owner of the first priority had a right to 5 cubic feet per second. He sold it for municipal use. To protect the quality of the water, the owner of the municipal system purchased the watershed and removed all livestock from it. The natural growth is returning. The effect of withdrawing this land from all livestock use has been startling. The summer rainstorms are now absorbed on the watershed. The high flow in the spring is consistently receding. In the last 2 or 3 years with essentially normal snowfall, the stream has never flowed as much as 15 cubic feet per second, and the stream which formerly yielded only a trickle now flows from 3 to 5 cubic feet per second most of the season. The high-water rights above the 15 cubic feet per second have had no water at all for 3 years. By doing no act except to take its land out of use for grazing, the owner of the first priority has for all practical purposes acquired (without cost) all high-water rights on the stream.

These two problems are presented only for contrast. The Utah Supreme Court has already held that the owner of direct-flow rights can not materially change the nature of his use if to do so will change the pattern of return flow, and deprive the lower water users of water historically available to them. The same principle, if applied to watershed control and development, would create a highly undesirable condition where an overgrazed and denuded watershed must be left in that condition. The effect on the lower users is perhaps the same, but it seems to me that the problems require different solutions, if the natural resources, in which all have an indirect interest, are to be put to reasonable use.

In conclusion, we have seen more than a century of development of western water law by local courts and local legislatures to meet local needs. Consistently from the first water statute confirming local customs in 1866 through the National Reclamation Act of 1902, the Federal Government not only acquiesced in State control, but affirmatively encouraged it. While various agencies of the Government have from time to time tried to assert the dominant Federal power over unappropriated water, Congress has refused to attempt to exercise it. Little serious trouble has been encountered in requiring the various Federal agencies to fit their usage of water into the State system through compliance with State laws. Undoubtedly there have been structures placed in navigable streams, which have used less than the full potential of the stream and which have not properly protected navigation. The need for control of such structures was recognized and provided for. As new multiple-purpose development of river systems has developed, the requirements of the National Reclamation Act have not proven adequate and in isolated cases inroads are being made (by the court, not by Congress) on the concept of State control. The dominant power of the Federal Government in this field is being successfully asserted in the courts. Serious conflicts can and will arise to the detriment of all concerned where users from the same stream claim the right to use water—one under State and the other under a Federal grant. It assuredly is going to be difficult to regulate diversions from the same stream under two different systems of law. It ought not to handicap the proper exercise of Federal power to require the various multiple-purpose projects to secure their right to use the water through compliance with State water laws. The licensing of multiple-purpose dams across navigable streams is one thing—the securing of the right to use water for the licensed project is still another.

The waters which are still unappropriated constitute a tremendous national resource. A system of law which will encourage their development is clearly desirable. Persons who are encouraged to expend their moneys to place these waters to use and to build economies in reliance on the availability of water must be protected. There must be some clear method by which the right to use water of navigable streams may be perfected. From the standpoint of the appropriator, it probably makes no difference whether he must comply with a State statute or a Federal statute—what he wants is a method by which he can acquire a vested right to use the water. The argument for State control must simply rest upon the fact that the problems are local in nature and as a matter of policy can be better solved on a local level. Congress clearly has the power to remove impediments to the exercise of control by the States, and even could expressly adopt State laws. This would appear to be no different in principle from the holding in *United States* v. *Sharpnack*.[39] Even if Congress has the dominant power over navigable streams, it need not exercise the power to its full extent.

It is not intended by stating that rights should be treated as "vested" to imply that they must not yield to regulation. The Sates of the West have recognized that water running in natural streams is public. The only thing the appropriator can acquire is a right of use. He is not permitted to waste the water, and if he fails to use over a specified period of time his right of use will be forfeited and the water will again become open to a new appropriation. The Utah Supreme Court and the United States Supreme Court have held that the use of water is itself a public use.[40] In that case one private individual was permitted to condemn a right-of-way across the lands of another private individual for the construction of a ditch. The State of Utah had provided by statute that the use of water was a "public use," and anyone using water was granted the right of eminent domain. The Supreme Court of the United States recognized the importance of water to the arid economy, and upheld the statute.

If water is affected with a public interest of such a character, it must yield to regulation. The concept of regulation of properties devoted to the public use has been recognized since the case of *Munn* v. *Illinois*,[41] concerning the regulation of grain elevators in the grain belt. From this concept has developed the whole field of public utility regulation. While a right to use water may thus be considered vested, so that it cannot be confiscated or wiped out under the guise of regulation, still the right to use must not be considered as absolute. As the need for water becomes more critical, wasteful means of diversion and use will have to yield, even though at some expense to the appropriator. A method of use may be reasonable at one time or place and be recognized by law, and become unreasonable as water needs become more critical. The economy of the West is tied to its available water. In some areas a new industry is launched only by taking a farm out of production. As the economy of the West grows with increased population and industry, a more and more efficient use of water must be required. We must not develop a concept of "vested rights," which will make it impossible to prevent waste. The State must retain the right to require efficient means of diversion, transportation, and use, even though the wasteful method was theretofore permitted. The public concept of the right to use water must be preserved. A system of law developed to meet the needs of the area must continue to evolve and a method of initiating rights which will be protected in this sense should be prescribed. Congress now has pending before it the Barrett bill,[42] which if enacted, would better define the intent of Congress in this field and take from the court the need for determining the desires of Congress by implication. There clearly is a need for clarification, and the clarification should leave with the Federal Government the power to regulate and control in the areas where the problem is Federal, but in most instances this can be done while still leaving with the States the right to develop their own system of water law, by requiring Federal agencies to appropriate water under State law.

[39] 355 U. S. 286 (1958).

[40] *Clark* v. *Nash* (198 U. S. 361 (1905)).

[41] 94 U. S. 113 (1876).

