Mrs. Frederic A. Groves, president general, Daughters of the American Revolution, 1956: "Federal aid means Federal control. You cannot get away from the fact that he who pays the piper calls the tune."

Daughters of the American Revolution, 1957: "The National Society, Daughters of the American Revolution has continuously opposed Federal aid to education, believing such aid could lead to Government control of all public schools, thereby removing State and local control."

Dr. Cyrus W. Anderson, president, Association of American Physicians and Surgeons, Inc., April 2, 1958: "Make no mistake about it, 'one shot' Federal aid is as fantastically unrealistic as only one shot for the dope addict. And there is a mountain of evidence to prove it."

Gordon L. Calvert, July 1958, Investment Bankers Association of America: "The great success with which the needed classrooms rapidly are being provided without Federal aid, the decreasing rate of growth in public school enrollment, the large classroom construction programs presently under way and financed for the next several years (demonstrated by record sales of school bonds and approval of a high percentage of school bonds at recent bond elections) lead us to conclude that State and local educational agencies can and will provide the needed classrooms without Federal aid."

Southern States Industrial Council: "The council opposes Federal aid to education, including Federal aid to school construction."

National Association of Manufacturers: "The heart of the matter is whether the financing, direction and control of the public school system shall remain in State and local hands, close to the people and responsive to their wishes and needs, or shall eventually be transferred to a central government authority."

Dr. Brantley Watson, March 1958 Education Committee, Chamber of Commerce of the United States:

"When our entrance into the space age was dramatized last fall, State and local reaction was immediate and is still mounting. State and local boards of education are reviewing the curriculums, the methods, and the standards of their schools. In community after community, we are finding an aroused leadership insisting on higher standards both for general achievement and for graduation. Local and State legislative leaders, who are constitutionally responsible for public education, are likewise being pressed to provide ways and means to maintain effective schools.

"On the other hand, there are no studies showing that local and State leaders believe that any space age emergency in education exists, which requires Federal intervention in science education, or in guidance, or in scholarships."

SENATE

THURSDAY, JULY 31, 1958

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

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

God of our fathers and God of our salvation, Thou knowest our hearts, for from Thee no secrets are hid.

Thou seest, in spite of the worst things in us, which we despise, that in our highest hours in this convulsive day, we deeply desire to be the true servants of Thy will.

In our hearts, O Lord, we cherish the golden heritage that has been bequeathed us through the virtue and valor of those whose records within these legislative Halls have helped to make the greatness of our free land.

Inspire us, we pray, so to follow their shining example, that we, the children of their faith, may not only hold our inheritance as a precious trust, but, by our loyalty, love, and labor, may leave it with increased luster to those who, after us, shall inherit the land, bright with freedom's holy light. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 13451) to amend section 245 of the Immigration and Nationality Act, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 13451) to amend section 245 of the Immigration and Nationality Act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

COMMITTEE MEETINGS DURING SENATE SESSION

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

Permanent Subcommittee on Investigations of the Government Operations Committee.

Committee on Finance.

Committee on Interior and Insular Affairs.

Committee on Labor and Public Welfare.

Antitrust and Monopoly Subcommittee of the Committee on the Judiciary.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce:

Everett Hutchinson, of Texas, to be Interstate Commerce Commissioner.

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

INTERSTATE COMMERCE COMMISSION

The Chief Clerk read the nomination of Robert W. Minor, of Ohio, to be Interstate Commerce Commissioner for a term of 7 years.

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

NOMINATION OF EVERETT HUTCHINSON TO BE AN INTERSTATE COMMERCE COMMISSIONER

Mr. JOHNSON of Texas. Mr. President, Mr. Everett Hutchinson, a member of the Interstate Commerce Commission, has been nominated for reappointment by President Eisenhower; and the nomination has been sent to the Senate. The nomination was fully considered in the Committee on Interstate and Foreign Commerce, and has received clearance by both Texas Senators. I expect the nomination to be reported to the calendar today; and I give notice that the Senate will consider the nomination tomorrow.

In passing, I should like to say that Mr. Hutchinson is one of the most dedicated and diligent public servants I have known, and I believe that his nomination will be confirmed very promptly.

Mr. YARBOROUGH. Mr. President, I wish to add my word of approval and commendation regarding the reappointment of Mr. Everett Hutchinson to be an Interstate Commerce Commissioner.

Mr. Hutchinson is a diligent public officer. I have known him personally for some 8 or 10 years. He has had wide experience in the transportation indus-

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try and in the law of the transportation industry in my home State. He was assistant attorney general of the State of Texas, assigned to handle transportation matters; and as a result of those 6 years of experience he has proven, during his service on the Interstate Commerce Commission, to be an invaluable member.

I believe it fortunate that the President has seen fit to renominate Mr. Hutchinson and to send his nomination to the Senate. When the nomination reaches the floor of the Senate, I am hopeful that it will be speedily confirmed.

Mr. JOHNSON of Texas. I thank my colleague.

The PRESIDENT pro tempore. The clerk will report the remaining nominations on the calendar.

COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Russell E. Atkinson, of New Jersey, to be comptroller of customs at Philadelphia, Pa.

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

COLLECTOR OF CUSTOMS

The Chief Clerk read the nomination of Emile A. Pepin, of Rhode Island, to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I.

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

COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of Will Connell for permanent appointment as ensign, subject to qualifications provided by law.

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

The Chief Clerk read the nomination of Robert P. Michaud for permanent appointment as ensign, subject to qualifications provided by law.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of all these nominations.

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

CONFIRMATION OF UNITED NATIONS NOMINATIONS

Mr. SMITH of New Jersey. Mr. President, yesterday morning, in executive session, the Senate confirmed a number of nominations of representatives of the United States to the 13th session of the General Assembly of the United Nations. Among them were the nominations of our present distinguished Ambassador, Henry Cabot Lodge, and our Deputy Ambassador, James J. Wadsworth, of New York.

I am sure all Members of the Senate were very much elated over the appointment of the Senator from Montana [Mr. MANSFIELD] and the Senator from Iowa [Mr. HICKENLOOPER] to serve during the coming session. The other appointments also were outstanding. I wish to call particular attention to the appointment, as an alternate representative, of Miss Marian Anderson, of Connecticut. Last year, Miss Anderson completed a brilliant tour of the Far East, where she interpreted the United States and its spirit in a manner which has thrilled not only our entire country but also the people of the countries she visited. Miss Anderson made a brilliant contribution, and I am eager to add my words to the words of others in commending the administration highly for her appointment.

LEGISLATIVE SESSION

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

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

APPOINTMENT TO NATIONAL FOREST RESERVATION COMMISSION

The PRESIDENT pro tempore. The Chair has been requested by the Vice President to announce the appointment of Senator JOHN D. HOBLITZELL, Jr., of West Virginia, as a member of the National Forest Reservation Commission, created by the act of March 1, 1911, vice Senator STYLES BRIDGES, of New Hampshire, resigned.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON COMMODITY CREDIT CORPORATION SALES POLICIES, ACTIVITIES, AND DISPOSITIONS

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager on Commodity Credit Corporation sales policies, activities, and dispositions, dated May 1958 (with an accompanying report); to the Committee on Agriculture and Forestry.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN DIAMONDS

A letter from the Administrator, General Services Administration, Washington, D. C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 47,049 carats of rough cuttable gem-quality diamonds and approximately 8,412 carats of cut and polished gem-quality diamonds now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON REVIEW OF ACTIVITIES OF SUPPLY DEPARTMENT, NAVAL AIR STATION, NORTH ISLAND, SAN DIEGO, CALIF.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of activities of the Supply Department, Naval Air Station, North Island, San Diego, Calif., Department of the Navy, dated July 1958 (with an accompanying report); to the Committee on Government Operations.

REPEAL OF TITLE 18, UNITED STATES CODE, SECTION 791, RELATING TO ESPIONAGE AND CENSORSHIP

A letter from the Attorney General, transmitting a draft of proposed legislation to repeal title 18, United States Code, section 791 so as to extend the application of chapter 37 of title 18, relating to espionage and censorship (with an accompanying paper); to the Committee on the Judiciary.

VARIATION OF WORKWEEK OF FEDERAL EMPLOYEES FOR EDUCATIONAL PURPOSES

A letter from the Administrative Assistant Secretary of the Interior, transmitting a draft of proposed legislation to permit variation of the 40-hour workweek of Federal employees for educational purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Chairman and members of the United States Atomic Energy Commission, Washington, D. C., transmitting, pursuant to law, the 24th semiannual report of that Commission, dated July 1958 (with an accompanying report); to the Joint Committee on Atomic Energy.

APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Director, National Advisory Committee for Aeronautics, Washington, D. C., transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes (with an accompanying paper); ordered to lie on the table.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the legislative council of the Legislature of the Territory of Alaska, relating to the exploitation of natural resources in Alaska; to the Committee on Banking and Currency.

A resolution adopted by the Cleveland Typographical Union 53, of Cleveland, Ohio, relating to certain activities of the National Labor Relations Board; to the Committee on Labor and Public Welfare.

A resolution adopted by the Andrews Air Force Base Local Union of the American Federation of State, County, and Municipal Employees, favoring the placing of the National Cultural Center for the Performing Arts on the Mall, and opposing the placing of the Air Museum on the Mall; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, with an amendment:

H. R. 11722. An act to provide compensation to the Crow Tribe of Indians for certain ceded lands embraced within and otherwise required in connection with the Huntley reclamation project, Montana, and for other purposes (Rept. No. 2068).

By Mr. NEUBERGER, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 1244. An act to provide for the development by the Secretary of the Interior of Independence National Historical Park, and for other purposes (Rept. No. 2072).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2905. A bill to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes (Rept. No. 2069;

S. 3682. A bill to authorize the sale or exchange of certain lands of the United States situated in Pima County, Ariz., and for other purposes (Rept. No. 2070);

S. 3882. A bill to amend the act of July 1, 1948, chapter 791 (24 U. S. C. 279a), providing for the procurement and supply of Government headstones and markers (Rept. No. 2071);

H. R. 2689. An act to provide for the conveyance of all right, title, and interest of the United States in and to certain real property to Stella Vusich (Rept. No. 2073);

H. R. 3402. An act to provide for a display pasture for the bison herd on the Montana National Bison Range in the State of Montana, and for other purposes (Rept. No. 2074);

H. R. 4381. An act to amend the act of July 1, 1948 (62 Stat. 1215) to authorize the furnishing of headstones or markers in memory of members of the Armed Forces dying in the service, whose remains have not been recovered or identified or were buried at sea (Rept. No. 2075);

H. R. 4503. An act to provide that all interests of the United States in a certain tract of land formerly conveyed to it by the Commonwealth of Kentucky, shall be quitclaimed and returned to the Commonwealth of Kentucky (Rept. No. 2070);

H. R. 5450. An act to authorize the enlargement of the administrative headquarters site for Isle Royale National Park, Houghton, Mich., and for other purposes (Rept. No. 2078);

H. R. 6038. An act to revise the boundary of the Kings Canyon National Park, in the State of California, and for other purposes (Rept. No. 2079);

H. R. 6198. An act to exclude certain lands from the Sequoia National Park, in the State of California, and for other purposes (Rept. No. 2080);

H. R. 6274. An act to provide that the Secretary of the Interior shall accept title to Grant's Tomb in New York, N. Y., and maintain it as the General Grant National Memorial (Rept. No. 2081);

H. R. 7790. An act to provide for the forfeiture of the right-of-way located within the State of California heretofore granted to the Atlantic & Pacific Railroad Co., by the United States (Rept. No. 2082);

H. R. 8211. An act to authorize and direct the Secretary of the Interior to quitclaim to Joseph G. Pettet all right, title, and interest of the United States in and to certain lands in the State of Montana (Rept. No. 2083);

H. R. 8842. An act to quitclaim interest of the United States to certain land in Smith County, Miss., and to terminate restrictions against alienation thereon (Rept. No. 2084);

H. R. 9792. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co. to James Giono (Rept. No. 2085);

H. R. 11008. An act to authorize the Secretary of the Interior to exchange certain land at Vicksburg National Military Park, Miss., and for other purposes (Rept. No. 2086);

H. R. 11868. An act to amend the act of August 11, 1955 (69 Stat. 632), relating to the rehabilitation and preservation of historic properties in the New York City area, and for other purposes (Rept. No. 2087); and

H. R. 13026. An act to validate the conveyance of certain land in the State of California by the Central Pacific Railway Co. and the Southern Pacific Co. to D'Arrigo Bros. Co. of California (Rept. No. 2088).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 8980. An act to authorize an exchange of lands at Hot Springs National Park, Ark., and for other purposes (Rept. No. 2089).

AUTHORIZATION FOR APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. JOHNSON of Texas. Mr. President, from the Special Committee on Space and Astronautics I report an original bill to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes, and I submit a report (No. 2076) thereon, and ask that it be printed.

I give notice that the Appropriations Committee today is hearing the request of the executive agencies concerned therewith. I expect to ask for prompt action on the bill when the report is available.

The PRESIDENT pro tempore. The report will be received, and printed, and the bill will be placed on the calendar.

The bill (S. 4208) to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes, was read twice by its title and placed on the calendar.

TECHNICAL CHANGES IN FEDERAL EXCISE-TAX LAWS (S. REPT. NO. 2090)

Mr. BYRD. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H. R. 7125) to make technical changes in the Federal excise tax laws, and for other purposes, and I submit a report thereon. In connection with the reporting of this bill, I ask unanimous consent that the bill not be reprinted, and that the amendments to the bill proposed by the Committee on Finance be printed separately.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the amendments will be printed, as requested by the Senator from Virginia.

BILLS INTRODUCED

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

By Mr. JACKSON (for himself, Mr. BARRETT, Mr. GOLDWATER, and Mr. THURMOND):

S. 4207. A bill to equalize the pay of retired members of the uniformed services; to the Committee on Armed Services.

By Mr. JOHNSON of Texas:

S. 4208. A bill to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes; placed on the calendar.

(See the remarks of Mr. JOHNSON of Texas when he reported the above bill, which appear under a separate heading.)

By Mr. KENNEDY:

S. 4209. A bill for the relief of Michael Solomonides; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 4210. A bill to correct the inequities of the Postal Field Service Compensation Act of 1955; to the Committee on Post Office and Civil Service.

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

By Mr. MAGNUSON:

S. 4211. A bill for the relief of Aurelia Marija Medvesek-Pozar; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HILL, Mr. MURRAY, Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. YARBOROUGH, Mr. SMITH of New Jersey, Mr. IVES, Mr. PURTELL, and Mr. COOPER):

S. 4212. A bill to amend the War Orphans' Educational Assistance Act of 1956 to authorize the enrollment of a handicapped eligible in a specialized course of vocational training; to the Committee on Labor and Public Welfare.

By Mr. THURMOND (for himself, Mr. HILL, Mr. MURRAY, Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. YARBOROUGH, Mr. SMITH of New Jersey, Mr. IVES, Mr. PURTELL, Mr. ALLOTT, and Mr. COOPER):

S. 4213. A bill to afford vocational rehabilitation to certain veterans in need thereof to overcome the handicap of a disability rated 30 percent or more incurred in or aggravated by active service subsequent to January 31, 1955; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK:

S. 4214. A bill for the relief of Mary F. C. Leute, the widow of Joseph Henry Leute; to the Committee on Foreign Relations.

CORRECTION OF INEQUITIES OF POSTAL FIELD SERVICE COMPENSATION ACT OF 1955

Mr. JOHNSTON of South Carolina. Mr. President, I introduce, for appropriate reference, a bill to correct inequities of the Postal Field Service Compensation Act of 1955. I ask unanimous consent to have a statement explaining the bill printed in the RECORD.

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

The bill (S. 4210) to correct the inequities of the Postal Field Service Compensation Act of 1955, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The statement presented by Mr. JOHNSTON of South Carolina is as follows:

EXPLANATION

The purpose of the bill to correct the inequities of the Postal Field Service Compensation Act of 1955 is generally indicated by its title. Experience has shown that the act is discriminatory in many of its features, and behind the times so far as its pay features compare with general industrial practices. The suggested amendments will improve the act in those instances that have developed during the time the act has been in effect. A sectional analysis follows:

Subsection 1 provides that when an appeal is sustained the position on which the appeal is based shall be posted for bid in accordance with postal regulations.

Subsection 1 (a) would simply provide the right of organizations and the officers

of organizations to file appeals in behalf of the members of their organizations.

Subsection 2 advances all nonsupervisory positions by one level.

Subsection 3 would provide that employees assigned to duties and responsibilities of a higher salary level shall be paid for such duties for the time employed. At the present time the employee is required to perform service at the higher level for 30 days in each calendar year before becoming eligible for the increased compensation.

Subsection 4 would require the Postmaster General to file annual reports on the operations of the act.

Subsection 5 would correct a situation wherein an employee who had held a given position for a number of years was converted under the act to a step and level lower than the step in the same level of the employee who was first promoted to the position on the day following enactment of the act.

Subsection 6 would remove the artificial restraint on the advancement of substitutes assigned to road duty in the Postal Transportation Service.

Subsection 7 would correct a situation which prohibits clerks and letter carriers from promotion to higher salary levels unless they are in the top step of their level, while other employees in lower levels may be promoted to higher levels without regard to the step they occupy in their current salary level.

Subsection 8 would merely provide that the normal schedule of regular employees would be encompassed within 9 consecutive hours rather than 10. At the present time many employees are required to take 2-hour lunch periods making for an extremely long workday.

Subsection 9 would grant employees premium compensatory time (at the rate of time and one-half) for work performed on Saturdays and Sundays and would make it mandatory that employees be paid rather than be given compensatory time for Saturday and Sunday service during the month of December.

Subsection 10 would provide double compensatory time for services performed on holidays and the payment of double time for service performed on Christmas day.

Subsection 11 would increase the night work differential from the present 10 percent of salary to 20 percent in common with the practice in enlightened private industry.

Subsection 12 would provide compensatory time for Saturday and Sunday service for employees in third class offices and require that the hours of duty of employees in third class offices be on the same basis as the hours of duties of employees in first and second class offices.

Subsection 13 would provide that whenever a substitute employee is required to be available for duty he shall be employed not less than 3 consecutive hours. At the present time when an employee is officially called for duty he must be employed for not less than 2 consecutive hours, but in many instances postmasters instead of ordering a substitute to report for duty merely tell him to remain within calling distance in the event his services are needed. In this manner the employee is as effectively tied down as though he had been ordered to report, but is not paid for the period of time involved.

Subsection 14 would not change the present substitute ratio but would merely provide that all substitutes, temporary as well as classified, be included in determining the number of substitutes to which an office might be entitled.