ROBERT E. McLAUGHLIN, COMMISSIONER, DISTRICT OF COLUMBIA

Mr. JAVITS. Mr. President, last Friday the Senate District Committee considered the nomination of Robert E. McLaughlin to a second term as a member of the Board of Commissioners of the District of Columbia. At that time local citizens representing a cross section of those living in the District came forward to testify to the high esteem in which Commissioner McLaughlin is held, both as an individual and as a public servant. It was an unusually fine tribute to a man whose varied interests and accomplishments reflect some of the finest hopes and achievements of this community, which he has served so well.

During his first term as Commissioner, Mr. McLaughlin served as President of the Board of Commissioners, and in that capacity demonstrated a high order of dedication to the District, skilled leadership in his approach to various fiscal problems, especially budgetary, as they affect the District, and a deep understanding of the community as an urban district, which it is, notwithstanding the fact that here in the Capital of the United States the people do not have a right to vote.

Mr. McLaughlin has tirelessly devoted his efforts toward developing a more workable method of regulating mass transportation throughout the entire metropolitan area. He is the motivating force behind the Commissioners' Council on Human Relations to bring about improved race relations. He has adopted a realistic approach toward home rule in the District of Columbia.

I am delighted that this very able public servant, Robert E. McLaughlin, whose nomination has been confirmed for a second term as a member of the Board of Commissioners, will be permitted to serve the people of the District of Columbia as a member of that Board.

NATIONAL DEFENSE AND USE OF AIRSPACE

Mr. HUMPHREY. Mr. President, the growth of our commercial airlines and all that it means to our economy has been a source of great pleasure to me, but through it all I have not lost sight of the necessity for strengthening even more our national defense. Free enterprise and national defense are complementary. They are not necessarily at odds with one another. The business of

[42] Senate bill No. 863 of 80th Congress.

profit and the business of defense can and do cooperate and work together.

This is one further reason why I am so interested in the serious problem of the overcrowded conditions of our airways. Reports of midair collisions and near misses have become more numerous of late, and realistically I fear that unless steps are taken now to control all aircraft, military and civilian, those reports will grow more frequent and the casualties will mount even higher.

There is need for all of us to think wisely and act calmly about the accidents and "almost" accidents of which we have recently read so much. I disapprove of those who jump to conclusions and automatically lay blame upon the Air Force for any bump or dodge taking place in the highways of the heavens. And I concur with Secretary of the Air Force Douglas in his statement that there are two sides to every case involving two or more aircraft. He is talking about justice when he says that no one pilot is to be blamed before an investigation reveals where the fault really lies.

I know that it is easy to believe that the "fly boys" of the Air Force are more rambunctious than the captains of our commercial air fleets and more inclined to put their planes through their paces. But not all air collisions, we know, have involved only military and commercial aircraft.

I ask therefore, Mr. President, that the Department of Defense news release, No. 569–58, dated June 12, 1958, be entered into and be made part of the RECORD.

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

Secretary of the Air Force James H. Douglas today objected to what he termed a tendency to treat Air Force planes as aggressors in reports of near-miss incidents in the air.

"These reports," the Secretary said, "are often misleading in the implication that the Air Force plane involved is at fault simply because of its proximity to the civilian airliner.

"A case in point is yesterday's near-miss incident over Modesto, Calif. The American people read in their newspapers this morning that 'the commercial airliner was forced to make a 500-foot dive when a B–52 jet bomber came within 200 or 300 yards of it' and that the 'airliner captain spotted the B–52 on a collision course at a distance of 3,000 feet and put his plane into a fast dive to avoid being hit.'

"I am not disputing the necessity for evasive action on the part of the airliner, but I do dispute the implication that the Air Force aircraft was in any way at fault. Let's look at the facts. The incident occurred in controlled airspace. The B–52 was taking off on an authorized CAA IFR clearance, climbing to an assigned altitude and under CAA control. The airliner was on a VFR (Visual Flight Rules) clearance, responsible for his own clearance of other aircraft.

"Atmospheric conditions were clear and cockpit visibility unrestricted. The B–52's departure from Castle AFB was radar controlled from takeoff point to cruising altitude and ground radar was directing the B–52 at the time of the incident. The B–52 was at its proper place in the departure plan and at the time of the incident was in a controlled area with a clearance to be at this point and altitude by Castle Radar Approach Control and Oakland CAA Air Route Traffic Control Center.

"I cite this incident to clearly indicate the B–52 position and its rigid conformance with all CAA rules and procedures. Unfortunately, I am sure this is not the impression received by people reading the account in the press based on the report of the commercial pilot. All near-miss reports are investigated very thoroughly by the Air Force. When we have found instances of violations, we have taken prompt and vigorous action.

"Until there is positive control in the separation of air traffic, we undoubtedly will continue to have near-miss reports. It should be emphasized that it takes two aircraft to constitute a near miss and because an Air Force aircraft is involved it does not necessarily follow that it is responsible."

THE WORKS OF PEACE—ADDRESS PREPARED FOR DELIVERY BY SENATOR HUMPHREY BEFORE EXPORT MANAGERS CLUB OF CHICAGO

Mr. HUMPHREY. Mr. President, some time ago I prepared an address to be delivered before the Export Managers Club of Chicago, Inc., on Friday, June 13, 1958. Regrettably, I was unable to deliver this address in person, because the Senate was in session, and I felt it my duty to be present on that day to participate in the work of the Senate and to answer the roll when the yeas and nays were taken.

My address was read by my administrative assistant before the Export Managers Club. I ask unanimous consent that the address, which is entitled "The Works of Peace," be printed at this point in the RECORD.

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

THE WORKS OF PEACE

(Address by Senator HUBERT H. HUMPHREY, Democrat of Minnesota, before the Export Managers Club of Chicago, Inc., Friday, June 13, 1958)

For a Member of the Senate's Foreign Relations Committee, this is a most welcome opportunity. If there were ever a forum to discuss, quite candidly and I hope objectively, the strengths and weaknesses of America's international policies, it is certainly before such a gathering of practical American businessmen.