Subsection 15 is applicable only to employees on road duty in the Postal Transportation Service. If a run is less than 8 hours, the time less than 8 hours is characterized as deficiency time, and the total of all deficiency time must be made up before the employee can be paid overtime for additional service. These requirements force employees to make additional runs without compensation.

Section 2 of the act prescribes the effective dates. The bill, with the exception of subsection 5 of section 1, would not be effective until the beginning of the first pay period following enactment. Subsection 5 of section 1 has a retroactive application.

AMENDMENT OF WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT—VOCATIONAL REHABILITATION TRAINING FOR CERTAIN VETERANS

Mr. THURMOND. Mr. President, I introduce two bills for reference to the Committee on Labor and Public Welfare.

One of the bills amends the War Orphans' Educational Assistance Act of 1956. The other amends the act providing vocational rehabilitation for disabled veterans.

Mr. President, the bill concerning the War Orphans Act amends the present law so as to authorize the Administrator of Veterans' Affairs to approve courses of special vocational training for eligible persons under the act. Presently, mentally retarded war orphans do not obtain any benefits under the act, because the special courses suitable to their needs are not authorized by existing law. The bill corrects this situation by authorizing the Administrator of Veterans' Affairs to approve a special course of vocational training which is suitable for the particular person and which is required because of a mental or physical handicap.

The bill concerning vocational rehabilitation for disabled veterans amends Public Law 894, 81st Congress, so as to afford such vocational rehabilitation training to peacetime veterans—persons entering the Armed Forces subsequent to January 31, 1955—who sustain service-connected disabilities rated at 30 percent or more of total disability. World War II and Korean veterans have previously received this type of training without regard to the percentage of disability. It seems appropriate for Congress now to take action to provide similar training to peacetime veterans in cases where the service-connected disability is substantial. The demarcation line drawn by the requirement of a 30-percent disability is appropriate to maintain the distinction which Congress has traditionally maintained between peacetime and wartime veterans in providing veterans' benefits.

Finally, Mr. President, I would note that the bill to amend the War Orphans' Act is sponsored by 11 members of the Committee on Labor and Public Welfare. Sponsors in addition to myself are Senators HILL, MURRAY, KENNEDY, MCNAMARA, MORSE, YARBOROUGH, SMITH of New Jersey, IVES, PURTELL, and COOPER.

The bill to afford vocational rehabilitation to peacetime veterans is sponsored by 12 members of the Committee on Labor and Public Welfare. Sponsors in addition to myself are Senators HILL, MURRAY, KENNEDY, MCNAMARA, MORSE, YARBOROUGH, SMITH of New Jersey, IVES, PURTELL, ALLOTT, and COOPER.

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

The bill (S. 4212) to amend the War Orphans' Educational Assistance Act of 1956 to authorize the enrollment of a handicapped eligible person in a specialized course of vocational training, introduced by Mr. THURMOND (for himself, Mr. HILL, Mr. MURRAY, Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. YARBOROUGH, Mr. SMITH of New Jersey, Mr. IVES, Mr. PURTELL, and Mr. COOPER) was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The bill (S. 4213) to afford vocational rehabilitation to certain veterans in need thereof to overcome the handicap of a disability rated 30 per centum or more incurred in or aggravated by active service subsequent to January 31, 1955, introduced by Mr. THURMOND (for himself, Mr. HILL, Mr. MURRAY, Mr. KENNEDY, Mr. MCNAMARA, Mr. MORSE, Mr. YARBOROUGH, Mr. SMITH of New Jersey, Mr. IVES, Mr. PURTELL, Mr. ALLOTT, and Mr. COOPER) was received, read twice by its title, and referred to the Committee on Labor and Welfare.

TECHNICAL CHANGES IN FEDERAL EXCISE-TAX LAWS—AMENDMENTS

Mr. FLANDERS submitted amendments, intended to be proposed by him, to the bill (H. R. 7125) to make technical changes in the Federal excise-tax laws, and for other purposes, which were ordered to lie on the table, and to be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, TO CORRECT UNINTENDED BENEFITS AND HARDSHIPS—AMENDMENTS

Mr. CLARK submitted amendments, intended to be proposed by him, to the bill (H. R. 8381) to amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments, and for other purposes, which were ordered to lie on the table, and to be printed.

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

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

By Mr. MARTIN of Pennsylvania:

Address delivered by him at the annual convention of the American Legion, Department of Pennsylvania, on July 26, 1958.

MARION B. FOLSOM

Mr. SMITH of New Jersey. Mr. President, today is Secretary Marion B. Folsom's last day in office as Secretary of Health, Education, and Welfare. Tomorrow, he will retire from public life, and will resume his association with the Eastman Kodak Co., of Rochester, N. Y. As ranking Republican member of the Senate Committee on Labor and Public

Welfare, I wish to pay tribute to the outstanding job he has done during his stay in Washington, and to express again, my own personal regret that he is leaving.

Mr. Folsom has rendered distinguished service to his country. The story of his career is one of impressive contributions to both public life and private enterprise. Some of his most significant contributions have been outlined in a brief biography which was prepared for the testimonial dinner in his honor last Tuesday night at the Cosmos Club, here in Washington. It is a great personal regret to me that, because of a previous engagement, I was unable to attend the testimonial dinner; but I have heard splendid reports of the fine tributes paid to this distinguished statesman. On that occasion the distinguished Senator from Alabama [Mr. HILL] delivered an outstanding address, which the Senator from Kentucky [Mr. COOPER], another member of the committee, had printed in the CONGRESSIONAL RECORD of yesterday.

The biography which was presented at the dinner details Mr. Folsom's achievements in public and civic life and his productive work both as Under Secretary of the Treasury and as Secretary of the Department of Health, Education, and Welfare. I desire particularly to emphasize the record of his achievements during his 3 years as Secretary of the Department of Health, Education, and Welfare, because it is in this capacity that we who serve on the Senate Committee on Labor and Public Welfare have been most closely associated with him. I quote briefly from his biography:

During his term medical research activities have been expanded greatly and important new health legislation has been enacted, including programs for construction of research facilities, training more public-health personnel and nurses, a continuing national survey of the extent and nature of illness among the population, and broadened efforts to control air and water pollution. Funds for the services of the Office of Education have been more than doubled, and a new program of educational research has been launched. A constructive approach to self-support was emphasized in 1956 public-assistance amendments which authorized aid for welfare research and training. A record number of persons has been rehabilitated each year under the expanding vocational rehabilitation program, and steady progress has been made in developing food and drug protection more in line with modern needs.

As I stated on the floor of the Senate last May, when Secretary Folsom's prospective resignation was first made public, he has earned bipartisan respect for the devoted and effective way in which he has administered his Department. An editorial in the New York Times, which I had printed in the RECORD at that time, declared that "the work of this Department is complex and requires both administrative skill and human warmth. Mr. Folsom supplied those qualities to a high degree."

I am sure Secretary Folsom regrets, on leaving his office, that the Congress has not yet completed work on the emergency education program which was drawn up under his leadership. Despite the lateness of the hour, however, there still remains a good chance that his objectives will be realized at this session. A bill which embodies his recommendations has been reported by the House Education Committee, and is about to be cleared for debate in the House. The Senate Committee on Labor and Public Welfare is preparing to report a bill which takes a similar approach, and which, I trust, will be before the Senate by next week.

Secretary Folsom's emergency program, supported by President Eisenhower, is based on the conviction that more effective mobilization of brainpower is a top priority matter, from the standpoint of national security. The adoption of such a program would not only provide immediate help in strengthening our educational system, but would also have the long-range effect of stimulating throughout the country academic achievement and sound, thorough intellectual training.

As Secretary Folsom leaves his high office, I wish to express my personal appreciation of our friendship and the inspiration that I have received from our work together for the welfare of the people of the United States.

Mr. President, I ask unanimous consent that the biography to which I referred, and which was prepared for the dinner at the Cosmos Club, last Tuesday, be printed at this point in the body of the RECORD, following my remarks.

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

MARION B. FOLSOM

Born in McRae, Ga., on November 23, 1893, Marion B. Folsom was graduated from the University of Georgia in 1912 (bachelor of arts with honors) and from Harvard Business School in 1914 (master of business administration with distinction). On October 1, 1914, he began employment with the Eastman Kodak Co.

During World War I, Mr. Folsom served overseas with the 28th Division and became a captain in the Quartermaster Corps, United States Army. After his return, he resumed his work with Eastman, becoming assistant to the company's president in 1921, treasurer in 1935, and a director in 1947.

In 1928, he developed a life insurance, retirement, and disability benefits plan for Eastman employees, financed by the company. In 1931, he developed an unemployment benefit plan, which included 13 other Rochester companies. His work in Federal social security began with his service on the President's Advisory Council on Economic Security which helped to draft the original Social Security Act in 1934. He was one of the organizers in 1942 of the Committee for Economic Development, composed of businessmen and educators concerned with the maintenance of a healthy economy. In 1944–46, he was staff director for the House Committee on Postwar Economic Policy and Planning. He resigned as treasurer and director of Eastman Kodak Co., and as Chairman of the Committee for Economic Development, when he was appointed Under Secretary of the Treasury in 1953.

During his 2½ years with the Treasury Department, a large part of his time was devoted to tax policy. He participated in a complete revision and codification of the tax laws, the first total revision of the tax structure in 79 years. In 1954, while still the Treasury Under Secretary, he worked with the Department of Health, Education, and Welfare on a study of old-age and survivors insurance which resulted in extension of coverage and liberalization of benefits under the 1954 amendments to the Social Security Act.

Mr. Folsom assisted in the development of the group life insurance program for Federal employees enacted by Congress in 1954, which went into effect in August of that year. He had previously helped to organize the Group Medical Care Insurance Plan in Rochester.

On August 1, 1955, Mr. Folsom became Secretary of Health, Education, and Welfare. During his term medical research activities have been expanded greatly and important new health legislation has been enacted, including programs for construction of research facilities, training more public health personnel and nurses, a continuing national survey of the extent and nature of illness among the population, and broadened efforts to control air and water pollution. Funds for the services of the Office of Education have been more than doubled, and a new program of educational research has been launched. A constructive approach to self-support was emphasized in 1956 public assistance amendments which authorized aid for welfare research and training. A record number of persons has been rehabilitated each year under the expanding vocational rehabilitation program, and steady progress has been made in developing food and drug protection more in line with modern needs.

He served on the Federal Advisory Council on Social Security (1937–38) and the Social Security Advisory Council of the Committee on Finance of the United States Senate (1948), both groups working on revisions of the Social Security Act. He served on the New York State Advisory Council on Unemployment Insurance (1935–50). Additional Government experience includes service as employer delegate from the United States to the International Labor Conference in Geneva (1936); as Division Executive of the National Advisory Board for Mobilization Policy (1951–52); and membership on the National Advisory Defense Commission (1940–41), on the Regional War Manpower Committee (1942–45), and on the Business Advisory Council of the Department of Commerce since 1936.

In Rochester, he served for 3 years as president of the Rochester Council of Social Agencies and on the boards of the Rochester Community Chest, the Rochester General Hospital, the Rochester Y. M. C. A., and the Genesee Valley Medical Care Plan, which he had helped to organize.

He was an overseer of Harvard College 1951–57 and is a trustee of the University of Rochester. Prior to 1953, he was a director of several financial institutions including the Federal Reserve Bank of New York.

Mr. Folsom holds honorary degrees from the University of Rochester (LL. D., 1945), New York University (D. C. S., 1950), Hobart and William Smith Colleges (LL. D., 1951), Syracuse University (LL. D., 1955), Tufts University (LL. D., 1955), Rollins College (D. C. L., 1957), Brown University (LL. D., 1957), Swarthmore (LL. D., 1957).

In 1957, Mr. Folsom was elected a Fellow of the American Academy of Arts and Sciences and was awarded a life membership in the National Education Association. Mr. Folsom is a member of Phi Beta Kappa and Sigma Nu.

In 1918, he married Mary Davenport. They have 2 children, Marion B. and Frances, and 1 grandchild, Catherine Folsom.

RESIGNATION OF DR. GABRIEL HAUGE

Mr. SMITH of New Jersey. Mr. President, I wish to add my words to those of others who have expressed regret over the resignation of Dr. Gabriel Hauge, of

the White House staff. I have enjoyed a personal contact with Dr. Hauge during his assignment at the White House. I have a very high regard for his ability, and have appreciated his eagerness constantly to help those of us who needed guidance and encouragement in dealing with the economic problems of our country. I have felt that Mr. Hauge's positive approach to our economic problems, and his active opposition to the prophets of doom and gloom, have done much to help bring back the feeling of confidence in the country, as we now happily see the upturn in our general economic situation.

LEASING OF PAPAGO TRIBAL LAND TO THE NATIONAL SCIENCE FOUNDATION

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4167, to authorize the lease of Papago tribal land to the National Science Foundation.

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

There being no objection, the Senate resumed the consideration of the bill (S. 4167) to authorize the lease of Papago tribal land to the National Science Foundation, and for other purposes.

Mr. HAYDEN. Mr. President, the independent offices appropriation bill, the conference report on which was adopted yesterday, contained appropriations to the National Science Foundation which included $5 million to build a solar telescope and the balance of about $4 million required for the optical research laboratory. The solar research telescope will be capable of producing an image of the sun twice as large as that now produced by the Mount Wilson telescope, and the optical astronomy observatory will have greatly advanced facilities which will be open to everyone and available for use by any university in the country.

These facilities will be placed on the 70 acres of comparatively flat area on top of Kitt Peak in Arizona, where it has been determined that seeing conditions are unusually good. Kitt Peak has a height of 6,875 feet and is located near the Mexican border about 50 miles southwest of Tucson, Ariz.

Also included in the appropriation bill was provision for $1 million to construct a road from the connecting highway to the top of Kitt Peak, in order to assist in the construction of the observatory and the placing of the large telescopes as well as to have these improved facilities available to the public.

Since the authorization of the funds, however, it was discovered there is a law which prohibits an Indian tribe from leasing land for more than 25 years; and this location is in the Papago Reservation. The pending bill authorizes the tribe to lease the land to the National Science Foundation for as long as it is occupied by the observatory, and provision is made to compensate the tribe for the use of their land.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an excerpt from the report accompanying the bill.

There being no objection, the excerpt from the report (No. 2011) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 4167 is to authorize the Papago Indian Tribe of Arizona, with the approval of the Secretary of the Interior, to lease approximately 2,400 acres of land to the National Science Foundation for the construction of an astronomical observatory. The term of the lease will be for an indefinite period, as long as the property is used for scientific purposes, and the rental terms will be negotiated between the tribe and the Foundation.

The National Science Foundation plans to build an 80-inch, and a 36-inch telescope on the site, and perhaps a solar telescope at some time in the future. Funds for the construction of the observatory have been appropriated, and the Papago Indian Reservation has been determined to be the best location for the facility. The Indians have adopted a resolution, which is in the committee files, expressing its willingness to lease the land for the purposes stated in the bill.

Legislation is needed to permit this leasing arrangement because under existing statutes tribal lands may not be leased for more than 25 years, plus 1 renewal term of 25 years.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 4167) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Papago Indian Tribe, with the approval of the Secretary of the Interior, is authorized to lease to the National Science Foundation, for the construction of an astronomical observatory, approximately 2,400 acres, more or less, of tribal land on the Papago Indian Reservation, and to grant to the National Science Foundation, or to an agency designated by it, permanent rights-of-way across the Papago Indian Reservation for roads and utilities needed in connection with such observatory. The term of the lease shall be for as long as the property is used for scientific purposes and may provide for an initial payment of not to exceed $25,000 in addition to annual rental fees. The lease shall also prescribe the terms and conditions under which the tribe may jointly use that portion of the leased area not specifically needed for the observatory.

SEC. 2. The National Science Foundation is hereby authorized to expend appropriated funds for construction on the leased land described above, on behalf of the Federal Government, an optical astronomical observatory, including telescopes, administration buildings and other structures deemed necessary and desirable by the Foundation for creation of a scientific facility appropriate for use by the Nation's astronomers.

AUTHORITY OF FEDERAL OFFICERS AND AGENCIES TO WITHHOLD INFORMATION AND LIMIT THE AVAILABILITY OF RECORDS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1651, S. 921.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 921) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

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

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

AID TO EDUCATION

Mr. MCNAMARA. Mr. President, I should like to read one paragraph from an editorial which appeared in today's Washington Post and Times Herald, which I shall ask unanimous consent to have printed in full in the body of the RECORD. The paragraph reads:

This newspaper for more than a decade has been urging Federal financial aid for school construction to repair the desperate shortage of classrooms throughout the Nation. That shortage has not diminished during the intervening years of neglect; it has grown and will continue to grow. We remain convinced that the need for new school buildings is now far beyond the capacity of the States and can be met only through a large-scale emergency program of Federal grants to the States.

Mr. President, this editorial in general refers to the scholarship-fellowship program now before the Congress. I ask unanimous consent that the editorial in its entirety be printed at this point in the RECORD.

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

SCHOOL BELLS

"In education," said retiring Health, Education, and Welfare Secretary Marion B. Folsom in a final appeal for Federal school aid, "the hour is late. We must begin to act before it is too late." He could have chosen no more significant a note on which to leave an office which he filled with great distinction. We share his conviction that "the American people will be deeply disappointed if Congress neglects the national interest in education at this critical point." We share equally the feeling expressed in a speech last week by Senator CLIFFORD CASE that "if we adjourn this session without substantial education legislation, we will have failed in a national emergency."

The particular Federal-aid proposal to which Secretary Folsom sought to rally bipartisan support is the Elliott bill approved by a 23-to-2 vote of the House Education and Labor Committee early this month and by the Senate Subcommittee on Education this week. It is a bill which follows the line—although not so meagerly and ungenerously—laid down in President Eisenhower's education message to Congress last January. In brief, it would provide Federal scholarships and also student loan funds to enable financially disadvantaged youths to go to college; its emphasis would be on the teaching and study of science, mathematics, and foreign languages; it would improve testing and counseling in elementary and secondary schools; and it would help train more college teachers.

This newspaper for more than a decade has been urging Federal financial aid for school construction to repair the desperate shortage of classrooms throughout the Nation. That shortage has not diminished during the

intervening years of neglect; it has grown and will continue to grow. We remain convinced that the need for new school buildings is now far beyond the capacity of the States and can be met only through a large-scale emergency program of Federal grants to the States.