Day after day, you are confronted with the realization of how closely your own destinies, successes; and failures are interwoven with the fate of our Government in international affairs.

Every American has that same stake in what happens throughout the world of which we are a part. Yet you who are engaged in the export trade are privileged to understand, better than most, how much our own economy—yes, and our own national security—is involved in our international relations, and what we do about them. With that privilege comes a responsibility to help guide our country through the threatening shoals of international strife and conflict.

It is not just the responsibility of our Government itself.

Building better international relations involves more than just action by our Government alone.

ESSENTIAL ROLE FOR BUSINESS

There is an essential role for American business to play, as well as our country's great voluntary agencies and individual citizens themselves.

American businessmen, news correspondents, representatives of voluntary humanitarian and religious organizations, and educators frequently have more contacts with private foreign citizens—and sometimes with governmental officials—than do our official representatives. Each of these people-to-people contacts contribute to the total impression which the United States makes abroad.

Any scanning of the newspapers over the past few months provides ample evidence that all is not well. We are in trouble—serious trouble. And wishful thinking is not the answer.

It is time to really grasp what is going on—in Lebanon, in Algeria, in France, in Latin America, and other places.

One of the things that is wrong with American policy is that our policymakers do not seem to understand what is going on in the world. They react to events, and fail to assess and understand causes—except in occasional speeches.

Another of the things that is wrong is that we are not organized for total long-range effort.

WE HAVE RESOURCES

It isn't that we do not have the resources. It isn't that we do not have any real friends in the world. We do have mighty resources. We do have steadfast friends. But we do not have an overall, comprehensive foreign policy that has moved ahead systematically with deliberate objectives under competent and effective leadership.

Our problem is not lack of knowledge. It is lack of wisdom and judgment and the ability to apply it for the national and international purposes. It is the essential political problem of being able to face up to the realities of the world, and discipline ourselves to do what needs to be done.

In this respect at least we can learn from our principal adversary. The Soviet Union knows what its purposes are, and what policies it needs to pursue. The central purpose of Soviet policy is to isolate the United States—politically, economically, militarily—by sowing dissension and division in the Free World. The tragic events in Latin America, in the Middle East, in Africa and in Europe are eloquent testimony to the way that Soviet policy marries itself successfully to genuine grievances.

But in our dismay and anxiety we must stop to ask ourselves why is it that the Soviet Union is able to exploit the world situation to our grave disadvantage? Why is it that they seem to be able to fragment and weaken the Free World faster than we are able to unite and strengthen it? Why does the world situation itself seem to be on their side rather than ours?

LACK TOTAL POLICY

My answer is this: Precisely because they do have a total policy. Theirs is a policy that takes into account all aspects of international affairs, a policy which is flexible, resourceful, and inventive.

I am not suggesting that we should imitate the tactics of deceit and irresponsibility which the Soviet Union employs with such success. But I do think we may well pause to ask whether we cannot match this unity of purpose, this breadth and range of view, and this flexibility of tactics.

The truth is that the United States has no total foreign policy. We operate spasmodically. We treat with Europe; we treat with Latin America; we treat with Asia; we have an approach to trade; we have an approach to economic development; we have an approach to disarmament. But an effective foreign policy requires that we should pursue a galaxy of foreign and international programs simultaneously, synchronized, in harmony and concert. Instead, a pattern

has developed of withholding action in one field on the excuse that not enough has been accomplished in another area.

For example, we have consistently said that a large-scale United Nations economic-development program must await an effective agreement on disarmament (as though we could not afford to contribute to such a program while maintaining our own defenses). When we look at the disarmament problem, we are told that the solution of disarmament issues depends on the settlement of political disputes among the major power blocs. But when we look at the political disputes existing in the world, we find that in many areas of the world the key to this conflict lies in economic development.

In this circle all our reasoning is closed, and we have to ask ourselves whether we can afford to postpone large-scale economic aid until political issues are settled and the burden of armaments reduced. No, my friends, no great part of our foreign policy can be tabled while we wait on solutions in other areas. The contest of competitive coexistence goes on all the time and across the board.

NEED MANY FRONTS

A foreign policy which is carried out on many fronts simultaneously is the only kind of policy that makes sense in today's world. Widescale, short- and long-term foreign economic assistance and investment; expanded and revitalized world trade; a strengthened United Nations and other international institutions; greater acceptance of, and reliance on, international law; a vastly greater exchange of persons; greater respect and concern here at home for the rights and liberties of individuals; the strength and growth of our own economy—all of these must be pursued vigorously and wholeheartedly, all the while we are pursuing just as vigorously and wholeheartedly the solution of political conflicts and the control and reduction of armaments.

We need to recognize that the current contest in the world is being waged for future alinement of great undeveloped areas, and the outcome may hinge more on economic and trade policies than on military alinements.

There will be no peace achieved with the Soviet Union until it realizes it can no longer win over the peoples of Asia and Africa.

As a consequence, our foreign policy must be geared to strengthening the political and social institutions of such underdeveloped areas, and encouraging and guiding their own economic development and progress. But it must be more than paper economic development, or even bankroll influence wielded arrogantly by our Government—it must be soundly based industrial and agricultural development recognizable to the people of the area concerned, with convincing evidence that our interest is in the well-being of the people themselves, rather than in material advantage for ourselves.

Here is an area where we can challenge the Soviet and win. Here is an area where we can best portray America's vision and enterprise and know-how—and America's concern for social justice for all people. We are not a military people—and we are not acting ourselves when we rely on rattling sabers in a jittery world. By character, emotion, and experience, we are better prepared to lead toward progress than to plan toward destruction.

We urgently need a comprehensive foreign economic policy designed toward fulfillment of such objectives—and then we need to mobilize the forces of American business, American labor, and Americans generally to work hand in hand with our Government to implement that policy.