Perhaps, however, Secretary Folsom is correct in saying that the Elliott bill "represents the best hope, almost the only hope, for effective new action at this session of Congress to advance American education." Certainly he is sound in saying that "enactment of this bill would demonstrate an awakening national recognition of the critical importance of education to the future of the country." What a pity it is that he has been unable to persuade the President to give the Elliott bill more than the patronizing pat on the back and the quibbling over detail which he tendered to it in a letter to Representative WAINWRIGHT on July 7. Lack of leadership from the White House was largely responsible for the failure of the administration's own aid to education bill last year. If the President really believes, as he said in his letter, that "the passage of a sound education bill is a top-priority objective for this session of Congress," then vigorous support of the Elliott bill is an obligation of his office. The school bells are ringing and time is running out.

MANY ELDER CITIZENS HAVE NOTHING TO LIVE ON EXCEPT THEIR SOCIAL-SECURITY PAYMENTS

Mr. PROXMIRE. Mr. President, it is a startling, shocking, sobering fact, that for many of our elder citizens social-security payments are the only means of support.

Half of all the couples who receive social-security benefits can count on only $15 a month or less of income above and beyond their social-security checks. Fully one-fourth of these aged couples have absolutely no assured additional income at all other than their social security.

These figures come directly from the Eisenhower administration itself. They are reported in a nationwide survey conducted by the Department of Health, Education, and Welfare, which was published on July 10.

These figures show, Mr. President, how absolutely all important the monthly social-security check is to the very existence of millions of elderly retired couples during their years of retirement. These figures underscore how urgently necessary it is that Congress act quickly, without fail, to raise the piteously inadequate rates of social-security benefits that prevail at the present time.

Present social-security benefits run as low as $41.20 a month for a married couple. Just imagine the incredible misery and hardship it means to an elderly retired couple, to be forced to exist on a monthly income so tragically inadequate as $41.20 a month.

For a single person who retires at the age of 65, payments run as low as $30 a month. Thirty dollars a month simply is not enough to sustain even a hungry, wretched existence in America today. No wonder so many Americans think they are forgotten by society, when they have to live on social security benefits as small as these.

These people have worked hard, all their lives. Now, in their remaining years, they deserve to live in security and dignity.

True enough, these old folk can often earn a little extra money doing odd jobs and part-time work. But what happens to them if they become sick? What happens if they have medical and doctors' bills?

True enough, many older citizens can expect occasional handouts from their children. But our retired citizens, who have contributed lifetimes of hard work to support their communities, to raise their families, to make their country into the strongest and richest nation in the history of the world, deserve a more dignified retirement than dependence on the charity of their relatives.

And in times like these—with three-fifths of our American cities today classified in the serious unemployment category—there is no security for the old folk who must depend for their existence on the charity of relatives.

What if son or daughter becomes unemployed? What if there is sudden sickness or other disaster in their own family?

The indignity and anguish of being a burden upon one's loved ones is by itself enough reason to justify prompt and decisive action by Congress to bring our social security program up to date with the hard facts of life in the present day.

The terrible and real prospect of genuine, naked want for the elder citizens of this Nation—which is exactly what minimum benefits like $30 a month for a retired individual, and $41.30 a month for a retired couple really means at today's living costs—imposes on each and every one of us in the Senate a clear and unmistakable moral duty to correct it, and to do so immediately.

Mr. President, the people whom we are talking about are real, living human beings.

Just a short while ago I received a letter from a 78-year-old man, who is getting only $34.80 a month from social security. This poor old man needs an operation. His doctor told him 25 years ago that he needed it then, and he has never been able to get enough money ahead to have it done.

He is trying to supplement his $34.80 a month from social security as best he can by cutting wood—his only chance to make some extra money. There simply is not a job available for a 78-year-old man in his community.

This letter is a human, real object lesson for all of us. I ask unanimous consent that the letter be printed in the RECORD at this point in my remarks. I will withhold the man's name, to spare him personal embarrassment.

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

MY DEAR SENATOR: I read in the Sheboygan Press where an old lady got $84.20 and with that much couldn't live on that. I know that with everything so high one just stays, not lives. I know because I paid in on social security 8½ years. The first payments I got were $12.38, then twice it was raised. At present I am getting $34.80. How can one pay taxes and live on that. I know of others that didn't pay as much as I did but they get more money back.

I was told by my doctor 25 years ago not to do any work until I was operated on. I have not been able to get enough money to be operated. Have worked in the woods nearly every day since that time to make a living. I am 78 years old and cannot get a job elsewhere. I have 80 acres of woods from which I have been trying to make a living. I tried to sell my place but they only want to give me the price I paid for it 52 years ago. I have been trying to get a little money ahead so I can fix my house a little. At present it stands on posts and is built with 1-inch boards with tarpaper on the outside.

Praying for your good luck about trying to get more social security for us and everybody else who needs it. Thanks a million for any help we can get.

AID FOR SMALL BUSINESS

Mr. THYE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared relating to aid for small business from the Government. With this statement I include a column by Sylvia Porter which appeared in the Washington Evening Star yesterday.

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

STATEMENT BY SENATOR THYE

In her column recently, Sylvia Porter, the well-known economics commentator, referred to the fact that "for the first time in years the small-business man is getting solid help from Congress."

Miss Porter's column refers to three Congressional actions which represent aid to our Nation's 4 million small-business firms in the field of financing and tax relief. It is with great pride that I refer to this article, because I feel that my work on behalf of small business during the 85th Congress was instrumental in obtaining action on the three items to which Miss Porter refers.

Reference is first made in the column to the fact that the Small Business Administration has been made a permanent agency. It was the adoption of the Thye amendment to the small-business bill which resulted in the Senate's providing for a permanent Small Business Administration.

The second item referred to is the bill to create a new system of equity-capital financing for small-business concerns. I introduced such a bill here in the Senate, and, although it was not my bill which was reported out of committee and passed by the Senate, committee consideration of my proposal was a great aid in the formulation of the bill which is now awaiting final Congressional action in conference committee.

The third item to which Miss Porter refers in her column is legislation which would provide for small-business tax relief. In this instance, also, I was a sponsor of legislation here in the Senate to provide for aid to small-business men in the form of much-needed tax adjustments. Our Senate Select Committee on Small Business held extensive tax hearings throughout the Nation between the sessions of this Congress and on the basis of these hearings our committee chairman, Senator SPARKMAN, and I, together with other committee members, introduced a Senate small-business tax-relief proposal. Senator SPARKMAN and I appeared before the House Ways and Means Committee to testify in behalf of our committee tax bill. The Ways and Means Committee reported out a tax bill which has been passed by the House of Representatives and is now being given consideration by the Senate Finance Committee.

This 2d session of the 85th Congress will, as Sylvia Porter comments, stand out as one which has provided much-needed help to the small-business firms of our Nation. I am happy that I can refer with pride to the constructive part which I have had in the Senate obtaining action on these beneficial small-business proposals.

The Sylvia Porter article to which I have referred is as follows:

[From the Washington Evening Star of Wednesday, July 30, 1958]

AID FOR SMALL BUSINESS

(By Sylvia Porter)

For the first time in years, the small-business man is getting solid help from Congress—in the form of a new system of financing and tax relief.

To the 4 million business firms classified as small, this report has vital meaning. It is with pleasure that I submit the highlights of three separate moves on the small-business front.

1. The Small Business Administration has been made a permanent agency. The new law, signed by the President a fortnight ago, also raises the maximum loan the SBA can make to a single applicant under its regular program from $250,000 to $350,000 and cuts the interest rate on loans from 6 to 5½ percent.

2. A new bill which will become law any day will create a new system of financing small business—thus facing up to the little business firm's most crucial need. Specifically:

Under the new law, the SBA will be voted $250 million of new money by Congress to promote the formation of local small-business investment companies. An investment company can be formed voluntarily by a local group of at least 10 businessmen; it must have a minimum of $300,000 of capital to begin operations; half of this capital it can get from the SBA and the other half must be raised by local sources. When set up, the local investment company will decide whether to invest risk capital directly in any little firm or whether to extend to the firm a long-term loan of up to 20 years. The investment company can't put more than 20 percent of its capital and surplus into any one business, but even on its initial capital that means it could make a loan of $60,000 to a single firm—and many investment companies will have much bigger pools of funds.

3. A third bill which also will become law any day will give small business firms some welcome tax relief. Again, specifically:

Most important of the new tax bill's provisions is one allowing a small firm to write off for tax purposes 20 percent of the cost of machinery, equipment, other tangible personal property in the year of purchase. The property may be either new or used when bought. Farmers will be permitted to take advantage of the liberalized depreciation allowance. The fast writeoff will apply, though, only to the first $10,000 of investment purchases each year or $20,000 in the case of joint returns. Other limitations are that the property must have a useful life of 6 years or more and must have been acquired since December 31, 1957.

Another significant clause in the new tax bill will allow investors in stocks of small businesses to deduct, in certain cases, losses as ordinary losses instead of as capital losses, up to $25,000 for individuals and $50,000 in the case of joint returns. This is much more liberal tax treatment of losses and should stimulate investment in small businesses.

Still another significant clause will allow payment of estate taxes resulting from ownership in closely held businesses to be paid, under certain circumstances, in 10 annual installments—a move designed to help heirs to small businesses avoid forced liquidation because of estate taxes.

When you put it together, it's an impressive package of aid to small business and the most impressive part of it is the creation of the new small business financing system.

If the new financing system works—and I'm positive it will—the next Congress can refine and extend it. Meanwhile, the small-business man can say truthfully today that the 85th Congress not only has talked piously about his plight but also has done something great to ease it.

BANG-JENSEN: ANOTHER MARTYR

Mr. BRIDGES. Mr. President, I wish to address myself briefly to a recent incident which seemed to pass largely unnoticed in the press in general. I refer to the dismissal of senior political affairs officer Mr. Povl Bang-Jensen. His dismissal was ordered by the U. N. Secretariat for refusing to hand over to that body the names of 81 Hungarian witnesses who testified at the U. N. investigation of the brutal Hungarian massacre of 1957 which brought to an end the 5-day regime of a popular democratic government, and furnished one more example of the ruthless domination of the international Communist conspiracy.

The 81 Hungarian patriots who risked everything to testify in the cause of freedom were given the pledge by the U. N. that their identity would be protected. Mr. Bang-Jensen, with a degree of courage all too rare today, fought against any revelation of identity to as wide a group as the Secretariat. As a practical realist, he knew that the names would immediately fall into Soviet hands as a result of the activities of their Communist agents swarming through the U. N. Then would have come the inevitable reprisals, not only on the witnesses themselves, but on their friends, their families as well.

Mr. Bang-Jensen, to whom the U. N. had personally entrusted the safekeeping of these names, took what to my mind was the only path open to a person of honor, integrity, and courage. To have taken any other course would have been to sign the death warrant of 81 patriotic Hungarians who had the courage to step forward in their unquenchable determination and resolution to carry on the fight for freedom. Lest anyone be in doubt what lay in store for these witnesses if their names had been revealed, just recall the recent fate of Premier Imre Nagy and Gen. Pal Maleter, leaders in the short-lived attempt at democracy.

Mr. President, I protest the firing of Mr. Bang-Jensen, and I protest most vigorously when I recall that the United Nations highest tribunal ruled that American employees could not be fired for suspected Communist sympathies, and that those who had been must be reinstated with back pay. I ask in Heaven's name, do we penalize integrity and courage and reward suspected subversion?

Mr. President, one newspaper at least highlighted this incident in words of great impact. I refer to the Manchester Union Leader, New Hampshire's daily newspaper of statewide circulation, in its lead editorial of Wednesday, July 16, 1958, which I now ask unanimous consent to have printed in the body of the RECORD.

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

BANG-JENSEN: ANOTHER MARTYR

The dismissal of senior political affairs officer Povl Bang-Jensen by the United Nations Secretariat, for refusing to hand over to that body the names of 81 Hungarian witnesses who testified during the U. N. investigation of the brutal Hungarian massacre, ranks as one of the most cowardly and unprincipled betrayals of trust in the history of this country. Moreover, it is an act for which the American Government cannot shirk its responsibility, for Ambassador Henry Cabot Lodge has washed his hands of the whole affair, calling Bang-Jensen's ouster as an internal personnel matter, and Judge Robert Morris, former counsel of the Senate Internal Security Subcommittee, says he has definite proof that two top Americans at the U. N. actually had a hand in the conspiracy against Bang-Jensen.

The naivete of Ambassador Lodge, who says he thinks the names would have been kept out of the wrong hands if the Secretariat had access to them, is too good to be true. We do not believe it is naivete. Lodge knows full well that the scores of Communist employees of the Secretariat would have stolen the list of names and the Reds would then have murdered hundreds of innocent Hungarians, just as they did former Premier Imre Nagy and Gen. Pal Maleter only a few short weeks ago. Bang-Jensen realized this too, but being made of sterner stuff than our U. N. representatives, he not only refused to hand over the names of these Hungarians, who agreed to tell their stories under the pledge that their identity would be protected, but he also fought until he secured permission to burn the names in the presence of U. N. officials.

Why have the Communists centered their fire on Bang-Jensen? Unless your memory is very short, you will recall that it was he who put the teeth in the U. N. report condemning Soviet Russia for the brutal rape of Hungary. While the Communists go unpunished for the atrocities they commit, Bang-Jensen is fired for doing his duty. It was Bang-Jensen whom the U. N. had personally entrusted with the safekeeping of these names.

This whole sordid affair does have one brighter aspect. It has given the American people an opportunity to see the great power wielded by Russia within the United Nations. It has given them an opportunity to see the cowardice of the Eisenhower administration, which stood idly by and permitted Bang-Jensen to be fired without ever having had an opportunity to testify in his own behalf, an administration which had acquiesced when the U. N.'s highest tribunal ruled that American employees at the U. N. could not be fired for suspected Communist sympathies. Bang-Jensen was fired, but they were reinstated with back pay.

We urge our readers to protest the cowardly betrayal of Bang-Jensen to Secretary of State John Foster Dulles, Department of State, 21st Street and Virginia, Washington, D. C., and by way of encouragement for a job well done, to send copies of their letters to Mr. Bang-Jensen, 18 Old Farm Road, Lake Success, Long Island.

OBSERVATIONS ON UNITED STATES POLICY IN THE MIDDLE EAST

Mr. HUMPHREY. Mr. President, one of my major criticisms of the administration in its handling of foreign relations has been the absence of a positive and imaginative approach to the critical problems facing this country. As I have stated on numerous occasions, the fault lies not so much in what the adminis-

tration has done as in what it has failed to do—not so much in its sins of commission, but rather in its sins of omission.

This negative approach has, to my mind, been one of the major factors leading to the present critical situation we now find ourselves facing in the Middle East—a situation from which at this moment we seem to have no avenue for getting out or no particular solution for the problem.

I think it is most significant that so many commentators on the present Middle East crisis have emphasized this very point—the absence of any positive program on the part of the administration.

In the July 26, 1958, Christian Science Monitor there was published an excellent article by William H. Stringer entitled, "Will the Summit Be a Rout?" I ask unanimous consent that this article be printed at this point in the RECORD.

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

STATE OF THE NATIONS—WILL THE SUMMIT BE A ROUT?

(By William H. Stringer)

WASHINGTON.—A number of orthodox diplomats are remarking that this summit conference at the United Nations will be fantastic and disastrous. They, of course, may be wrong. It is probably possible to get Premier Khrushchev into the U. N. Building without his being whacked over the head by a Hungarian poster, and it is probably possible that a heads-of-government conference can be held—in private chambers—which will discuss constructive solutions.

But the whole thing is exceedingly risky. It could be mainly a propaganda bout, and one in which—if Marines were still ashore in Lebanon and the Lebanese were increasingly restive—the United States would get very much the worst of it.

One can hardly avoid the conclusion that this is the moment for the United States to be heads up and ready with new proposals, a veritable new deal, for the Middle East. Noises in the State Department suggest that some discussion of new approaches is taking place.

But so far the American public hasn't been told, and world opinion hasn't been told, and our present rather defensive position is not shining bright in world eyes.

The impression is getting around—and it may be correct—that the Middle East negotiations are mainly a contest between Secretary of State Dulles, "the old fox," and Nikita Khrushchev, "the propaganda basso profundo." Premier Khrushchev wants a world forum from which to lambaste Washington, pose as liberator of the Arabs, and shine as pacificator of the Middle East.

As for Secretary Dulles, he doesn't want a summit conference and is fighting a delaying action: he is off to a Baghdad Pact meeting, and then the Italian Premier must be received. If Mr. Dulles can delay long enough, perhaps the Lebanese can agree on a new President and the U. N. observer team can be effectively enlarged. Then the United States Marines could pull out gracefully. And Mr. Dulles could argue that there was, after all, no need for a summit conference.

There is still some conjecture in Washington that it never may convene.

But supposing that, after all the hesitancy and reluctance—and the obvious need to keep Mr. Khrushchev from stampeding the West into a premature, Soviet-rigged session—the conference does convene. The real chagrin and profound doubts throughout the West arise from the apparent inability of Washington (and the West) to find a policy for the Middle East.

Some policies, of course, are ruled out by the march of events. It would be a desperate gamble for the United States and Britain now to move in on President Nasser and topple him and establish an Anglo-American protectorate over the Middle East. Given the surging condition of Arab nationalism, and mobilized Soviet military strength nearby, the Middle East could go up in smoke, if this course of action were attempted.

Washington may have given its assent to a different sort of last resort policy proposed by London. This would prescribe that Anglo-American forces, in case of further threats, get a firm military grip on those sparsely settled and oil-plentiful areas at the head of the Persian Gulf—Kuwait, Bahrein, and Qatar. From these all of Britain's and Western Europe's oil needs could be supplied if need be. Britain and the United States could hold on here against all of Colonel Nasser's plots and Moscow's threats.

But way ahead of such emergency, and in fact now, Washington should be preparing to propose, at the summit sessions, a comprehensive and bold policy for the Middle East.

This could include a neutralization of the whole territory. It could include U. N. guaranties for Lebanon and for the boundaries of Israel. It could include bans on arms shipments, and development programs for the whole miserably run-down area.

Is any such hopeful program forthcoming? Obviously the Soviets would oppose whole segments of it; but it would be an affirmative approach, on which to build. One gets the impression that Secretary Dulles' mind does not run to these things, that he is thinking mainly in terms of shoring up alliances and holding on for dear life.

President Eisenhower has shown in the past that he could deal in the hopeful prospects which stir mankind, as when he launched the atoms-for-peace plan at the U. N. Are Mr. Eisenhower's sensitivity, his ability at conciliation, his world reputation as a man of peace, his willingness to look on the affirmative side—are these to be overlaid and muffled by devious calculations, by anger or frustration at the Soviet tactics, by medical requirements which would keep the President in the background?

Historically, the President is—should be—the final architect of American foreign policy. This is a time when the Presidency and the President need to be upheld. This is a time for thoughtful, prayerful support. This paralysis of creative thinking at high levels of the administration—this concentration on unimaginative rearguard actions—needs to be overcome.

Mr. HUMPHREY. Mr. President, Mr. Stringer emphasizes the need for the administration to come forward with "a comprehensive and bold policy for the Middle East." In the way of specific proposals, Mr. Stringer recommends a neutralization of the whole Middle East territory, United Nations guaranties for Lebanon and for the boundaries of Israel, bans on arms shipments, and a development program for the whole area.

Mr. President, it is interesting to note that practically every thoughtful spokesman on the subject matter of the Middle East seems to agree on these particular proposals. The present Presiding Officer [Mr. MANSFIELD in the chair], in his address of a few days ago to the Senate, emphasized, in the main, the same proposals, and they have been emphasized by others, which indicates to me their broad acceptance.

In conclusion, Mr. Stringer makes this important statement:

This paralysis of creative thinking at high levels of the administration—this concentration on unimaginative rearguard actions—needs to be overcome.

I also invite attention to a column in the New York Times of July 28, 1958, by C. L. Sulzberger, in which he also emphasizes the need for the administration to set forth a basic policy as swiftly as possible.

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

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

BASIC WESTERN AIMS IN THE MIDDLE EAST

(By C. L. Sulzberger)

WASHINGTON, July 27.—The latest notes from the United States and British Governments remind us they were drafted primarily by Messrs. Dulles and Lloyd, two veterans of the legal craft. Francois de Callieres, who more than two centuries ago composed the best manual on negotiating, observed: "In general the training of a lawyer breeds habits and dispositions of mind which are not favorable to the practice of diplomacy."

Surely the time for quibbling is past. It is evident that some form of summit talks are now to be held, that world opinion demands this and that our own position in the Middle East requires it. We have 10,000 bayonets in Lebanon and in a purely static position. Somehow they must be maneuvered gracefully out. For you can do anything with a bayonet save sit on it.

At this juncture there is slight point in continuing to exchange harsh recriminations or to address bitter sallies at the State Department for any apparent confusion of policy. What is now needed is to elaborate a policy as swiftly as possible; a policy that will bear close scrutiny at the forthcoming conference.

This must not be just another crash program, a reaction to events. It is high time we set about defining the peculiar regional attributes of the Middle East and adjusting our national interests to these special features.

The first thing to recognize is that there are no natural frontiers and few stable countries in the area. Consequently, it is impossible to arrange a status quo where none exists. Nor can we agree with Moscow on some form of international armistice lines, as in other East-West deals over Berlin, Austria, Trieste, Korea or Vietnam.

South of Turkey and Iran, excepting Israel, lies what we call the Arab world. Its people are bound by common Semitic race, the same approximate language and similar religion, although this is divided by sectarianism. The so-called countries in which they dwell are relatively new creations.

OIL AND THE WEST

The wealth of this region is oil. And the only natural market for that oil in the foreseeable future lies in Western Europe. Neither Russia nor the United States can usefully absorb it.

Roughly speaking, the Middle East forms a peninsula joining two continents, Eurasia and Africa, thus enjoying particular strategic importance. The peninsula's base lies in the U. S. S. R., whose southern republic in the Caucasus and central Asia include millions of people who might almost be called Middle Eastern. Near its southern apex is one of the globe's most important canals.

Thus there is an interesting superficial resemblance to the position of Central America. The base of the Central American peninsula lies among the Spanish-speaking

ethnic groups of our own Southwest. It joins two great continents and a canal bisects it. We have always been vitally interested in Central America. Indeed, when a regime sympathetic to our opponents was installed in Guatemala we ousted it.

Likewise, although hitherto without real voice, Russia has eyed the Middle East avidly. In 1940, during the era of Moscow-Berlin cooperation, Molotov memorialized Hitler demanding: "The area south of Batum and Baku in the general direction of the Persian Gulf should be recognized as the center of the aspirations of the Soviet Union."

For decades British policy sought successfully to keep the Russians from applying such aspirations. We inherited this policy when Britain weakened after World War II.

But the disagreeable fact is that the U. S. S. R.'s influence has now been extended diplomatically, economically, and (through arms deals) militarily into the Arab world. After 3 years of self-deception, we must admit this. When the summit parley convenes it will inferentially set the seal of recognition upon Moscow's right to a say in the area's destiny.

This does not mean we must abandon it to Soviet hegemony. Nasser emphatically agrees with us on that. Nevertheless, it does mean we can no longer pretend to exclusive influence of our coalition in the Middle East.

Thus one purpose of the forthcoming negotiations will ultimately be to keep the important region concerned from belonging to either power bloc. This is a political aim. Economically we must insure that its oil continues to flow toward Western Europe, the only rational market.

Mr. HUMPHREY. Mr. President, the Washington Post of July 29, 1958, in an editorial entitled "Sour Fruit," comments on the negative position of the administration in dealing with the present crisis, and urges a reorientation of American policy, which means "a definition of interests in the Near East, an assessment of practical possibilities and frank talk about both." I concur in the suggestions outlined in the editorial.

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

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

SOUR FRUIT

Mr. Khrushchev at least can take a hint. He has concluded, for reasons not very hard to comprehend, that Messrs. Eisenhower and Dulles really don't want to meet him in New York. This response was wholly predictable in view of the surly tone of President Eisenhower's last note. But what has the country gained?

Already much of the world is convinced that the United States is deliberately scuttling a chance to reduce the danger of war. The administration's performance, lamentably, adds to the suspicion in some quarters that the United States and Britain really do have aggressive designs on the Near East—a suspicion whetted by the reported unpopularity of the expeditions in Lebanon and Jordan.

This risk might be worth running if some clear and positive alternative were to emerge. But there is nothing to indicate that the administration has anything more in mind than an attempt to justify and cling to the past. It is difficult to disagree with the observation of the London Daily Mirror about Mr. Dulles' "unerring genius for obstinately getting hold of the wrong end of the stick and refusing to let the damn thing go."

It is not at all necessary to accept the accusations and distortions of Mr. Khrushchev's reply. Certainly Mr. Khrushchev overstates what President Eisenhower had agreed to. Despite his lofty talk of noninterference, he glosses over entirely the plots of the United Arab Republic against Lebanon and Jordan. In his eagerness to bury the moribund Baghdad Pact he refers to the withdrawal of Iraq before there has been any formal action to this effect. If the United States and Britain actually were plotting with Jordan and Turkey for armed intervention in Iraq at this late date, as he alleges with no proof whatever, they would be more foolish than even their most caustic critics assume.

Nevertheless, the negative position of the United States has invited Mr. Khrushchev's pose as the paragon of peaceful intentions. His suggestion that Geneva be substituted for New York as the place of meeting, in a play to French Premier De Gaulle, does not really help Messrs. Eisenhower and Dulles. Actually there would be substantial advantages to a meeting in New York of a special subcommittee of the United Nations Security Council with the addition of India—and why this country has been so indifferent to the participation of Prime Minister Nehru, who is by no means in the Soviet pocket and who could be an ameliorating influence, is hard to understand. The point ought not to be overlooked, either, that in agreeing to work through the U. N. and the Security Council which Soviet vetoes so often have rendered ineffective, Mr. Khrushchev has made something of a concession.

No doubt any meeting would be saturated with propaganda. But there are some attainable objectives, nonetheless, which the Western powers could seek to advance. One would be to enlist the Soviet Union directly in a guaranty of the territorial integrity of countries of the Near East; another would be to devise checks against radio incitement and other elements of indirect aggression. To seek this would amount, to be sure, to recognition of the Soviet interest in the area; but to refuse to recognize this interest is plain self-delusion. The Soviet influence is there, largely because of our own ineptitude. There is the further consideration that, if a meeting of the General Assembly should become desirable to sanction an expanded U. N. force and facilitate American withdrawal from Lebanon, the response would be likely to be much more sympathetic if this country had tried honestly to reach an understanding with the Soviet Union.

Plainly a reorientation of American policy must come, and this means a definition of interests in the Near East, and assessment of practical possibilities and frank talk about both. The administration has only itself to thank for the situation in which it seemingly must wheedle Mr. Khrushchev to come to New York. But graceful acceptance of a little humiliation now might prevent the much greater humiliation of seeing this country stand virtually alone with its leadership repudiated.

Mr. HUMPHREY. Mr. President, also in the July 29 issue of the Washington Post there was published an excellent column on the current crisis entitled "Mending Our Fences," by Walter Lippmann. Mr. Lippmann states that the Western governments must come forth with imaginative proposals with which to "open up the prospects of better days in the Middle East." Here is our challenge. We dare not fail—time is running out.

Mr. Lippmann makes this significant statement:

What has still to be proved is whether the Western governments have the imagination and the brains to play a leading part in the liquidation of the old privileges and in the construction of a new order.

Surely this is an assignment that should excite any American. It makes sense and we dare not do less unless we wish to court disaster.

I ask unanimous consent that the excellent column be printed at this point in the RECORD.

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

MENDING OUR FENCES

(By Walter Lippmann)

Just what went wrong as between London, Paris and Washington is not quite clear. But something did go wrong, in that we find ourselves committed to a spectacular summit meeting in New York, which we do not want, and unable to support Gen. de Gaulle's proposal for a quiet meeting in Europe later on, which is what we ought to want. As a New York meeting now appears to be unavoidable, the question is how to manage the encounter between Eisenhower and Khrushchev with the least damage.

A way must be found to avoid a public debate. For the President has neither the training and knowledge nor the vitality for such an ordeal. Beyond that, it is highly desirable, indeed necessary, to mend our fences in the Middle East so that when the meeting takes place we shall not be the defendants in a public trial.

This can be done if two things, now in the works, can be achieved before the summit meeting. One would be an agreement in Lebanon which leads us to withdraw the Marines or at least to fix a definite date for their withdrawal. The other would be to extend diplomatic recognition to the new Iraqi government, as Dr. Adenauer and others are advising us to do. These two actions together would refute completely the charge that we are engaged in a military adventure in the Middle East, and we would no longer be on the defensive.

There is no use pretending, however, that there will be any glory or profit in this. It will be recognized by all the world as a forced retreat from an untenable position in Lebanon and in Iraq. The question then will be whether the three Western Governments can produce proposals which open up the prospects of better days in the Middle East. It has been proved first at Suez and now again in Lebanon and Jordan that the Western governments have not the power, even if they had the resolution, to restore the supremacy which Britain possessed before the Second World War. What has still to be proved is whether the Western governments have the imagination and the brains to play a leading part in the liquidation of the old privileges and in the construction of a new order.

When we say that the New York summit meeting is to be held without adequate preparation, we generally mean that there has been no adequate diplomatic negotiation with the Russians. This is true. But there is a much more critical sense in which the meeting is unprepared. It is that we ourselves are unprepared. We do not have as yet more than the dim intimations of what might be the shape of a new middle eastern order. If we had it, we could face Khrushchev with buoyant confidence.

In my view, the paramount issue in the Middle East is not oil, which the Arabs must sell to the West. It is not Israel, which is on the sidelines in the present crisis. It is not the revolutionary force of Nasserism. The paramount issue is Russia's determination not to have United States military power stationed on her southern flank.

We can never, I think, understand the inwardness of the middle eastern crisis unless we recognize that what we consider the military containment of the Soviet Union, Moscow is bound to regard as a mili-

tary menace to the Soviet Union. Our forces are in Turkey, of which the equivalent would be that the Red forces were in Mexico. We have the NATO alliance and the Baghdad Pact, of which the equivalent would be an anti-American Soviet military alliance consisting of Mexico, Cuba, and Central America.

What we are seeing is a campaign by the Soviet Union to disrupt the containing alliance on her frontiers, and with the explosion in Iraq, this campaign has had a great success. It has not only knocked out the only Arab state in the alliance, but it has isolated Turkey. The Russian support of Nasserism has been the main strategical device in this campaign. The immediate objective of a campaign is to deny to the West, and particularly to the United States, the strategic control of the Middle East.

It is important to understand your adversary, and if this analysis is the primary truth about Soviet policy, there are important conclusions to be drawn from it. The first is that a settlement cannot be achieved with Nasser alone. An accommodation with him is most desirable. But appeasement of Nasser is quite unnecessary. The basic settlement must be reached with Moscow, and the subject of the settlement must be the strategic control of the Middle East.

There are three conceivable possibilities. One would be to restore the Middle East as a sphere of influence for Britain, France, and the United States of America, with Russia excluded. This cannot be done. It is too late. We are not strong enough to do it. A second would be to let the Middle East become a Russian sphere of influence. This would be an unnecessarily abject surrender. We are not so weak that we must accept it.

The third possibility would be to neutralize the Middle East as between the two great military alliances, and to build upon this overall neutralization, specific agreements about the oil business, about the security of Iran, Lebanon, and Israel.

This will not be easy, and it requires a higher order of statesmanship than we are now accustomed to. But it is not impossible. For it does not run contrary to the vital interests of any of the nations concerned.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD two columns by Chalmers M. Roberts, which were published in the Washington Post on July 28 and 29. Mr. Roberts comments on the negative approach of the administration and the necessity for it to present a positive program. For months I have been urging such a course of action.

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

[From the Washington Post and Times Herald of July 28, 1958]

UNITED STATES HELPED TRAP ITSELF ON SUMMIT CONFERENCE

(By Chalmers M. Roberts)

President Eisenhower reportedly has been amazed and chagrined at the worldwide negative reaction to his order sending the Marines into Lebanon and his explanation of why he did it.

But a good deal of the world outside the Sino-Soviet bloc is just as amazed and chagrined at Mr. Eisenhower's negative reaction to Nikita Khrushchev's proposal for a summit conference on the Middle East crisis. The tendency abroad is to blame it on Secretary of State John Foster Dulles.

The President's anger at Khrushchev centered on his repeated charges of Anglo-American aggression in Lebanon and Jordan. This has been reflected in the negative, grudging Eisenhower replies to Khrushchev in high contrast to those of British Prime Minister Harold Macmillan.

It now turns out that the President and Dulles considered but passed up an idea which might have cast the United States in a far different light on the summit issue.

Khrushchev's summit bombshell was dropped on Saturday, July 19. Dulles and visiting British Foreign Secretary Selwyn Lloyd discussed it that day and the next. They agreed that any such meeting would have to be within the United Nations Security Council context. Then they discussed how to make such a proposal.

The allies' accounts differ but it is agreed that Dulles and Lloyd considered having their envoys at the U. N. announce such a proposal when and if the Soviet Union vetoed the then pending Japanese proposal to beef up the U. N. observer force in Lebanon. The idea, according to one source, was for a dramatic announcement by America's Henry Cabot Lodge, quickly seconded by Britain's Sir Pierson Dixon.

But Lodge and Dixon said no such thing after the Soviet veto was cast last Monday. Instead, on Tuesday Lloyd made a unilateral announcement to the same effect in the House of Commons, followed an hour later by a grudging White House "we'll-go-along-if-everybody-else-agrees," statement.

The result was to open the way for Khrushchev to do exactly what he did: Jump at the British terms of invitation. And the worldwide impression was that the United States was holding up peace talks. Or, as Senator Mike Mansfield, Democrat, of Montanta, later put it, "We are being dragged against our will by soft-headed or soft-hearted allies who pay too much attention to world opinion."

Dulles' original inclination was to reject Khrushchev's summit idea out of hand. But he was aware that world opinion made that impossible. And he knew the President's concern over the reaction to the landing in Lebanon, one reason, in fact, why Dulles flew to West Germany, whose government was silent on the landing for many long days.

Perhaps the incident tells no more than that the administration is being trapped into a summit conference it does not want because it has not been prepared—trapped by its own action in Lebanon.

Perhaps, too, the incident also demonstrates that how a nation does what it does is sometimes as important, in the impact on the world, as the act itself. For, as of now, the United States is summit-bound like it or not.

[From the Washington Post and Times Herald of July 29, 1958]

SUMMIT PARLEY MAY BE LAST CHANCE TO FACE ISSUE OF ARAB-ISRAELI ROW

(By Chalmers M. Roberts)

American policymakers, and Members of Congress as well, long have contended that the Arab-Israeli conflict will have to be settled if peace and stability are ever to come to the Middle East.

Yet in all the talk about a summit meeting this issue has been approached most gingerly by the Eisenhower administration. Arms embargo? Probably, if confined to the area embracing the Arab States and Israel. Neutrality guaranties? Perhaps, for Lebanon and Jordan. Arab-Israel peace? So far there has been no answer forthcoming.

A good case can be made, however, that the summit conference will have to face up to the Arab-Israeli issue. Henry M. Kissinger of Harvard, author of Nuclear Weapons and Foreign Policy and director of the Rockefeller Reports, gave two reasons Sunday when he appeared on CBS' Face the Nation television program.

"Sooner or later, the Arab-Israeli issue is going to be brought up and if we don't bring it up we can be certain that the Soviets will bring it up at a moment of maximum disadvantage for us."

And after saying he felt it extremely likely both Jordan and Lebanon would fall to Gamal Abdel Nasser's United Arab Republic once the Anglo-American forces are pulled out, Kissinger was asked how the West could quiet the outcry certain to come from Israel in such an event. He replied:

"We can quiet it only if before the expansion occurs we give Israel some assurance of support. Otherwise, as soon as Jordan falls to the United Arab Republic, there will be an Israeli attack on the UAR and we will be faced again with the exact situation that we confront today and with much greater chances of Soviet intervention."

In other words, the summit may be the last chance to come to grips with the Arab-Israeli problem. Jordan currently is given a short life by even its supporters, regardless of King Hussein's courage. If Israel is surrounded by the UAR, America might very well find itself on one side and the Soviet Union on the other in a major Middle East conflict. Or, as Kissinger suggested, Israel might initiate conflict if Jordan cracks up.

Kissinger's suggestion was that the United States propose at the summit conference a recognition by the major powers, in or outside the United Nations structure, of "all frontiers against outside forcible change." He meant "not necessarily of the (present) boundaries as the final boundaries but of the boundaries as against forcible overthrow of forcible change."

Such a guaranty in the Arab-Israeli world could work two ways. It would permit any Arab State, on its own volition, to go out of business as a separate nation by joining the UAR, as Syria did. This would meet a Nasser demand. But it also would give Israel, as well as any anti-Nasser Arab State, a big-power protection against "outside forcible change." It would not, however, guarantee any state against subversion by Nasser's agents.

Such a guaranty would not settle the Arab-Israeli border dispute. But it would put both East and West on record as saying that dispute had to be settled by agreement, not by war.