We are fighting a totally mobilized enemy, and we cannot succeed by relying on government alone and failing to make the utmost use of our great resources of private enterprise, private initiative, private humanitarian concern for fellow human beings.

NEED UNITED STATES INVESTMENT

There is an urgent role for American business investment in foreign economic development, and it is our job to find ways to make it more effective. American business enjoys a deservedly good reputation abroad. Its use of modern capital, investment, management, and know-how is combined with social values developed on the American scene to tell a better story of America's spirit than can ever be achieved by military bases or guided missiles, however necessary they may be.

Our State Department should take a keen interest in the American businessman abroad if we really want to promote private investment. The businessman himself ought to be consulted for his views on how investment possibilities might be improved. America's business community itself must be encouraged to explore the private role it can occupy in building better foreign relations, and must bring its own influence to bear toward formulation of sounder foreign economic policies by our Government.

America's organized labor movement must be encouraged to exert its leadership and influence toward supporting establishment of free labor movements in other areas of the world, rather than Communist-dominated labor movements.

We need greater recognition of the tremendous potential for good we possess in our abundance of food and fiber, if it is wisely utilized for the good of humanity in the world. And we must encourage expansion of the people-to-people sharing through our great voluntary agencies sponsored by our churches and CARE, rather than relying entirely on government-to-government dealings in food and other necessities of life.

We must build reservoirs of good will with the peoples of vast areas of the world now vulnerable targets of Communist infiltration, rather than putting all our chips on leaders themselves, however friendly they may currently be. Leaders and governments come and go, but bonds built between the hearts and minds of people survive far beyond temporary shifting and swaying of local political tides.

CARE GOOD EXAMPLE

That is why I have so strongly supported the voluntary work of such organizations as CARE, and have welcomed the unique people-to-people form of international relations being carried out by a number of American business firms who have foreign interests through the Business Council for International Understanding in cooperation with CARE. I hope your Export Managers Club takes an active interest in the work of this Council, which is sponsoring a pilot project right now in Mexico.

But the greatest contribution American business can make it strengthening the Free World is in an area American business itself knows best—trade.

Make no mistake about it, the Communists are engaged in an economic offensive, which in the long run may constitute a greater danger than all their sputniks and intercontinental ballistics missiles put together. I'll tell you why: because we are not going to let them get ahead of us in the field of sputniks and intercontinental ballistics missiles. For those, you can get Congress to vote a hundred billion dollars if you need it. But the same Congress that won't bat an eyelash in voting the money that may be required for our military security will haggle, day after day, and week after week, and month after month, over an effective trade policy.

You see, I am one of those who believes that the Communists have decided not to blow the world to pieces. They have decided to pick it up piece by piece. "Operation Nibble." They are working on it right now, and they have been at it a long time.

I had the privilege some years ago of analyzing for the Senate of the United States the reports of the 19th Communist Party Congress, International Congress, as well as the 18th. It was in 1952 that Joseph Stalin laid down this economic offensive.

TRADE MAJOR WEAPON

Now trade is a major weapon in the arsenal of the Communist economic offensive. The trade missions have been at work, and these trade missions from the Soviet and the Iron Curtain countries are well staffed. These are not tired, worked out, worked over people. They are vigorous, fresh, and aggressive. They are out to do business. And so I say to my fellow Americans, let's take some of these political vitamins that we need and get out and do some business or you are going to come in second in this two-man race—and that means last.

A major consideration in our foreign trade program is its importance for the continued economic and political well-being of the Free World. We are either going to trade with other nations, or one of three other things is going to happen. We are going to have to give them or loan them the dollars that they need to buy from us. Or they are going to trade with the Communist bloc.

TRADE BEST ANSWER

Now I think the best answer to this is to let them trade, and this means offering them opportunities for trade. It doesn't mean falling down and playing dead. It doesn't mean running a massive social welfare program for the whole world. It means doing business by making it possible for other people to do business.

What are we afraid of? Our industrial capacity and the capital goods that we have in our industrial plant are second to none.

If the Communists want peaceful competition we should welcome it. We should not hesitate. We ought to be prepared to meet them on any terms and beat them.

I like competition. I am a born competitor. And I have enough faith in the American competitive free-enterprise system to believe it can face this or any other challenge without having to retreat behind a protectionist wall undermining our reciprocal trade program throughout the world.

We cannot wish away the Soviet state or the Soviet economy, or the facts of Soviet power. Until we accept the relative permanence of our chief adversary we shall continue to pursue policies based on optimistically unrealistic assumptions.

I do not minimize the difficulties of negotiating or even living on the same planet with the Soviet Union. But there is no other planet on which to live—yet. The opposite of coexistence is no existence. Yet for some reason the whole concept of competitive coexistence has always been in disrepute.

When Nikita Khrushchev declared a war of trade against the United States, we should have breathed a sigh of relief instead of anguish.

ACCEPT OUR IDEAS

After more than 10 years of military competition, the Soviet Union was tacitly acknowledging the superiority of methods of operation which we ourselves devised and championed. After all, capital investment abroad, reciprocal trade, and economic development through grants and technical assistance have all been attributes of American foreign policy from the good-neighbor policy through the Marshall plan to point 4.

Ironically, now that the Kremlin has adopted all of these Americanisms and has challenged us to compete in making them work, there is a real threat that we will be outdone at our own game.

The United States appears to be equivocating in its commitment to expanded world trade.

There is little evidence of bold thinking on the economic-aid and technical-assistance

programs of the United States either by the administration or by Congress.

Given these conditions, the logical step for the Soviets is to move into developing vacuums with a dynamic economic program of their own.

Here, too, Khrushchev is going Stalin one better, Stalin believed that all he had to do was to withdraw the markets under his control from world economics and the Western capitalistic nations would devour each other in gingham-calico fashion, fighting over the remaining colonial areas.