The most Nasser and his fellow Arab nationalist leaders have ever publicly conceded toward Israel is to hint they would agree to Israel remaining a national state provided it agreed to contract to the lines set up in the U. N.'s 1947 partition of Palestine. Israel flatly refuses, in part on the ground that under the 1947 lines it would cease to be a viable state.

The Kremlin, since Premier Nikita Khrushchev took over foreign-policy control 3 years ago, has maintained a pro-Arab, anti-Israeli stance. But up to now it has never promised Nasser or his allies Soviet military aid in a war with Israel. Nor has it as yet publicly backed the Arab stand that Israel must contract to the 1947 partition line, despite rumors that such a move was in the works.

The Kremlin's primary short-run interest in the Middle East, as Kissinger described it, calls for "chaos" and for expulsion of the West. But it has yet to risk war for that policy.

Khrushchev, if he comes to a summit conference, might reject any effort to get his name on an agreement to guarantee existing boundaries against forcible change, especially if Nasser opposes such a guarantee for Israel. But that would not be a popular stand. Nor would Khrushchev likely have the support of the man who he has demanded also be present, India's Jawaharlal Nehru. If such an American offer were related to troop withdrawals, it would

be a doubly unpopular stand for Khrushchev.

But to make such a proposal will require that Secretary of State John Foster Dulles concede what he has always tried to avoid conceding: that the Soviet Union is a Middle East power. The argument on the other side is that, given the Soviet interest in "chaos," it would be better to try to force Khrushchev to take responsibility in the area so all the world can see.

Mr. HUMPHREY. Mr. President, I also invite my colleagues' attention to an excellent editorial from the New Orleans Item for July 20, 1958, entitled "Our Last Notch Policy." I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

OUR LAST NOTCH POLICY

President Eisenhower has committed this Nation militarily in the Middle East crisis.

While we stand firmly behind the President, as commander in chief, this stand does not preclude the right to question decisions and actions—or lack of action—taken by him, as chief of state, leading up to the present crisis.

In the last analysis, it is imperative that Soviet domination—via Nasserism—be prevented. And that is the crux of the crisis—the United States policy in the Middle East has been reduced to the last notch. That is, military intervention.

The weakness of that policy was indicated by the blank-check assurance we gave President Chamoun of Lebanon that military help—United States troops—would be forthcoming at his request. This amounts to giving another country the power to control the use of United States military forces.

But to get the full picture of how the United States position has deteriorated, one must look back to the fall of 1956.

Less than 2 years ago the British and French took advantage of the Israeli advance into the Sinai desert and the Gaza strip to attack Egypt in an attempt to end forever the threat of Gamal Abdel Nasser.

The United States took to high moral ground. In the United Nations, the United States joined hands with Soviet Russia to end the military action of Britain, France, and Israel.

In the fall of 1956 the United States held the position that the majority of U. N. members—representing world opinion—should control international actions, and only the U. N. should undertake military operations to solve world problems.

Today, this Nation is militarily committed in the same area—and for the same reasons that Britain and France were less than 2 years ago. And without U. N. sanction.

Where is that high moral ground now? The Middle East must be saved, yes. But by following a brink-to-brink policy we cut the moral ground from under our own feet.

Military intervention in the Middle East—unilateral in the initial phase—has cost the United States much in esteem and support, as debate in the Security Council shows. The more esteem and support we lose, the more likely our display of naked power will move toward a use of naked power.

That the United States finds itself locked in this crisis should come as a surprise to no one. Over the years warnings have been made and repeated as to the deterioration of our policy in the Middle East. A prime example of how the shots have been called with utmost accuracy is the Alsop column that appears regularly on this page.

In a military sense, it was easy to put our troops ashore in the Middle East. In a diplomatic sense, it will be difficult in the extreme to get them out again.

Mr. HUMPHREY. Mr. President, I wish to commend the New Orleans Item for this thoughtful editorial, in which it relates the failures of the administration which have resulted in a deterioration of our position in the Middle East and our loss of prestige not only in that area but in the world at large. I hope that every official of our Government will read and meditate on this informative statement.

Mr. President, in the Washington Post of July 30, 1958, there was published an excellent editorial entitled "Basis for Policy," which spells out specific and positive suggestions for our country to follow in the present Middle East crisis. Here is a program for action. It is worthy of our attention and support.

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

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

BASIS FOR POLICY

Some hope for an end to the fighting in Lebanon is held out by the reports that the army commander, General Chehab, has agreed to be a compromise candidate for the presidency. This hope may have to be qualified by the rebel attempt to assassinate Prime Minister Sami Solh. Nevertheless, the tentative accommodation attests the patient work of Deputy Under Secretary of State Robert Murphy.

Even if there is a moratorium on civil strife in Lebanon, however, this country's troubles will be far from ended. Affairs in the tiny republic can hardly return to normal so long as American troops are there; and the troops can hardly be withdrawn safely until there are effective measures to protect Lebanon against interference by the United Arab Republic. In any event, stability in Lebanon will depend upon a larger settlement of some kind.

Nor will tranquillity be restored in the Near East by the further commitments made by Secretary Dulles to support the Baghdad Pact nations. In the circumstances some reassurance to Turkey, Iran, and Pakistan may have been desirable; and the pact may be stronger without emphasis on Arab membership. Nevertheless, this particular alliance so close to the Soviet border is a weak reliance subject to constant attempts to undermine it.

What, then, should be the American objectives in the Near East? Among other points, in this newspaper's opinion, the following would form a basis for discussion with Mr. Khrushchev and other leaders:

1. Attempt to insulate the Arab Near East from the cold war. Arab nationalism becomes sinister principally when it is used as a tool for cold war advantage. The more virulent form of nationalism represented by Nasserism undoubtedly will continue to present many problems. Such problems currently are magnified, however, by Soviet endorsement of Nasser. Insulation of the Arab Near East would require, in effect, the neutralization of the area; it also would require acknowledgment of the Soviet interest. But this interest is a fact, however unpleasant. The best way to protect the Western interest in the Near East may well be to recognize the Soviet presence and to demand that the Soviet Union take responsibility for mutual safeguards.

2. Seek a joint guaranty, by the Soviet Union and the Western nations, of the territorial integrity of Near Eastern countries against external change. Such a guaranty from both sides would have the virtue of minimizing the possibilty of new Arab-Israeli war. It would be impractical to attempt to prevent internal change in these countries through indigenous processes; but a guaranty against external aggression would be a stabilizing factor, particularly if it were coupled with efforts to define and deal with indirect aggression such as radio incitement. Attention also could well be focused on an arms embargo. Despite the difficulty of enforcement, and despite the fact that substantial arsenals have been accumulated from past shipments, an embargo might bring about some useful restraint.

3. Press for the authorization of a permanent United Nations police force. This concept, advanced by Canada's Lester Pearson in connection with the United Nations Emergency Force at the time of Suez, has been urged again by the President of the General Assembly, Sir Leslie Knox Munro, of New Zealand, in an article in the New York Times magazine. Secretary General Hammarskjold, apparently convinced by the additional evidence of intervention in Lebanon, happily has taken it upon himself to strengthen the U. N. force there. But the need for a permanent establishment at the disposition of the General Assembly and/or the Secretary General has been repeatedly demonstrated. The United States could well stress the matter to Mr. Khrushchev and signify its intention to ask the approval of the General Assembly for such a venture.

4. Propose a joint economic development program for the Near East to be administered through the U. N., with the Soviet Union as well as the West contributing. Internationalization of economic aid would have the benefit of suppressing some of the East-West rivalry and placing the burden on the Soviet Union to participate in constructive fashion.

At the moment Mr. Khrushchev is riding high, and some of these objectives may be beyond attainment. But we shall not know until we try. Once the administration gets over its peeve about the technicalities of a meeting with the Soviet Union, it will find the American cupboard is by no means bare.

Mr. HUMPHREY. Mr. President, I also invite attention to a column in the New York Times of July 30 by C. L. Sulzberger in which he presents his thoughts as to policies which we should adopt in order to avoid complete chaos in the Middle East.

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

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

FOREIGN AFFAIRS: THE WAY TO ACHIEVE OUR MIDDLE EAST AIMS

(By C. L. Sulzberger)

WASHINGTON, July 29.—Hesitantly and reluctantly the world is approaching a critical negotiation. Its ultimate objective would seem to be isolating the Middle East from war by neutralizing that area.

Nevertheless this remains a tense time and the basic causes for tenseness have not yet been alleviated. It would therefore seem wise for both our own and the Soviet Governments to suspend exchanges of recrimination and to concentrate on the essential problem.

"Menaces always do harm to negotiation," wrote that expert diplomatist, Francois de Callieres, in the 17th century, "since they often push a party to extremes that would not have been resorted to but for provocation."

Three changes must be reckoned with in stabilizing the Levant: the rise of Arab nationalism, the weakening of the Western position, and the coincidental strengthening of Soviet influence. But history does not require that change bring chaos.

To avoid such chaos the region must be sealed off from great power clashes. Neither bloc at present can hold the area and each wishes to deny it to the other. Likewise, a curb on local aggressions, both direct and indirect, must be created. And finally, Western Europe's access to Arab oil must be protected.

In approaching these objectives we should take special pains to maintain our alliance obligations, above all to Britain, France, and NATO. But that does not mean we are obliged to endorse each national aspiration of every ally.

FACING THE FACTS

Two salient facts must be faced. The first is that henceforth Russia's right to a voice in Middle Eastern affairs has to be acknowledged. The second is that we cannot escape certain special obligations to nations impinging on the Arab world. For example, as that region is neutralized, Turkey, Iran, and Israel become eligible for additional security guaranties from us.

Within this framework it does not seem impossible to reconcile our views with Moscow's objective of guaranteeing the Middle East from external interference and freezing arms shipments to the area. We must first define the territory affected. Then we must insist on excepting from this embargo countries with particular responsibilities such as Turkey.

A difficult puzzle is insuring the Levant against indirect aggression, today a greater danger than that of direct attack. One text to work from was once drafted by Molotov.

In 1939, when Moscow, London, and Paris sought unsuccessfully to negotiate an alliance against Germany, the Soviet Foreign Minister proposed that the three nations agree to help each other in the event of Nazi aggression—direct or indirect—against any European state. In a special annex Molotov suggested this obligation should apply in case of "internal coup d'état or a political change favorable to the aggressor."

THWARTING SUBVERSION

It is not beyond possibility for the U. N. to devise similar machinery to thwart subversion by Nasser or other expansionists. If we can come to an essential agreement on neutralizing the Middle East, surely some mechanism can be invented to protect that area from its own internal combustion.

The question of oil is vital to Britain and the Continent, which depend for their existence upon access to this Arab commodity. Might we not be well advised to let London and Paris take the lead in negotiating settlement of this issue? We would lose little by retiring from that prominent position we have attained in Middle Eastern matters. About all this has gained us is the role once held by the aggressors of Suez as the favorite Arab whipping boy.

We should, of course, assist our friends in strengthening their position as they begin to bargain. We must help them to store larger petroleum reserves and to develop their nuclear-power programs such as Euratom, thus making them less subject to potential blackmail pressures.

But beyond this we need not go. All of us must recognize the existence as a major force today of the revolutionary nationalism symbolized by Nasser. Our aim should be to avoid pressing this into Russia's arms; to prevent the U. S. S. R. from attaining dominance in the Middle East; and to protect the legitimate access of our allies to its petroleum.

This should provide foundation for a logical policy. And such a policy would be consonant with our long-term interests.

Mr. HUMPHREY. In conclusion, Mr. President, I invite attention to an editorial which appeared in the Christian Science Monitor of July 28 entitled "U. N. Meeting versus Khrushchev Show." The theme of this editorial is that the United States need not approach a summit conference with a helpless and defeatist attitude, and that there is solid ground for believing that such a meeting conducted in a proper framework may well produce useful results.

I concur in the recommendations, and note that from time to time, I have outlined some of the same objectives.

In order to have a successful summit conference, it is necessary that the United States come forward with imaginative and attractive policies which are aimed at reasonable settlements. As the editorial states, "That is the diplomat's job, and not an impossible one."

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

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

U. N. MEETING VERSUS KHRUSHCHEV SHOW

Fortunately, the American people are less depressed and defensive about the United Nations summit than Washington appears to be. Sections of the press especially are scoring the mere holding of the conference as a Communist victory. Actually, only childish folly on the part of the American press and public can make it that.

Diplomats and journalists may be properly aware of the danger that the New York conference will be turned into a Khrushchev show: They fear that public curiosity about the ebullient and often jolly Mr. K will give him many headlines. But is a helpless and defeatist attitude really justified? American diplomacy does not have to be unimaginative nor the American press irresponsible.

After all, this is a U. N. meeting. The Security Council procedures provide many facilities for cutting the Russian tyrant down to size and exposing his dog-in-the-manger role in the Middle East. There will be other colorful heads of state in New York—de Gaulle and Nasser among others—and there will be people seriously seeking just and peaceable solutions.

There is solid ground for President Eisenhower's efforts to set the New York meeting in a frame which will produce useful results. It is necessary, of course, to prevent the conference becoming a mere shouting match over the immediate situation in Lebanon and Jordan. There can be little profit in exchanging allegations of aggression.

It is important to put aside mere propaganda maneuvers and center on genuine settlements. Here American policy shapers can most helpfully labor in the time before the meeting.

It may be impracticable for American leadership to enter the prospective meeting with anything so imagination catching as the Eisenhower open-skies proposals which electrified the Geneva summit. But somewhere among the basically decent and friendly feelings of the American people toward the Arabs it should be possible to crystallize simple and attractive policies aimed at reasonable settlements. That is the diplomat's job, and not an impossible one.

The role of the people and press in keeping the approaching conference aimed at real results rather than a Khrushchev circus is also feasible. They have lately displayed a searching and objective interest in just solutions for Mideast problems. This interest has extended beyond the more sensational and transient news and beyond any self-serving national aim. Continuance of that attitude is required. If the American people and press allow the superficial and sensational aspects of the Khrushchev visit to obsess them they will be playing the Communist game. To the extent that they instead keep their eye on getting genuine settlement out of the U. N. meeting they will be serving themselves and the cause of peace.

Mr. HUMPHREY. Mr. President, while I am addressing myself briefly to the question of our Middle East policy, and while this morning I have asked to have printed in the RECORD, only what I consider to be some of the leading editorials relating to developments as to the Middle East on the part of our Government, I also note for the RECORD, the item in the New York Times of July 30, 1958, entitled "Senators Not Forewarned of United States Baghdad Pact Role," written by E. W. Kenworthy, the subheadline of which reads: "Members of Foreign Relations Unit Say Dulles Gave Them No Notice of Plan To Assume Full Partnership."

Mr. President, of course it is within the prerogative of the Executive and his first officer, the Secretary of State, to conduct foreign relations without the agreement, at least in some areas, of the Senate of the United States or particularly of the Committee on Foreign Relations. However, it seems to me to be prudent judgment on the part of those responsible for the most important of all the activities of our Government—the national security and the foreign policy—to consult with or at least to forewarn the appropriate committees of the Congress.

As yet I have not been able to determine exactly what our Government did and what commitments our Government made at the London meeting of the Baghdad Pact countries. It was my view that all commitments which were made had already been sealed in treaties. In other words, the commitments to Britain and Turkey were already a part of the NATO alliance; the commitments to Pakistan were already a part of the SEATO alliance; and the commitments to Iran possibly had been covered by mutual defense arrangements.

However, I say, most respectfully and not in carping criticism, I am hopeful that the Secretary of State, when it is possible for him to do so, will appear before the Senate Committee on Foreign Relations and explain at least the developments at the London conference and also explain in some detail exactly what new commitments our Government may have made.

I am interested to find out whether the commitments are as far reaching as those under the Eisenhower doctrine or whether the commitments are as far reaching as those under the treaty with Nationalist China.

If the commitments are of the type of those to Nationalist China, they require at least a treaty. If the commitments are as far reaching as the Eisenhower doctrine in the Middle East, I would suggest they be given the same sort of treatment the President outlined in terms of the Middle East doctrine about a year and a half ago.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from Minnesota.

THE INTERNATIONAL GEOPHYSICAL YEAR SHOULD BE CONTINUED

Mr. HUMPHREY. Mr. President, a heartening light amid the clouds that are casting their shadows over the international scene is the International Geophysical Year. Under its aegis scientists from the United States, the Soviet Union, and a great many other countries have been giving the world a valuable lesson in peaceful cooperation for the advancement of scientific knowledge.

This has been going on, Mr. President, despite the tension in the Middle East. I am happy to say it has been going on despite the conferences at Geneva on the subject of the nuclear test inspection, which have been continuing and apparently making substantial progress.

The IGY is scheduled to expire at the end of this year. But its achievements have been so striking not only in broadening the domain of scientific knowledge but also in the field of human peaceful cooperation for mutual benefit that it would be a pity to end this endeavor.

Mr. President, yesterday, July 30, representatives of scientific organizations and of national committees for the International Geophysical Year from all over the world convened in Moscow to take an accounting of what they have done thus far and to lay out blueprints for the future. It would be a great step for the welfare of man and for the peace of nations if the scientists gathered there would determine to carry on after 1958 the wonderful work they have already started, if not in its entirety then at least in such significant fields as space research and exploration of Antarctica. At a time when we are trying to expand our scientific, cultural and athletic contacts with the peoples of the Soviet Union, I believe that a proposal on our part indicating our willingness to keep open the channels constructed by the IGY would help greatly the people-to-people diplomacy we are trying to encourage.

I strongly recommend that the President, through the appropriate officers of our Government, in cooperation with our free scientific community—possibly in this instance the National Academy of Sciences—recommend the continuation of the IGY for at least an additional year.

Last February at Fairleigh Dickinson University—Teaneck, N. J.—I pointed out that the IGY was providing a fund of experience of great value upon which the nations of the world could build an organization for international space research and exploration. At that time I said:

> As a separate and independent project, the United States should take the lead in marshalling the talents and resources of the world to unlock the mysteries of outer space in joint research and exploration under the auspices of the United Nations. The cooperative endeavor of the International Geophysical Year has laid the foundation of experience upon which a more advanced structure can now be erected. Many nations are in a position to contribute with their science and, according to their means, with funds, to the mighty effort that will be necessary to extend man's knowledge of and to explore the extraterrestrial regions of the universe. All nations should be invited to participate in this, perhaps man's greatest enterprise, and no nation should be excluded.