Today the Kremlin has a new, more positive approach: Be aggressive. Take your economic power into battle. Drive a wedge between producing and consuming nations with your resources and your propaganda. Then the West will fall apart in troubles of its own, while the Soviet Union successfully coexists and competes.

We are only gradually awakening to clear demonstrations that the Soviets are first-class combatants in a war of trade and aid. Not long ago the State Department was telling us that we need not take seriously anything the Kremlin said to the underdeveloped nations. The Kremlin was not supposed to produce on its promises. In a short time all the unfulfilled commitments would boomerang and the nations involved would come back to Uncle Sam, who alone had the wherewithal and the knowledge to help them solve their problems.

This hopeful trial balloon should have been shrinking as we witnessed the buildup of Soviet influences in one country after another in Asia and Africa. It finally burst when the sputniks demonstrated that the Soviet Union was a major industrial power.

SOVIET CATCHING UP

It should not have taken a satellite for us to realize that Soviet industry had reached impressive size. Statistics demonstrate that the Soviet Union is moving rapidly toward its announced goal of "catching up and surpassing the United States" in production.

Comparing Soviet productive strength with that of United States 40 years ago and today shows the following: Steel, then, 13 percent of the United States level; now, 50 percent. Electric power, then, 9 percent; now, 30 percent. Cement, then, 9 percent; now, 50 percent. Machine tools, then, 10 percent; now, 80 percent. Rail-freight traffic, then, 15 percent of the United States; now, 10 percent larger than ours. Coal, then, 6 percent; now, 70 percent.

Of course, the U. S. S. R. has a long way to go before achieving actual parity with the United States. But we should remember two additional factors:

First, the current rate of industrial growth in the Soviet Union is more than double the best United States rate in recent years. Soviet industry is growing at the rate of 7 to 8 percent a year; ours, until the current recession, grew from 3 to 4 percent each year. In the first quarter of 1958, according to CIA Director Allen Dulles, our recession has pulled industrial production down 11 percent, while the Soviet figure is up by the same amount. Our loss of ground accelerates the relative growth of our adversary.

Second, compared with the United States, the Soviet Union has a directed, controlled economy. Thus, a far greater proportion of Soviet industrial potential is appropriated for "national purposes" than is being devoted to consumer goods.

This has always been true, but the new industrial base in the Soviet Union makes it easier for Kremlin planners to use resources abroad and makes such activity possible on a far grander scale. The Soviets now can have some butter along with their guns and use a lot of both to support their foreign policy.

The proof lies in the record of stepped-up activity. Soviet foreign trade increased 6 times between 1938 and 1957. In the ranks of trading nations, the U. S. S. R. rose in the same period from 16th to 6th place. The proportion of this trade with other Soviet-bloc nations has been dropping—from 80 percent in 1955 to 68 percent in 1957. This decline is more than absorbed by trade with the new Asian and African nations, which increased more than 5 times between 1953 and 1957.

MANY TRADE PACTS

The Soviets have signed a total of 151 individual trade agreements with underdeveloped nations. In addition, they have distributed some $2 billion in foreign aid since 1954, only one-fourth of this being military aid. Deliveries, we are at last forced to admit, are good. All arms aid has been delivered. Half of the economic assistance has been asisgned to specific projects, with about 15 percent of the commitments already paid out.

Among these commitments are the following: Egypt got $175 million in economic aid in 1957, with $170 million more promised, plus $100 million in arms. Yemen received $80 million with $20 million more offered by the Soviet Union and $15 million more by China, plus $30 million in arms. Indonesia received $100 million for expansion of construction, plus experts for atomic development. India got a $115 million credit for a steel mill, plus $126 million for other plants and machinery. Iran has agreements on transportation, construction of silos, joint utilization of rivers, oil drilling machinery, and sugar-rice exchange. Other countries who have received Soviet aid include Syria, Afghanistan, Burma, Pakistan, and Ceylon.

Another major Soviet export is trained personnel. About 2,300 Soviet technicians are working abroad in supervising the foreign-aid programs.

All of this poses for us a serious but simply stated challenge: Either we pitch in to meet the needs of the uncommitted nations, or we must reconcile ourselves to the continued growth of Soviet influence in these countries. It is foolish to hope that the Soviets will form close economic ties with these countries without striving for general positions of influence, advantage, and ultimate control.

To meet this challenge, we must use our own great resources to advance our legitimate interests. First, we must have a better grasp of what those interests are. Second, we must understand that our own industrial base is still so enormous that an effective program of economic activity abroad need not result in a great diversion from domestic consumption.

Our problem is not lack of resources to meet the Soviet on the economic battleground. It is instead the halfheartedness with which we have planned and pursued a marshalling of our resources to achieve effective results.

Unquestionably, the overall amount of our foreign aid must be expanded. An authoritative MIT study project has estimated that the maximum capital investment which could be effectively utilized in underdeveloped countries is about $2.5 billion per year. Of this, the United States should supply about $1.5 billion in addition to our agricultural abundance. Some of this amount will have to be in the form of grants, especially for technical assistance. Some of the nations concerned are so lacking in professional resources as to make it impossible for them even to suggest projects worthy of receiving aid from abroad.

But most of our foreign outlay can consist of loans. Right now several agencies are engaged in financing projects abroad—the Development Loan Fund, the Export-Import Bank, and the World Bank, in which we participate. However, we must find some means of escape from the banking approach that has dominated these agencies. Our loans now carry quasi-commercial interest rates of 4 to 6 percent.

OFFER LOWER INTEREST

The Soviets, not facing a private money market, offer their loans abroad at 2½ percent. In reply, our administration spokesmen point to the 40-year repayment time of many American loans as compared with the usual, though not universal, 12-year term for Soviet loans. Yet this does not meet the attractiveness of the Soviet interest rate. Furthermore, Soviet loans are flexible. Often interest does not run until the facility constructed begins to make returns—sometimes as long as 8 years after the loan is granted.