Later, in May, I proposed in an address to the United World Federalists meeting in Minneapolis, Minn., that the IGY be extended, if not in its entirety then at least in part, beyond the end of 1958. On that occasion I said:

> We should seek to extend and expand the cooperative space research now going forward within the framework of the International Geophysical Year. The latter, you know, is a cooperative venture of men of science from 67 countries for collecting and disseminating physical data about the earth and the space surrounding it. Projects are volunteered by private agencies or by governments and the resulting information is pooled for the worldwide advancement of science.
>
> Of particular interest is that phase of the IGY program pertaining to rocket and satellite research in the upper atmosphere. It is under this portion of the program that the United States and the Soviet Union have launched six satellites. The experience of the IGY has been so valuable and so encouraging that it would be disappointing to terminate it upon its scheduled expiration at the end of this year. The United States has recently proposed that in the interest of peace and scientific benefit for mankind the nations cooperating in study and exploration of the Antarctic continent under the IGY continue their collaboration after 1958. The urgency of peaceful cooperative endeaver in space research and exploration is even greater than that for Antarctica. We cannot permit space to be compartmentalized into nationalistic segments, hostile to each other. The United States should also propose that those phases of the IGY program relating to rocket and satellite research in the upper atmosphere and in space be continued beyond the end of the year.
>
> The IGY is essentially a nongovernmental, volunteer program of a relatively limited nature. While scientific cooperation on this level can be extremely beneficial, there is much more that we can do if governments themselves agree to take action. I suggest, therefore, that as an additional step, the United States sponsor in the United Nations a proposal to create an international organization for peaceful exploration of the reaches of outer space. This would carry the cooperative endeavor of the international scientific community on to a higher and more advanced level.

This is also an appropriate time to recall, Mr. President, that the well-known atomic physicist, Dr. Edward Teller, director of the University of California Radiation Laboratory at Livermore, Calif., urged continuation of the IGY when he appeared before the Subcommitee on Disarmament in April of this year. Dr. Teller said at that time:

> I think the cooperation which we now have in the geophysical year is an excellent idea. The only thing that I don't like about it is the year. Why not the geophysical age?
>
> Why not continue with it? I think of the possibility in meteorology of better prediction and better control of the weather. It would be just wonderful.
>
> Actually the Russians, and even the Chinese, do give us data on their weather conditions which are helpful for the forecasting of the weather all over the globe. I think this is a beginning which should be worked on.
>
> I think that the use of science is something on which the future of mankind depends, and positive cooperation on these topics is something that I would advocate as far as is reasonable and possible.

Recently the American Humanities Seminar which met at the University of Massachusetts in Amherst adopted a proposal to extend the pattern of the IGY into other international years—years for medical cooperation and for cultural and scientific exchange. This is an idea worthy of most enthusiastic endorsement.

In line with this particular suggestion, on July 2 of this year I introduced a resolution—Senate Concurrent Resolution 99—inviting the President to extend to the other nations of the world, through the World Health Organization, and related organizations, an invitation for the designation of an International Health and Medical Research Year to "be dedicated to intensive international cooperation toward the discovery and exchange of the answers of coping with major killing and crippling diseases which afflict mankind."

In initiating other kinds of international years, however, we should not neglect to extend the IGY beyond its present scheduled term. We should keep expanding the horizons of our cooperation across as many scientific and cultural areas as we can, for it is by this means we can lay a solid groundwork for the establishment of lasting peace.

At this point, Mr. President, I wish to quote portions of recent articles from the New York Times and the Christian Science Monitor relating to the proposal approved at Amherst.

From the New York Times of July 17, 1958, page 53:

> An extension of the pattern of the International Geophysical Year into medical, cultural, and wider scientific exchanges was proposed here today.
>
> Dr. Harlow Shapley, Harvard University astronomer, made the proposal at the closing session of the third annual American Humanities Seminar.
>
> It would "cost us less in 1 year than 1 futile battleship to offset the military diplomacy which has brought the nuclear world near the explosion point," Dr. Shapley told an audience of about 150 at the University of Massachusetts.
>
> He said, "Let us undertake either with major nations or with the Soviet Union alone other international years of cooperation * * * in medical research and in cultural and scientific exchange."
>
> Later the proposal was adopted by the conferees as part of a general statement of the objectives covered by the seminar. A copy is to be sent to President Eisenhower.

From the Christian Science Monitor of July 18, 1958:

> Expanding the International Geophysical Year into years would cost us less than one futile battleship to offset the military-diplomacy which has brought the nuclear world near the explosion point.
>
> Dr. Harlow Shapley, professor emeritus of astronomy at Harvard University and past president of the Academy of Arts and Sciences proposed an extended IGY program July 16. He was addressing the third annual American Humanities Seminar sponsored by the Humanities Center for Liberal Educa-

tion and the University of Massachusetts, in cooperation with the President's Committee on Scientists and Engineers.

"We must turn to areas where full cooperation and complete intercommunication are going on," said Dr. Shapley to the 125 leaders of education and industry seeking to bridge the gap between science and the liberal arts.

"Let us undertake, either with many nations or with the U. S. S. R. alone, other international years of cooperation," requested the scientist.

"Along with hundreds of astronomers from a score of countries," he said, "I expect to be in Moscow in a few weeks at meetings of the International Astronomical Union.

"Danger from sinking continents or changes in the earth's atmosphere do not seem likely to erase mankind," said Dr. Shapley. "I'm glad to report that this globe looks pretty safe for ingenious man except for one horrible factor. Man's worst foe is man.

"With manmade concussions, radiations, and poisons, he can carry out the enterprise of destroying himself."

The arguments in favor of extending the International Geophysical Year into years, as presented in this article from the Christian Science Monitor, make a most impressive case in favor of such an extension.

I am hopeful that Senate Concurrent Resolution 99 will be reported favorably, and that our Government will take the lead in this field, and take the world off the dead center which can lead to catastrophic results. By reaching out into new areas of human endeavor the Government of the United States has a glorious opportunity, even as our scientists meet in Moscow, to take the lead and ask for extension of peaceful cooperation, and the broadening of the endeavors of our scientists in the field of medical research and scientific understanding.

CONSTRUCTION OF AERONAUTICAL RESEARCH FACILITIES

Mr. JOHNSON of Texas. Mr. President, Calendar No. 2088, House bill 11805, has been reported without objection from the Special Committee on Space and Astronautics. With the concurrence of the minority leader, I move that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 11805.

I wish to make a very brief statement in connection with the bill. It is necessary that the Senate act promptly.

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

The LEGISLATIVE CLERK. A bill (H. R. 11805) to promote the national defense by authorizing the construction of aeronautical research facilities by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

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

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

Mr. JOHNSON of Texas. Mr. President, the purpose of this bill is to authorize certain construction projects, and the procurement of certain equipment, at installations of the National Advisory Committee for Aeronautics, which will be absorbed by the new National Aeronautics and Space Administration within 90 days, in accordance with the National Space Act of 1958 signed by the President on Tuesday of this week.

Although under previous statutes governing the National Advisory Committee for Aeronautics prior authorization of construction projects was unnecessary, under the provisions of the new Space Act all such appropriation requests which exceed $250,000 in amount will have to be authorized prior to appropriations. Accordingly, the members of the committee and the Agency officials deemed it desirable, if not indeed necessary to avoid possible legal complications resulting in delay, to approve the authorizations contained in H. R. 11805, even though the appropriations are contained in the Independent Offices appropriation bill agreed to by the Senate yesterday.

The bill provides authority for the construction or acquisition of new research facilities in the amount of $23,458,000: $5,328,000 for the modernization of existing facilities; $260,000 for the modernization of supporting facilities; and $887,000 for general plant and utility improvements, for a total authorization of $29,933,000.

These expenditures are to be made at four installations of the NACA. These are the Langley Laboratory in Virginia, Ames Laboratory in California, Lewis Laboratory in Ohio, and Wallops Station in Virginia.

The Special Committee on Space and Astronautics also ordered reported, and the report has been filed today, the first authorization bill for construction and equipment facilities submitted by the Administration for the new Space Agency. This bill authorizes capital expenditures in the amount of $47,800,000.

With the bill presently before the Senate, these two measures will afford a substantial beginning, and one that I hope can be made without delay, for the increased efforts that the Congress expects to be made in the field of civilian space technology by the new National Aeronautics and Space Administration.

I hope to be able to bring the second authorization bill before the Senate tomorrow for its approval. At this time I ask that the Senate give its immediate approval to H. R. 11805.

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

Mr. JOHNSON of Texas. I yield.

Mr. HUMPHREY. Does the Senator from Texas contemplate, at any time in the near future, bringing up for action in the Senate a bill which has been reported from——

Mr. JOHNSON of Texas. I will talk with the Senator about any bill he wishes to discuss. Our Policy Committee has laid out a program for next week. I do not have the calendar before me. As soon as the morning hour is completed, I shall be glad to discuss with the Senator any bills in which he is interested.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

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

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Am I correct in stating that under the unanimous-consent agreement the Senate will now resume the consideration of Calendar No. 1651, Senate bill 921?

The PRESIDING OFFICER. The Senator is correct.

AUTHORITY OF FEDERAL OFFICERS AND AGENCIES TO WITHHOLD INFORMATION AND LIMIT THE AVAILABILITY OF RECORDS

The Senate resumed the consideration of the bill (S. 921) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

DAYS, EVEN HOURS, ARE PRECIOUS—VI

Mr. FLANDERS. Mr. President, in this one of the series of talks on the Middle East, I address myself to the last "whereas" and the first "resolved" of the concurrent resolution, Senate Concurrent Resolution 106, which I offered on July 18. They read as follows:

Whereas by certain actions of our Government the friendship of the Arab peoples can be promoted: Therefore, be it

Resolved, That the sending of troops to Lebanon be approved by the Congress as a necessary means of stabilizing a dangerous situation while more constructive steps are being taken.

Let me in the first place, Mr. President, call attention to the limited usefulness of armed intervention. We have injected a display of our unsurpassed armed might with the purpose of stabilizing a movement dangerous to the freedom of the Western World. What that danger is I have touched upon in my earlier remarks on the importance of the oil supply to Western Europe, the endeavor of the Soviet Government to control that supply, and the sweeping, worldwide victory of communism which would result if that endeavor succeeds.

I have pointed out, Mr. President, that the unsettled claims of the Arab homedwellers and homeowners, dispossessed in the occupation of Israel, form an ideal, readymade issue for Communist use. The Soviet Government does not have to invent or generate a new issue. One is already at hand.

Furthermore, there is a broader issue which the Soviet Government finds readymade for its use. This is the swelling tide of Arab nationalism, with which

we should be in sympathy. Instead of that our armed intervention, necessary and well-intentioned though it be, puts us in opposition to the hopes of the people of Jordan and its neighboring states. It is a situation which we cannot allow to continue.

Armed intervention is like a powerful medicine, itself a deadly poison, useful only for wise application in a critical emergency. Not all the millions of our Armed Forces, the gunpower of our fleets, the bomb-carrying capacity of our Air Force, the multimegatons of our atomic and hydrogen explosives can still the aspiration of the Arabs for self-determination, or reduce by the minutest degree their indignation at the wholesale and unrequited seizure of their lands.

Unless the time bought by armed strength is promptly employed for wise statesmanship, disaster faces the Free World.

Mr. President, the time is short. The days, the hours, the minutes are going by. Which one of us, in this hour, would be willing to exchange places with the brave young King of Jordan? There he sits, precariously, on a throne protected by foreign force, ruling over a people more than half of whom have been driven from their homes. When will the assassin strike?

We can support the nationalist purposes of these people. We can mediate for them with the nation of Israel. We can assist all the peoples of this distraught area in attaining a peace which armed strength is helpless to achieve.

AUTHORITY OF FEDERAL OFFICERS AND AGENCIES TO WITHHOLD INFORMATION AND LIMIT THE AVAILABILITY OF RECORDS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

The Senate resumed the consideration of the bill (S. 921) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

Mr. JOHNSTON of South Carolina. Mr. President, normally, the floor manager for this bill on behalf of the Committee on the Judiciary would be the senior Senator from Missouri [Mr. HENNINGS] who is the sponsor of the bill and also chairman of the Senate Constitutional Rights Subcommittee which held hearings and considered the bill. However, the Senator from Missouri is absent today because of illness. I ask unanimous consent to insert in the RECORD a letter which I have received from him with respect to this matter.

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

The letter referred to is as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
July 30, 1958.

The Honorable OLIN D. JOHNSTON,
United States Senate,
Washington, D. C.

DEAR OLIN: As you know, I find myself unable to be on the Senate floor during the debate on S. 921. I am comforted, however, by the knowledge that your kindness in managing this legislation for me means that it has been delivered to hands both sympathetic and competent.

As a fellow member of the Constitutional Rights Subcommittee you are aware, of course, that I consider S. 921 important to our Nation's needs for a fully informed and enlightened citizenry.

Again let me express my thanks to you for your able assistance in this matter.

With best wishes as always, I am,

Sincerely yours,

THOMAS C. HENNINGS, JR.

Mr. JOHNSTON of South Carolina. Mr. President, I am very sorry that the Senator from Missouri is ill. I know that he has a great interest in this bill and would be present if he were not under doctor's orders. However, it is a pleasure for me to handle the bill in his absence, since I am a member of the Judiciary Committee and the Subcommittee on Constitutional Rights which reported the bill without a dissenting vote.

The PRESIDING OFFICER. The bill is before the Senate and is open to amendment.

Mr. JOHNSTON of South Carolina. Mr. President, the bill now before the Senate, S. 921, would amend section 161 of the Revised Statute with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

Section 161 of the Revised Statutes—title 5, United States Code, section 22—presently provides:

> The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers, and clerks, the distribution and performance of its business, and the custody, use and preservation of the records, papers, and property appertaining to it.

The bill proposes to amend this section by adding at the end thereof this single sentence:

> This section does not authorize withholding of information from the public or limiting the availability of records to the public.

Mr. President, this bill was introduced in the Senate last year by the senior Senator from Missouri [Mr. HENNINGS] as a means of preventing misuse and miscitation by executive departments and agencies of section 161 of the Revised Statutes (5 U. S. C. 22), known generally as the executive departments' "housekeeping" statute. The Subcommittee on Constitutional Rights, of which I have the privilege of being a member, has been conducting a study of the general subject of freedom of information and secrecy in Government, and it had come to our attention that departmental and agency officials in the executive branch of our Government erroneously had been citing this simple "housekeeping" statute as authority to withhold information from both the public and the Congress.

The bill was referred to the Constitutional Rights Subcommittee, which made a detailed study of its provisions and held public hearings on it earlier this year. At those hearings the subcommittee heard testimony on the bill from a number of witnesses, including the Attorney General of the United States, who presented, in general, the views of the entire executive branch.

The Constitutional Rights Subcommittee favorably reported the bill to the full Committee on the Judiciary, without dissenting vote and without amendment. The Committee on the Judiciary in turn, reported the bill favorably to the Senate, again without dissenting vote and without amendment.

Mr. President, as I have already indicated, the amendment proposed by this bill is a simple one. Its purpose is to clarify the scope of the authority granted to the heads of executive departments under the "housekeeping" statute, and to make it clear beyond any doubt that this statute in no way authorizes withholding of information from the public or limiting the availability of records to the public.

As the committee report on the bill points out, section 161 has been openly cited in recent years by a number of executive departments and agencies as authority for withholding information from the public, despite the fact that neither the language of the section nor its legislative history indicates any intent on the part of Congress to grant such authority. There seems to be no dispute whatsoever on this point, even from the few persons who have expressed opposition to the bill. The miscitation of section 161 has been so widespread, in fact, that the Constitutional Rights Subcommittee found that some of the independent agencies have cited section 161 as authority to withhold information, even though the statute, by its very terms, is applicable only to executive departments.

The amendment proposed in the bill, by explicitly stating that section 161 does not authorize withholding information or limiting the availability of records, should eliminate, or at least materially curtail, such miscitations of section 161.

Mr. President, at this point I think it is important to mention what the amendment proposed in this bill will not do.

To begin, by its very terms it is limited to section 161 of the Revised Statutes. Accordingly, it applies only to that section and will not amend or repeal any other statutory authority possessed by officers of the executive departments and agencies to withhold information from the public or to limit the availability of records to the public. There are literally scores of such statutes dealing with the control of information—as I understand it, approximately 80—and none of them will be affected by the proposed amendment.

Furthermore, the amendment will not jeopardize the defense security of this country in any way. Nor will it interfere with the proper classification of military secrets. If I thought for a minute it would be harmful to them in any way, I would not be here today speaking in behalf of the bill.

The amendment in no way will affect the confidential status now afforded FBI files. As we all know, those files are now considered confidential, and are safeguarded by other authority. In this connection, perhaps I should point out that during the course of his entire testimony on the pending bill, the Attorney

General of the United States, in whose Department the Federal Bureau of Investigation is located, at no time expressed any fear that enactment of the proposed amendment would jeopardize or affect the confidential nature of the FBI files in any way.

Mr. President, another thing the proposed amendment does not do—and indeed cannot do—is affect any executive power flowing from the Constitution. It will not, nor is it intended to, affect what the Attorney General has described as an Executive privilege to withhold information from the Congress and the public. Such a privilege if it exists, and to whatever extent it exists, must be derived directly from the Constitution itself. On this basis, the proposed amendment cannot repeal, amend, or impair any such Executive privilege. I should add that in my own opinion neither the proposed amendment nor section 161 of the Revised Statutes has anything to do with any so-called Executive privilege, and the subject actually is extraneous to our consideration of the pending bill. I have mentioned it, however, since during the course of his testimony on the bill before the Constitutional Rights Subcommittee the Attorney General brought it up and expressed a fear that the bill might in some way impair the Executive privilege strongly asserted by him to exist.

Mr. President, I should like to emphasize that the Constitutional Rights Subcommittee, in conjunction with the Special Government Information Subcommittee of the House, has given considerable attention and lengthy study to the precise wording of this bill. The language of the bill has been very carefully chosen and was developed only after several years of intensive study. It has been approved without change by the Constitutional Rights Subcommittee and the full Committee on the Judiciary. Accordingly, I believe that the language of the bill fully reflects the considered judgment of those best acquainted with the problems involved and the bill should be passed without any amendment or change.

Mr. President, this is not an earth-shaking piece of legislation, and it will work no great statutory changes. In fact, its basic purpose is not to make any change in the true meaning of the statute it would amend, but merely to clarify what the Congress meant when it enacted the statute.

However, the fact that this measure is simple and uncomplicated should not mislead us as to its importance. Passage of the bill today will demonstrate that the Members of this body will not sit idly by while its legislative handiwork is twisted or misconstrued so as to improperly deprive the American people of their right to know what their Government is doing. The bill, when passed, will stand as a symbol of our dedication to the protection of that right.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two letters addressed by the Senator from Missouri [Mr. HENNINGS] to the Senator from Georgia [Mr. RUSSELL] under date of June 23, 1958, and July 3, 1958.