I believe that our Government could do much more to tap the reservoir of private capital in this country for overseas investment. Hesitancy to loan because of political instability could well be overcome by Government guaranties on the principal as well as the cost of the money. Two advantages would be gained through extensive private participation—the total supply of capital would be raised, and the technical know-how of private corporations would be available to the regions where that is the scarcest commodity.

This leads to another point—the issue of making aid dependent upon political considerations. The Soviets, for whom political considerations are uppermost, have kept their aid free from visible strings. They make huge grants to Egypt, where the Communist Party is banned. They aid the reactionary monarchy of Yemen. They aid neutralist India. Communist leaders apparently are content to await long-term returns through general good will, or through the potential for moving in when the situation is ripe, as in Indonesia, after their technicians have established a base of operation.

The only effective counterbalance is for our own acts, as well as our proclamations, to be scrupulously free from demands for short-run political recompense. We simply must quit asking or implying a quid pro quo for our grants, making them instead on grounds of assuring economic and political self-determination, two goals that are eminently American, without being at all incompatible with the objectives of the recipient nations.

Much more of our foreign aid should be funneled through the United Nations or regional organizations. Two advantages of multilateral over bilateral arrangements are immediately apparent.

First, our funds would go at least twice as far, because our efforts would be pooled with those of other contributing countries, and a large measure of local self-help could be expected. We should not slavishly hold to some arbitrary limitation on the extent of our participation.

Second, U. N. administration would eliminate all possible charges of American domination of internal affairs of recipient countries. At the same time, it would not be necessary to accept and support the political and economic status quo of these countries, which so often lacks the support of the populace and which is a barrier to real advancement. U. N. technical advisers might best be able to encourage needed reforms.

We have, of course, supported the technical-assistance program of the U. N. Last year, we proposed a $100-million expansion of this effort for special projects. Yet we have refused to back a larger fund for capital development (SUNFED) even though this was the demonstrated desire of most other countries. If we could only summon the imagination and will to exert a major effort, we could challenge the Soviets to forgo their secret, selective, self-serving programs and instead participate openly in developments that would be above suspicion.

Another necessity of the hour is for us to expand trade opportunities. The Com-

munist line has always been that the capitalist countries desire to keep underdeveloped nations in a colonial status, economically, if not politically. Thus, they say, the Western powers attempt to keep one-crop or one-mineral producing countries in a dependent relationship of supplying raw materials and buying manufactured products. Soviet leaders have made much of the current distress resulting from falling commodity prices. Inevitable depression in capitalist nations has always been a cardinal point of Marxism.

On the other hand, the genuineness of our own propaganda effort rests on the superiority of our economic system in bringing benefits to all our people. We must assure ourselves that the fact does not belie the claim.

NEED COMMODITY PACTS

The unevenness of American trade in particular, and of our economy in general, should not wreck the economies of our customers and friends. A way must be found to stabilize commodity prices through agreement, and to promote intelligent diversification of underdeveloped economies through enlightened practices in foreign aid.

We must assiduously devote ourselves to the felt needs of the new countries to develop, and accompany this with an information effort that leaves no doubt that this is what we are doing. The claimed interest of the Soviet Union in the uncommitted nations can be shown up. They say to the underdeveloped countries:

"We are better partners, we are natural allies, because our market is stable and is not subject to price rigging fluctuations. * * * There are no trade barriers and restrictions, and no regional closed markets or preferential tariffs. There are no customs acrobatics which violate normal trade relations."

We can prove that the Soviet interest is negative; that their policy toward their own bloc countries is truly colonial in keeping them dependent; that they feel impelled to dictate, as to Tito, the course of each nation's development; that they camouflage their real aims; that their appetite for influence is bigger than their capacity to aid; that their policies are to create tensions between the nations they assist and the rest of the world.

But if anything is now clear, it is that we cannot stumble along on a year-to-year patchwork program of reacting to individual threats as they become crises. Instead, we need to embark upon a long-term program of combined effort toward freedom, peace, and progress, in our own land as well as in our policies toward other nations. Domestic and foreign programs, to be effective, must be all tied together. No move can be made successfully unless it is combined with connected moves.

MUST LEAD FOR PEACE

We cannot exercise defensive military leadership in Europe unless we are also constantly standing forth as the leader in searching for peace and disarmament. We cannot hold up the flag of liberty in Peru or Venezuela when our economy is too weak to take the products on which they live. We cannot demand of Europe that it join us in making funds available for the peaceful growth of the Middle East when we cut off their trade with us. We cannot grow strong ourselves unless our efforts provide new markets for our food and fibers abroad. We cannot take action without an accompanying information effort to keep from being misrepresented. Unless we pursue this combined effort on all fronts, the failure on one will cripple the others.

Somehow we must act in a large, positive way to teach the new nations that improvement is a deliberate process, based upon goodwill and international responsibility. Our obligation to meet this Soviet challenge is moral, as well as economic and strategic. I hope that we can still muster the leadership to respond adequately and in time.

Let us demonstrate to the world that we are mature, that we are capable of leadership. Let us demonstrate to the world that we understand the economic problems of others. Let us demonstrate to the world that we welcome competition.

Let us demonstrate to the world, by deed as well as word, that only through competitive enterprise and the building of enterprise, can you lift the standards of living—not only of ourselves but of the rest of the world as well.

PROBABLE CONSIDERATION OF CONFERENCE REPORT ON HOUSE BILL 11451

Mr. MANSFIELD. Mr. President, for the information of the Senate, I think I ought to say that there is a very strong possibility that H. R. 11451, providing for superliner construction and sale, now in conference, may be brought before the Senate some time during this week.

It is my understanding that the conference report is already at the table, and I make this announcement for the purpose of notifying the Senator from Delaware [Mr. WILLIAMS] especially, so that he may be ready to act accordingly. If it is at all possible, that conference report will be taken up tomorrow.

I hope that other conference reports can be brought before the Senate for consideration. As always, they will be given priority.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILLS INTRODUCED

The following additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. KNOWLAND:

S. 4081. A bill for the relief of Marianne (Sachiko) Fuller; to the Committee on the Judiciary.

By Mr. LANGER:

S. 4082. A bill for the relief of Bartolo Lubini; to the Committee on the Judiciary.

RELIEF OF CERTAIN ALIENS IN AZORES ISLANDS—ADDITIONAL COSPONSOR OF BILL

Mr. KENNEDY. Mr. President, on September 27, 1957, the first of several earthquakes and volcanic eruptions fractured the earth's brittle shell near the Island of Faial in the Azores. On November 4, November 6, November 18, and December 18, 1957, and March 18, 1958, there were additional eruptions. Everywhere within a 4-mile radius the lava and ash spread fear and destruction. This natural calamity can in many ways be compared to the havoc which would be caused by an atomic explosion, for the cloud of gases and boiling water shot 20,000 feet into the air and small rocks were thrown with such force that they landed miles away.

The people of the Azores are a hardy group. It was difficult at first for them to realize that the volcanic ash had destroyed every means of livelihood. Following the initial eruption, they busied themselves cleaning the ash, repaving the roads, and restoring their homes. With each successive eruption, however, it became more and more obvious that they would have to be evacuated.

Some of the islanders are former residents of the United States. Almost all of them have been told about the opportunities here. It would be a simple, humanitarian gesture, in keeping with the traditions and ideals of our country, to offer them refuge here.

I therefore ask unanimous consent that my name may be added as a cosponsor of the bill (S. 3942) for the relief of certain aliens distressed as the result of natural calamity in the Azores Islands, and for other purposes, introduced by the distinguished junior Senator from Rhode Island [Mr. PASTORE] on June 4, 1958. The bill, if enacted, would authorize 1,500 special nonquota visas to be issued to Portuguese nationals who have lost their homes and their means of livelihood in the volcanic ash. The bill does not deprive any other nation of its regular quota and it retains the usual standards of eligibility for immigration into the United States.

The people of the Azores are proud and energetic. I know that the people of Portuguese descent now in the United States will welcome them. I urge the Congress to take prompt action to relieve the distress caused by the great natural calamity which has overtaken one of our neighbors.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 1958, he presented to the President of the United States the following enrolled bills:

S. 385. An act to increase efficiency and economy in the Government by providing for training programs for civilian officers and employees of the Government with respect to the performance of official duties; and

S. 3342. An act to continue the special milk program for children in the interest of improved nutrition by fostering the consumption of fluid milk in the schools.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, under the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 8 o'clock and 17 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until tomorrow, Tuesday, July 1, 1958, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30 (legislative day of June 24), 1958:

COMMISSIONER OF THE DISTRICT OF COLUMBIA

Robert E. McLaughlin, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years and

until his successor is appointed and qualified.

PUBLIC UTILITIES COMMISSIONER

George E. C. Hayes, of the District of Columbia, to be a Member of the Public Utilities Commission of the District of Columbia for a term of 3 years expiring June 30, 1961.

DEPARTMENT OF LABOR

Clarence T. Lundquist, of Illinois, to be Administrator of the Wage and Hour Division, Department of Labor.

RAILROAD RETIREMENT BOARD

Thomas M. Healy, of Georgia, to be a Member of the Railroad Retirement Board for the term of 5 years from August 29, 1958.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

Edward Steidle, of Pennsylvania, to be a Member of the Federal Coal Mine Safety Board of Review for the term expiring July 15, 1961.

THE PUBLIC HEALTH SERVICE

The following candidates for appointment in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior surgeon

Thomas D. Dublin

To be surgeon

Frank R. Freckleton

To be senior assistant surgeon

Norman C. Telles

The following candidates for appointment or permanent promotion in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

Jose L. Silva for appointment, as surgeon.

FOR PERMANENT PROMOTION

Edward M. Campbell, for permanent promotion to senior assistant dental surgeon.

The following candidates for permanent promotion in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

To be medical directors

Claude D. Head, Jr.	Arthur S. Osborne
Hugh L. C. Wilkerson	Thomas L. Shinnick
Leon S. Saler	Ray H. Vanderhook
Robert L. Griffith	David E. Price
James A. Smith	Charles L. Williams, Jr.
Kenneth M. Endicott	Charles C. Shepard
Samuel S. Spicer	Wayne W. Carpenter
Jesse D. Harris	Linden E. Johnson
Malcolm J. Ford	James M. Hundley
Donald W. McNaughton	Russel I. Pierce
Arnold B. Kurlander	Samuel C. Ingraham II
Stanley E. Krumbiegel	Donald J. Birmingham
Clarence B. Mayes	Morris Schaeffer
William J. McAnnally, Jr.	Daniel Mac Killop
Clarence Kooiker	Paul V. Joliet
W. Clark Cooper	George A. Shipman
Harold J. Magnuson	John C. Cutler
Jack C. Haldeman	George W. Comstock
Roderick Murray	Carruth J. Wagner
	William C. Jenkins, Jr.