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

JUNE 23, 1958.

Hon. RICHARD B. RUSSELL,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR DICK: After talking with you on the floor last Thursday about S. 921 and its relationship to executive department personnel files, it occurred to me that it would be helpful if I were to spell out in some detail in a letter to you just why S. 921 will not affect the present confidential status of such files.

S. 921, as you know, would amend section 161 of the Revised Statutes by adding the sentence, "This section does not authorize the withholding of information from the public or limiting the availability of records to the public." Section 161 then would read:

"The head of each department is authorized to prescribe regulations, not inconsistent with law, for the Government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. This section does not authorize withholding information from the public or limiting the availability of records to the public."

I have made no comprehensive study to determine exactly what authority is cited by the various executive departments in keeping confidential their personnel files. However, the Constitutional Rights Subcommittee staff has made a broad survey of the authorities cited by the executive departments in withholding information in general, and, aside from section 161 which has been mis-cited from time to time as authority to withhold information, the authorities cited by the departments fall into three general categories. These categories are (1) other statutes, (2) the so-called Executive privilege, and (3) executive orders and departmental regulations and orders promulgated under the authority of the Constitution and various specific statutes.

I can state unequivocally that S. 921 will not affect and is not intended to affect the present authority of executive departments under any of these three categories to keep personnel files confidential.

It is clear from the language of S. 921 itself that it applies only to section 161 of the Revised Statutes and will not affect any other statute. Accordingly, it will have no effect whatsoever on the operation of the eighty-odd Federal statutes presently restricting disclosure of Government information (a list of which is enclosed). This point is spelled out in detail in the committee report on S. 921, where it is stated, on page 9, "The amendment is not intended nor should it be construed to amend or repeal any other statute which may authorize withholding of information from the public or limiting the availability of records to the public."

In connection with the so-called Executive privilege, which, incidentally, frequently has been cited by executive departments and agencies as authority for withholding personnel files from the Congress, neither S. 921 nor section 161, which it seeks to amend, has anything to do with such a "privilege."

Section 161 of the Revised Statutes is a Congressional grant of authority to the heads of the executive departments, and has been held by the Supreme Court in the case of *Boske* v. *Commingore* (177 U. S. 459), to be a constitutional exercise of Congressional power. Compared to this, the so-called Executive privilege," which the Attorney General says gives the President the right to withhold what he will from the Congress and the public, must be founded upon the President's powers under the Constitution.

The Attorney General, the chief proponent of the Executive privilege concept, originally testified before the Constitutional Rights Subcommittee—and I quote from page 4 of the committee report on S. 921: "This (sec. 161) is a housekeeping statute, which says they keep the records, they hold them physically. It does not relate at all to Executive privilege." Later, however, in a letter to the subcommittee the Attorney General expressed the fear that the pending bill, if enacted, might somehow be construed so as to impair the Executive privilege.

Frankly, I think such fears are completely groundless. In the first place, since section 161, by the Attorney General's own testimony, is not related to Executive privilege, the proposed amendment, by stating what the statute does not do, will not affect any such privilege. The proposed amendment seeks only to narrow the application of section 161, not to expand it.

Secondly, assuming an Executive privilege does exist, it is clear that it must be founded on the President's powers under the Constitution. Accordingly, no mere statute such as the one proposed by S. 921 could impair or repeal it. A constitutional amendment would be necessary to do that.

The committee report on S. 921 spells out in great detail the purpose and scope of the bill and states specifically that enactment of the bill will in no way affect, nor is it intended to affect, any so-called Executive privilege. On page 6 of that report it is stated:

"In the opinion of the committee, the enactment of the pending bill will in no way affect, nor is it intended to affect, what the Attorney General describes as an Executive privilege to withhold information from the Congress and the public.

"To whatever extent such an Executive privilege exists, it must be founded on the principle of separation of powers under the Constitution and, accordingly, will not be repealed, amended, or impaired by the proposed amendment to section 161."

This, I believe, adequately insures that S. 921 will not be construed so as to impair any such privilege.

Finally, turning to the third category of authorities cited by the executive departments to justify withholding of information, the amendment to section 161 proposed by S. 921 definitely will not affect existing valid departmental regulations and orders made by the heads of executive departments.

In this connection let me refer to the decision of the Supreme Court in the case of *United States ex rel. Touhy* v. *Ragen* (340 U. S. 462), decided in 1941. In that case, the Court held valid an order of the Attorney General promulgated under section 161 removing from his subordinates and centralizing in his own office the determination of when records in his department should be made available to the judicial branch.

It is not the purpose of S. 921 to affect the decision in *Touhy* v. *Ragen*. Insofar as S. 921 is concerned, the holding in that case would remain the law of the land, since S. 921 goes only to the authority of the department head himself, and seeks to make it clear that section 161 does not authorize executive department heads to withhold information from the public. S. 921 will not interfere with the existing authority of the heads of executive departments to issue reasonable regulations and orders governing the conduct of their subordinates, and will not affect valid regulations and orders now in effect. Existing, valid regulations and orders which now apply to personnel files would remain unchanged and would not be

affected by enactment of S. 921, even though promulgated under section 161.

From the foregoing I think it is clear that S. 921 in no way will affect the present confidential status of executive department personnel files. It is my intention during the course of the floor debate on S. 921 to cover the very same points I have made in this letter. With the thought that you may be interested in the precise comments I intend to make on the floor on these points, I am enclosing copies of the statements I have prepared for delivery when S. 921 is considered.

If you have any other questions with regard to this legislation, please let me know.

With my best wishes, as always, I am,

Sincerely yours,

THOMAS C. HENNINGS, Jr.

JULY 3, 1958.

Hon. RICHARD B. RUSSELL,
Senate Office Building,
Washington, D. C.

DEAR DICK: Enclosed is a copy of a letter I have just received from Mr. Harris Ellsworth, Chairman of the Civil Service Commission, regarding the authority relied upon by the Commission to withhold information from the public or limit the availability of records to the public.

I am sending this letter to you since it throws additional light on the point made in my letter to you dated June 23, 1958—i. e., that enactment of S. 921, now pending on the Senate calendar, will not affect the present confidential status of executive department personnel files. Since Mr. Ellsworth states in his letter that the Commission does not rely on section 161 of the Revised Statutes (which S. 921 would amend), and that S. 921 would not affect the Commission, it is obvious that the present confidential status of the multitude of files in the possession of the Commission, including personnel files, would not be affected by the enactment of S. 921.

If you have any other questions about this legislation, I would appreciate your letting me know, since I am anxious to have it brought up for floor action as soon as possible.

With my best wishes, as always, I am,

Sincerely yours,

THOMAS C. HENNINGS, Jr.,
Chairman.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. HRUSKA. Mr. President, as a member of the Committee on the Judiciary I voted that the bill be favorably reported, and that it be passed. Nevertheless, some of the language in the committee report and the views of some of the executive departments which are reproduced in the report raise some issues which should be discussed before the Senate votes on the bill. To do so I wish to obtain the views on these issues of the Senator from South Carolina who is the floor manager of the bill on behalf of the committee.

On page 9 of the report there appears a statement of the holding of the Supreme Court in the Touhy case that the head of an executive department is authorized by section 161, the presently existing statute, to prescribe regulations to provide a businesslike control of the records, papers, and property appertaining to his department, and to centralize in his own office the decision as to whether particular official information should be revealed. I have in mind, for example, such orders and regulations as exist in the Department of Justice which forbid subordinates to disclose official information except on the authority of the Attorney General. Such an order enables agents of the Federal Bureau of Investigation to refer any demand for particular official information to the Attorney General for decision as to disclosure. Actually, it was just such an order which the Supreme Court held to be valid in the Touhy case.

As I understand the meaning of the presently existing statute, section 161 is designed to provide a businesslike control of information and papers within an executive department, and for that purpose permits centralization in the head of an executive department of the authority as to the disclosure of official information and papers. That is the meaning which I have gathered from Supreme Court cases such as *Boske* v. *Comingore* (177 U. S. 459) and *Touhy* v. *Ragan* (340 U. S. 462) and from the subcommittee report on S. 921.

The present statute, therefore, allows a subordinate under appropriate regulations or orders to refer any question of disclosure of official information of papers to the head of an executive department for decision, but the presently existing statute itself does not prescribe whether the head of an executive department or a subordinate under his direction shall or shall not disclose information in the official department file. Is this the understanding of the Senator managing the bill as to the true meaning of the present law?

Mr. JOHNSTON of South Carolina. Let me say in response to the question of my distinguished colleague from Nebraska that, as I understand the present law, section 161 is a housekeeping statute by which the head of each of the various executive departments is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use and preservation of the records, papers, and property appertaining to it.

In the case of *Boske* v. *Comingore* (177 U. S. 459), the Supreme Court upheld section 161 as a constitutional exercise of Congressional power, and held valid a regulation adopted by the Secretary of the Treasury under section 161 by which it was declared that all records in the offices of collectors of internal revenue, or any of their deputies, were in their custody for purposes relating to the collection of the revenues, and that collectors had no control of such records and no discretion with regard to permitting the use of them for any other purpose. The Court held that under section 161 the Secretary could take from a subordinate all discretion as to permitting the records in his custody to be used for any purpose other than the collection of revenue, and reserve such matters for his own determination.

In the case of *Touhy* v. *Ragen* (340 U. S. 462), the Court had before it a Department of Justice order whereby officers and employees of the Department were ordered to decline to produce any official files, documents, records and information in the offices of the Department in response to a subpena duces tecum, unless otherwise expressly directed by the Attorney General. The Court, after stating that it was not determining the ultimate question whether the Attorney General himself might refuse to produce the Government papers in his possession, held the departmental order valid under section 161. The Court cited its decision in Boske against Comingore, and held that the Attorney General could validly withdraw from his subordinates the power to release department papers.

The plain meaning of section 161, as described in the committee report on S. 921, and as interpreted and applied in Boske against Comingore and Touhy against Ragen, in my opinion represents the true meaning of the present law.

Mr. President, in view of the fact that I have referred to them several times in this discussion, I think it would be appropriate to have the full text of the Supreme Court's opinions in the cases of Boske against Comingore and Touhy against Ragen included as part of this record, and I ask unanimous consent that they be printed at this point in the RECORD. I think they favorably answer the question of the Senator from Nebraska.

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

BOSKE *v.* COMINGORE—APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF KENTUCKY—SUBMITTED JANUARY 8, 1900—DECIDED APRIL 9, 1900

A United States Collector of Internal Revenue was adjudged by a court of limited jurisdiction in Kentucky to be in contempt because he refused, while giving his deposition in a case pending in the State court, to file copies of certain reports made by distillers, and which reports were in his custody as a subordinate officer of the Treasury Department. He based his refusal upon a regulation of that Department which provided: "All records in the offices of collectors of internal revenue or of any of their deputies are in their custody and control for purposes relating to the collection of the revenues of the United States only. They have no control of them and no discretion with regard to permitting the use of them for any other purpose." This regulation was made by the Secretary of the Treasury under the authority conferred upon him by section 161 of the Revised Statutes of the United States, which authorized that officer, as the head of an executive department of the Government, "to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it." The collector having been arrested under the order of the State authorities, sued out a writ of habeas corpus before the District Court of the United States for the Kentucky District. Held:

(1) That the case was properly brought directly from the district court to this court as one involving the construction or application of the Constitution of the United States.

(2) As the petitioner was an officer in the Revenue Service of the United States whose presence at his post of duty was important to the public interests, and whose detention in prison by the State authorities might have interfered with the regular and orderly

course of the business of the Department to which he belonged, it was proper for the district court to consider the questions raised by the writ of habeas corpus and to discharge the petitioner if held in violation of the Constitution and laws of the United States.

(3) The regulation adopted by the Secretary of the Treasury was authorized by section 161 of the Revised Statutes, and that section was consistent with the Constitution of the United States. To invest the Secretary with authority to prescribe regulations not inconsistent with law for the conduct of the business of his Department and to provide for the custody, use and preservation of the records, papers and property appertaining to it, was a means appropriate and plainly adapted to the successful administration of the affairs of his Department; and it was competent for him to forbid his subordinates to allow the use of official papers in their custody except for the purpose of aiding the collection of the revenues of the United States.

(4) In determining whether the regulation in question was valid, the court proceeded upon the ground that it was not to be deemed invalid unless it was plainly and palpably against law.

The case is stated in the opinion of the court.

Mr. John G. Carlisle, Mr. Henry M. Winslow and Mr. William S. Taylor for appellant.

Mr. Assistant Attorney General Boyd for appellee.

Mr. Justice Harlan delivered the opinion of the court.

This is an appeal from a final order of the District Court of the United States for the District of Kentucky discharging appellee, United States Internal Revenue Collector for the Sixth Collection District in Kentucky, from the custody of the appellant as Sheriff of Kenton County in that Commonwealth.

The discharge was upon the ground that the imprisonment and detention of the appellee were in violation of the Constitution and laws of the United States. That ruling presents the only question to be considered.

Under date of April 15, 1898, the Commissioners of Internal Revenue, with the approval of the Secretary of the Treasury promulgated certain regulations for the government of collectors of internal revenue, as follows:

"All records in the offices of collectors of internal revenue or of any of their deputies are in their custody and control for purposes relating to the collection of the revenues of the United States only. They have no control of them and no discretion with regard to permitting the use of them for any other purpose. Collectors are hereby prohibited from giving out any special tax records or any copies thereof to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpenas duces tecum or otherwise. Whenever such subpenas shall have been served upon them, they will appear in court in answer thereto and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the regulations of this Department. The information contained in the records relating to special-tax payers in the collector's office is furnished by these persons under compulsion of law for the purpose of raising revenue for the United States; and there is no provision of law authorizing the sending out of these records or of any copies thereof for use against the special-tax payers in cases not arising under the laws of the United States. The giving out of such records or any copies thereof by a collector in such cases is held to be contrary to public policy and not to be permitted. As to any other records than those relating to special-tax payers, collectors are also forbidden to furnish them or any copies thereof at the request of any person. Where copies thereof are desired for the use of parties to a suit, whether in a State court or in a court of the United States, collectors should refer the persons interested to the following paragraph in rule X of the rules and regulations of the Treasury Department, namely: In all cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished to the court only and on a rule of the court upon the Secretary of the Treasury requesting the same. Whenever such rule of the court shall have been obtained collectors are directed to carefully prepare a copy of the record or document containing the information called for and send it to this office, whereupon it will be transmitted to the Secretary of the Treasury with a request for its authentication, under the seal of the Department, and transmission to the judge of the court calling for it, unless it should be found that circumstances or conditions exist which makes it necessary to decline, in the interest of the public service, to furnish such a copy."

These Treasury regulations being in force, a proceeding was instituted in the County Court of Carroll County, Ky.—a court of limited jurisdiction—in the name of the Commonwealth against Elias Block & Sons, for the purpose of ascertaining the amount and value of a large amount of whisky which, it was alleged, the defendants had in their bonded warehouses for a named period, but had not listed for taxation, and of enforcing the assessment and payment of State and county taxes thereon (Kentucky Stat., sec. 4241).

In the progress of that proceeding the Commonwealth of Kentucky, represented by the auditor's agent, took the deposition of Comingore, collector of internal revenue. In answer to questions propounded to him, the collector stated that Block & Sons, owners of a distillery, made monthly reports to his office of liquors manufactured by them and deposited in the bonded warehouses on the distillery premises from 1887 on; that the defendants made application from time to time for permission to withdraw liquors from bond; and that such reports, commencing October 1, 1885, and ending July 1, 1897, were on the files of his office, but not under his control except as collector. He was then asked to file copies of those reports and make them part of his deposition. This he declined to do, under section 3167 of the Revised Statutes of the United States and the rulings of the Department. That section reads: "Section 3167. If any collector or deputy collector, or any inspector or other officer acting under the authority of any revenue law of the United States, divulges to any party, or makes known in any other manner than may be provided by law, the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, he shall be subject to a fine of not exceeding $1,000, or to be imprisoned for not exceeding 1 year, or to both, at the discretion of the court, and shall be dismissed from office, and be forever thereafter incapable of holding any office under the Government." Being asked what rulings of the Department he referred to other than section 3167 of the Revised Statutes, he said: "The Department does not permit the giving out of anything contained in internal revenue returns or documents by a collector, storekeeper, or any other officer of a collection district for purposes other than those which the statutes of the United States contemplate." That ruling he said was made by the Secretary of the Treasury through the Commissioner of Internal Revenue.

In consequence of the refusal of the collector to file and make part of his deposition copies of the above reports of the defendants, the notary public before whom his deposition was taken adjudged him to be in contempt and ordered him to pay to the Commonwealth a fine of $5 and to be confined in the county jail for 6 hours or until he was willing to furnish the copies called for or permit access to the records of his office in order that information might be obtained to be used as evidence in the above case.

The matter having been reported by the notary public to the Carroll county court, as required by section 538 of the Kentucky Civil Code of Practice, that court made the following order:

"It is therefore ordered and adjudged by the court that the plaintiff's motions be sustained and that plaintiff is entitled to use as evidence the facts stated in the reports and papers filed by any or all of the defendants in the office of the collector of internal revenue for the sixth district of Kentucky, and also such facts as are stated in the reports made to said office by certain officers known as United States storekeepers, and any other similar records, papers, documents or exemplifications in said office tending to show the amount of liquors on hand at the distillery of the defendants on the 14th day of September 1889, 1890, 1891, 1893, 1894, 1895, 1896 and on the 15th day of November 1892; it is further ordered that the witness, D. N. Comingore, make or cause to be made or permit the plaintiff, its agent or attorneys, to make true copies of such of said papers as the plaintiff or its attorneys may demand, and that said Comingore, as collector, attest the same and attach his seal of office thereto, if he has such seal, and that he permit the plaintiff or its agents or attorneys to compare said copies with the originals and verify same, and that he shall also testify further in regard to same, if demand be made, and leave is hereby given to complete the taking of said deposition on giving proper notice, and for this purpose the clerk is directed upon request of plaintiff's attorneys to transmit said deposition as now on file to W. A. Price, notary public, Covington, Ky. It is further adjudged that the action of the notary public, Price, in adjudging the witness, D. N. Comingore, to be in contempt for failure to file copies of reports, papers, documents and exemplifications or to testify as to their contents, as requested, be sustained and affirmed, and that the Commonwealth of Kentucky recover of said D. N. Comingore the sum of $5 as a fine, and that he be taken by the sheriff of Kenton County, Ky., and confined in the jail of said county for the space of 6 hours, or until he signifies his willingness to comply with the request made in the deposition attempted to be taken, as follows: Please file official copies of the reports made to your office by Block & Son as to the amount of liquor which they manufactured and deposited in the bonded warehouses located on their distillery premises from the year 1887 down to the present time, and also official copies of applications made by them to your office during said time for permission to withdraw such liquors from bond. Also with the following request: Please file official copies of such reports of the United States storekeepers as show the liquors on hand at the warehouses on the distillery premises of the defendants in Carroll County on September 15, 1890, September 15, 1891, November 15, 1892, September 15, 1893, 1894, 1895 and 1896."