To be senior surgeons

Willie G. Simpson	Wilfred D. David
William L. Bunch, Jr.	Ruth E. Dunham
Gert L. Laqueur	Holman R. Wherritt
Robert L. Bowman	Ralph S. Paffenbarger
Kirkland C. Brace	John P. Utz
Vaso L. Purlia	Robert L. Price
Alvin L. Cain	John M. Vogel
Fred W. Love	Milo O. Blade
Raymond W. Herrmann	Gerald R. Cooper
Charles M. Gillikin	Robert E. Greenfield, Jr.
Edward B. Lehmann	

To be surgeons

Floyd B. Brailliar III	Stanley F. Yolles
Cleve B. Vaughan, Jr.	Paul T. Condit
Clifford E. Nelson	Sherman N. Kieffer
Donald A. Carlyle	David M. Fried
Nicholas C. Leone	Chester J. Semel
Albert L. Steplock	Leon Rosen
Donald W. Tharp	Robert S. Gordon, Jr.
Alfred S. Ketcham	Randolph A. Frank
Francis T. Flood	Burton S. Eggertsen, Jr.
Karl F. Urbach	Martin D. Hicklin
James L. Deadwyler	John H. Ackerman
Robert Delashmutt	Carl S. Shultz
Nicholas J. Galluzzi	Robert A. Marks, Jr.
Albert Sjoerdsma	John E. Edgcomb
Richard A. Prindle	
Eugene J. Van Scott	

To be senior assistant surgeons

Theodore A. Labow	L. Bruce Bachman
Lowell H. Hansen	Robert C. Geiger
Alex Rosen	Richard J. Eliason
James A. Richardson, Jr.	John F. Kelly, Jr.
Donald C. Reifel	Edward J. Hinman
William B. Furgerson, Jr.	George G. Meyer
Gilbert G. Tobler	Philip H. Geisler
Robert R. Fletcher	Ferdinand R. Hassler
Waldo S. Cook	Robert W. Kirtley
Paul A. Asper	John R. S. Remsberg
Robert B. McGandy	William K. Engel
Donald E. Poage	Hugh S. Pershing
George E. Miller, Jr.	Donald J. Murray
	Gabriel M. Mulcahy
	John S. Murray, Jr.

To be dental directors

Francis J. Walters	Edward J. Driscoll
Vernon J. Forney	George A. Nevitt
Toyo Shimizu	

To be dental surgeon

Harold R. Stanley, Jr.

To be senior assistant dental surgeons

Hugh L. Henley	Clair L. Gardner
Jerry D. Niswander	Robert G. Hansen
S. Henry Holton, Jr.	James W. Miller
Robert N. Phillips	Charles P. Wollschlager
Keith G. Winkler	George A. Galiber
James R. Hull	Russell O. Glauser
Harvey L. Weiner	Clarence R. Miedema
Jackie W. Gamble	Kenneth O. King
Thomas B. Haller	

To be sanitary engineer directors

Edmund C. Garthe	Richard S. Green
Chris A. Hansen	Richard S. Mark
Frank Tetzlaff	Richard F. Poston
Albert H. Stevenson	Hershel Engler
Ralph C. Palange	Leonard M. Board

To be sanitary engineers

James B. Coulter	Charles V. Wright, Jr.
George W. Burke, Jr.	Joseph W. Fitzpatrick
Dade W. Moeller	James A. Anderegg
Richard D. Coleman	Gordon E. Stone
Roy O. McCaldin	Zadok D. Harrison

To be senior assistant sanitary engineer

Herbert R. Pahren

To be assistant sanitary engineers

John C. McMahon	George I. Johnston
Norman J. Petersen	Jack L. Witherow

To be senior pharmacist

Robert L. Capehart

To be pharmacists

Edwin W. Bohrer
Jacob Levy

To be senior assistant pharmacists

Gene C. Knapp
Paul J. LeSage
Wesley R. Gladhart, Jr.

To be scientist directors

Harry D. Pratt	Falconer Smith
John A. Rowe	Samuel B. Salvin
Don E. Eyles	William C. Frohne
George A. Hottle	Dale R. Lindsay
William J. Bowen	Marion M. Brooke

To be senior scientist

Bernard D. Brookman

To be scientists

Kelsey C. Milner	John H. Weisburger
Edward M. Scott	Elizabeth K. Weisburger
Richard Q. Bell	

To be senior assistant scientist

George P. Kubica

To be senior sanitarians

Richard F. Clapp	Noah N. Norman
Mary C. Gillis	Joseph F. O'Brien
Leslie D. Beadle	Darold W. Taylor

To be sanitarian

James G. Murphy

To be senior assistant sanitarian

Paul Blank

To be veterinary director

James H. Steele

To be veterinarians

Preston Holden
William Kaplan

To be senior assistant veterinarians

Gordon D. Wallace
Douglas M. Hawkins
Marlin D. Kleckner

To be nurse directors

Zella Bryant	Margaret F. Knapp
L. Margaret McLaughlin	Ruth L. Johnson

To be senior nurse officers

Grace I. Larsen
M. Estelle Hunt

To be nurse officers

Alma M. Miller	Dorothy Y. Holder
Rose G. Ernsberger	Ruth E. Shvedoff
Ina L. Ridlehover	Phyllis B. Hullum
Elizabeth C. Iaczko	Victoria F. Malinoski
Virginia D. Hines	Catherine M. Thompson
Katherine L. Tucker	Verna B. Grimm
Helen Gertz	Esther C. Gilbertson
Lucille G. Buderer	Katherine W. Kendall
Harriett Hicok	Margaret M. Sweeney
Edna L. Easterday	Evelyn A. Eckberg
Mary S. Romer	Ruth E. Simonson
Mary Y. Salmon	Catherine Wegner
Mary E. McGovern	Jay C. Wertman
Patricia B. Geiser	Nina A. Ramacciotti
M. Elizabeth L. Darden	

To be senior assistant nurse officers

Arthur R. Barth	Alice M. Haggerty
Frances R. Donoghue	Evelyn H. Krueger

To be dietitians

E. Grace Gibson
Marjorie A. Emidy

To be senior therapist

Corinne Q. Way

To be senior assistant therapist

Lennes A. Talbot

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 30, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

I John 4: 21: *This commandment have we from Him, that he who loveth God love his brother also.*

Eternal God, who art the inspiration of our prayers and their answer, we beseech Thee to make our hearts the sanctuaries of Thy presence and Thy love.

Purge us from all selfish and unworthy desires and may a nobler and more magnanimous spirit always rule our thoughts and aspirations.

Give us that peace which is the fruit of righteousness and help us to cultivate that love which goes out to all mankind in friendship and brotherhood.