This action of the county court having been brought to the attention of the collector, he still refused to give the copies called for or to allow access to or inspection of the records of his office for the purposes indicated by the questions propounded to him. He was thereupon again held by the notary public to be in contempt, and, the petition states, that officer adjudged that "the Commonwealth of Kentucky recover of your petitioner the sum of $5 as a fine, and

that he be taken by the sheriff or some constable of Kenton County and confined in the jail of said county for the space of 6 hours or until he shall signify his willingness to purge himself of the said contempt and testify and give the information from the records and documents under his control and in his custody as collector of internal revenue of the United States for the Sixth District of Kentucky or allow an inspection of his records for the purpose of obtaining such information for use as evidence in said action of *The Commonwealth of Kentucky* v. *Block et al.*, in said county court," etc.

Having been taken into custody by the sheriff under this order, the collector sued out a writ of habeas corpus and was discharged from custody by the order of the United States District Court for the Kentucky District.

1. In the brief of the Assistant Attorney General some doubt is expressed whether we can take cognizance of this case upon appeal from the district court. Prior to the passage of the act of March 3, 1891, establishing the circuit court of appeals, an appeal from the final judgment of a district court on an application for a writ of habeas corpus by or on behalf of one alleged to be restrained of his liberty in violation of the Constitution or any law of the United States went first to the circuit court (Rev. Stat. sec. 763). But by the above act of 1891 it was provided that appeals or writs of error may be taken from the district courts or from the circuit courts direct to this court in certain cases, among others, "in any case that involves the construction or application of the Constitution of the United States" (26 Stat. 826, 828, c. 517, sec. 5). The present case belongs to that class. The appellee, who was discharged upon habeas corpus, invoked the protection of the Constitution against his being restrained of his liberty by the appellant acting under an order of commitment issued by an inferior State court; and the judgment of the district court proceeded upon the ground that the proceedings against him were inconsistent with the laws of the United States and with the regulations of the Treasury Department legally prescribed under those laws. Throughout, the contention of the appellant has been that the Constitution forbade the giving of the force of law to those regulations adopted by merely executive officers. We think the case is properly here on appeal as one involving the construction and application of the Constitution of the United States.

2. Of the power of the district court to discharge the appellee if he was held in custody in violation of the Constitution of the United States, no doubt can be entertained. It is true that in *Ex parte Royall* (117 U. S. 241, 251), it was said that although a court of the United States had power to discharge one held in custody by State authorities in violation of the Constitution of the United States, it was not bound to interpose immediately upon application being made for the writ, but should exercise the discretion with which it was invested "in the light of the relations existing, under our system of government, between the judicial tribunals of the Union and of the States, and in recognition of the fact that the public good requires that those relations be not disturbed by unnecessary conflict between courts equally bound to guard and protect rights secured by the Constitution." Hence, the general rule that the courts of the United States should not interfere by habeas corpus with the custody by State authorities of one claiming to be held in violation of the Constitution or laws of the United States, until after final action by the State courts in the case in which such custody exists. Ex parte Royall, above cited; *New York* v. *Eno* (155 U. S. 89), and authorities there cited; *Whitten* v. *Tomlinson* (160 U. S. 231), and authorities there cited. But to this general rule there are exceptions which are thus indicated in Ex parte Royall: "When the petitioner is in custody by State authority for an act done or omitted to be done in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or where, being a subject or citizen of a foreign state, and domiciled therein, he is in custody, under like authority, for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; in such and like cases of urgency, involving the authority and operations of the General Government, or the obligations of this country to, or its relations with, foreign nations, the courts of the United States have frequently interposed by writs of habeas corpus and discharged prisoners who were held in custody under State authority."

The present case was one of urgency, in that the appellee was an officer in the revenue service of the United States whose presence at his post of duty was important to the public interests, and whose detention in prison by the State authorities might have interfered with the regular and orderly course of the business of the Department to which he belonged. The district court therefore did not err in determining the question of constitutional law raised by the application for a writ of habeas corpus, and rendering final judgment.

3. We come then to inquire whether the imprisonment of the appellee was in violation of the Constitution or laws of the United States. This question was fully examined in the elaborate and able opinion of Judge Evans, of the district court (96 Fed. Rep. 552).

The commitment of the appellee was because of a refusal to file with his deposition copies of certain reports made to him by Block & Sons, distillers, of liquors manufactured by them and deposited in the bonded warehouses on the distillery premises during a specified period. Manifestly, he could not have filed the copies called for without violating regulations formally promulgated by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. If these regulations were such as the Secretary could legally prescribe, then, it must be conceded, the State authorities were without jurisdiction to compel the collector to violate them.

The Commissioner of Internal Revenue is an officer in the Department of the Treasury (Rev. Stat. sec. 319). And the Secretary of the Treasury, as the head of an executive department of the Government, was authorized "to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use and preservation of the records, papers, and property appertaining to it" (Rev. Stat. sec. 161).

Now, the reports or copies of reports in the possession of the collector—for not producing copies of which he was adjudged to be imprisoned—were records and papers appertaining to the business of the Treasury Department and belonging to the United States. The Secretary was authorized by statute to make regulations, not inconsistent with law, for the custody, use, and preservation of such records, papers, and property. The Constitution gives Congress power to make all laws necessary and proper for carrying into execution the powers vested by that instrument in the Government of the United States or in any Department or officer thereof (Const. art. 1, sec. 8). That power was exerted by Congress when it authorized the Secretary of the Treasury to provide by regulations not inconsistent with law for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. The regulations in question may not have been absolutely or indispensably necessary to accomplish the objects indicated by the statute. But that is not the test to be applied when we are determining whether an act of Congress transcends the powers conferred upon it by the Constitution. Congress has a large discretion as to the means to be employed in the execution of a power conferred upon it, and is not restricted to "those alone without which the power would be nugatory;" for, "all means which are appropriate, which are plainly adapted" to the end authorized to be attained, "which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." "Where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground." *McCulloch* v. *Maryland* (4 Wheat. 316, 415, 421, 423). In the more recent case of *Logan* v. *United States* (144 U. S. 263, 283, 293), this court, referring to the above constitutional provision, said that "in the exercise of this general power of legislation, Congress may use any means, appearing to it most eligible and appropriate, which are adapted to the end to be accomplished, and are consistent with the letter and the spirit of the Constitution." Again: "Every right created by, arising under or dependent upon the Constitution of the United States may be protected and enforced by Congress by such means and in such manner as Congress, in the exercise of the correlative duty of protection, or of the legislative powers conferred upon it by the Constitution, may in its discretion deem most eligible and best adapted to attain the object."

Can it be said that to invest the Secretary of the Treasury with authority to prescribe regulations not inconsistent with law for the conduct of the business of his Department, and to provide for the custody, use, and preservation of the records, papers, and property appertaining to it, was not a means appropriate and plainly adapted to the successful administration of the affairs of that Department? Manifestly not. The bare statement of the proposition suggests this conclusion, and extended argument to support it is unnecessary.

This brings us to the question whether it was inconsistent with law for the Secretary to adopt a regulation declaring that all records in the offices of collectors of internal revenue, or any of their deputies, are in their custody and control "for purposes relating to the collection of the revenues of the United States only," and that collectors "have no control of them, and no discretion with regard to permitting the use of them for any other purpose."

There is certainly no statute which expressly or by necessary implication forbade the adoption of such a regulation. This being the case, we do not perceive upon what ground the regulation in question can be regarded as inconsistent with law, unless it be that the records and papers in the office of a collector of internal revenue are at all times open of right to inspection and examination by the public, despite the wishes of the Department. That cannot be admitted. The papers in question, copies of which were sought from the appellee, were the property of the United States, and were in his official custody under a regulation forbidding him to permit their use except for purposes relating to the collection of the revenues of the United States. Reasons of public policy may well have suggested the

necessity, in the interest of the Government, of not allowing access to the records in the offices of collectors of internal revenue, except as might be directed by the Secretary of the Treasury. The interests of persons compelled, under the revenue laws, to furnish information as to their private business affairs would often be seriously affected if the disclosures so made were not properly guarded. Besides, great confusion might arise in the business of the Department if the Secretary allowed the use of records and papers in the custody of collectors to depend upon the discretion or judgment of subordinates. At any rate, the Secretary deemed the regulation in question a wise and proper one, and we cannot perceive that his action was beyond the authority conferred upon him by Congress. In determining whether the regulations promulgated by him are consistent with law, we must apply the rule of decision which controls when an act of Congress is assailed as not being within the powers conferred upon it by the Constitution; that is to say, a regulation adopted under section 161 of the Revised Statutes should not be disregarded or annulled unless, in the judgment of the court, it is plainly and palpably inconsistent with law. Those who insist that such a regulation is invalid must make its invalidity so manifest that the court has no choice except to hold that the Secretary has exceeded his authority and employed means that are not at all appropriate to the end specified in the act of Congress.

In our opinion the Secretary, under the regulations as to the custody, use, and preservation of the records, papers, and property appertaining to the business of his Department, may take from a subordinate, such as a collector, all discretion as to permitting the records in his custody to be used for any other purpose than the collection of the revenue, and reserve for his own determination all matters of that character.

The judgment of the district court is affirmed.

UNITED STATES EX REL. TOUHY *v.* RAGEN, WARDEN, ET AL.—CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT—No. 83—ARGUED NOVEMBER 27–28, 1950—DECIDED FEBRUARY 26, 1951

1. Pursuant to Department of Justice Order No. 3229, issued by the Attorney General under title 5, United States Code, section 22, a subordinate official of the Department of Justice refused, in a habeas corpus proceeding by a State prisoner, to obey a subpena duces tecum requiring him to produce papers of the Department in his possession. Held: Order No. 3229 is valid and the subordinate official properly refused to produce the papers. Pages 463–468.

2. The trial court not having questioned the subordinate official on his willingness to submit the material to the court for determination as to its materiality to the case and whether it should be disclosed, the issue of how far the Attorney General could or did waive any claimed privilege against disclosure is here immaterial. Page 468.

3. Order No. 3229 was a valid exercise by the Attorney General of his authority under title 5, United States Code, section 22, to prescribe regulations not inconsistent with law for the custody, use, and preservation of the records, papers, and property appertaining to the Department of Justice. *Boske* v. *Comingore* (177 U. S. 459), pages 468–470. 180 F. 2d 321, affirmed.

In a habeas corpus proceeding by a State prisoner, the district court adjudged a subordinate official of the Department of Justice guilty of contempt for refusal to produce papers required by a subpena duces tecum. The court of appeals reversed (180 F. 2d 321). This court granted certiorari (340 U. S. 806). Affirmed, page 470.

Robert B. Johnstone argued the cause for petitioner. With him on the brief were Edward M. Burke and Howard B. Bryant.

Robert S. Erdahl argued the cause for McSwain, respondent. With him on the brief were Solicitor General Perlman, Assistant Attorney General McInerney, Stanley M. Silverberg and Philip R. Monahan.

Mr. Justice Reed delivered the opinion of the Court.

This proceeding brings here the question of the right of a subordinate official of the Department of Justice of the United States to refuse to obey a subpena duces tecum ordering production of papers of the Department in his possession. The refusal was based upon a regulation[1] issued by the Attorney General under title 5 United States Code, section 22.[2]

Petitioner, Roger Touhy, an inmate of the Illinois State penitentiary, instituted a habeas corpus proceeding in the United States District Court for the Northern District of Illinois against the warden, alleging he was restrained in violation of the due process clause of the Federal Constitution. In the course of that proceeding a subpena duces tecum was issued and served upon George R. McSwain, the agent in charge of the Federal Bureau of Investigation at Chicago, requiring the production of certain records which, petitioner Touhy claims, contained evidence establishing that his conviction was brought about by fraud.[3] At the hearing that considered the duty of submission of the subpenaed papers, the United States attorney made representations to the court and to opposing counsel as to how far the Attorney General was willing for his subordinates to go in the production of the subpenaed papers. The suggestions were not accepted. Mr. McSwain was then placed upon the witness stand and ordered to bring in the papers. He personally declined to produce the records in these words:

"I must respectfully advise the court that under instructions to me by the Attorney General that I must respectfully decline to produce them, in accordance with Department Rule No. 3229."[4]

Thereupon, the judge found Mr. McSwain guilty of contempt of court in refusing to produce the records referred to in the subpena and sentenced him to be committed to the custody of the Attorney General of the United States or his authorized representative until he obeyed the order of the court or was discharged by due process of law.

On appeal, the Court of Appeals reversed on the ground that Department of Justice Order No. 3229 was authorized by the statute and "confers upon the Department of Justice the privilege of refusing to produce unless there has been a waiver of such privilege" (180 F. 2d 321 at 327).

The court then considered whether or not the privilege of nondisclosure was waived. It quoted from supplement No. 2 to order No. 3229 this language:

"If questioned, the officer or employee should state that the material is at hand and can be submitted to the court for determination as to its materiality to the case and whether in the best public interests the information should be disclosed. The records should be kept in the United States attorney's office or some similar place of safekeeping near the courtroom. Under no circumstances should the name of any confidential informant be divulged" (180 F. 2d at 328).

The Court of Appeals said that "this language contemplates some circumstances when the material called for must be submitted 'to the court for determination as to its materiality to the case and whether in the best public interests the information should be disclosed.'" The court found, however, that no such limited disclosure was requested but that Mr. McSwain was called upon "to produce all documents and

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[1] Department of Justice Order No. 3229, filed May 2, 1946, vol. 11, Federal Register, p. 4920, reads:

"Pursuant to authority vested in me by Rev. Stat. 161, United States Code, title 5, section 22, it is hereby ordered:

"All official files, documents, records and information in the offices of the Department of Justice, including the several offices of United States attorneys, Federal Bureau of Investigation, United States marshals, and Federal penal and correctional institutions, or in the custody or control of any officer or employee of the Department of Justice, are to be regarded as confidential. No officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the assistant to the Attorney General, or an assistant Attorney General acting for him.

"Whenever a subpena duces tecum is served to produce any of such files, documents, records or information, the officer or employee on whom such subpena is served, unless otherwise expressly directed by the Attorney General, will appear in court in answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this regulation."

Supplement No. 2 to that order, dated June 6, 1947, provides in part:

"To all United States attorneys:

"PROCEDURE TO BE FOLLOWED UPON RECEIVING A SUBPENA DUCES TECUM

"Whenever an officer or employee of the Department is served with a subpena duces tecum to produce any official files, documents, records or information he should at once inform his superior officer of the requirement of the subpena and ask for instructions from the Attorney General. If, in the opinion of the Attorney General, circumstances or conditions make it necessary to decline in the interest of public policy to furnish the information, the officer or employee on whom the subpena is served will appear in court in answer thereto and courteously state to the court that he has consulted the Department of Justice and is acting in accordance with instructions of the Attorney General in refusing to produce the records.

* * * * *

"It is not necessary to bring the required documents into the courtroom and on the witness stand when it is the intention of the officer or employee to comply with the subpena by submitting the regulation of the Department (Order No. 3229) and explaining that he is not permitted to show the files. If questioned, the officer or employee should state that the material is at hand and can be submitted to the court for determination as to its materiality to the case and whether in the best public interests the information should be disclosed. The records should be kept in the United States attorney's office or some similar place of safekeeping near the courtroom. Under no circumstances should the name of any confidential informant be divulged."

[2] "The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it."

[3] The subpena was also addressed to the Attorney General. There is no contention, however, that the Attorney General was personally served with the subpena; nor did he appear. See Fed. Rules Civ. Proc., 45.

[4] We take this answer to refer to both the original Department of Justice Order No. 3229 and the supplement.

material called for in the subpena without limitation and that at no time was he questioned" as to his willingness to submit the papers for determination as to materiality and best public interests. Consequently, he was not guilty of contempt unless the law required the witness to make unlimited production. The court thought that, since this last would mean there was no privilege in the Department to refuse production, such a holding should not be made. It said:

"Submission could only have been required to the extent the privilege had been waived by the Attorney General and for the purpose and in the specific manner designated" (180 F. 2d at 328).

We granted certiorari, title 340, United States Code, page 806, to determine the validity of the Department of Justice Order No. 3229. Among the questions duly presented by the petition for certiorari was whether it is permissible for the Attorney General to make a conclusive determination not to produce records and whether his subordinates in accordance with the order may lawfully decline to produce them in response to a subpena duces tecum.

We find it unnecessary, however, to consider the ultimate reach of the authority of the Attorney General to refuse to produce at a court's order the Government papers in his possession, for the case as we understand it raises no question as to the power of the Attorney General himself to make such a refusal. The Attorney General was not before the trial court. It is true that his subordinate, Mr. McSwain, acted in accordance with the Attorney General's instructions and a department order. But we limit our examination to what this record shows, to wit, a refusal by a subordinate of the Department of Justice to submit papers to the court in response to its subpena duces tecum on the ground that the subordinate is prohibited from making such submission by his superior through order No. 3229.[5] The validity of the superior's action is in issue only insofar as we must determine whether the Attorney General can validly withdraw from his subordinates the power to release department papers. Nor are we here concerned with the effect of a refusal to produce in a prosecution by the United States[6] or with the right of a custodian of Government papers to refuse to produce them on the ground that they are state secrets[7] or that they would disclose the names of informants.[8]

We think that order No. 3229 is valid and that Mr. McSwain in this case properly refused to produce these papers. We agree with the conclusion of the court of appeals that since Mr. McSwain was not questioned on his willingness to submit the material "to the court for determination as to its materiality to the case," and whether it should be disclosed, the issue of how far the Attorney General could or did waive any claimed privilege against disclosure is not material in this case.

Department of Justice order No. 3229, note 1, supra, was promulgated under the authority of title 5, United States Code, section 22. That statute appears in its present form in Revised Statutes section 161, and consolidates several older statutes relating to individual departments. See, for example, 16th Statutes at Large, page 163. When one considers the variety of information contained in the files of any Government department and the possibilities of harm from unrestricted disclosure in court, the usefulness, indeed the necessity, of centralizing determination as to whether subpenas duces tecum will be willingly obeyed or challenged is obvious. Hence it was appropriate for the Attorney General, pursuant to the authority given him by title 5, United States Code, section 22, to prescribe regulations not inconsistent with law for "the custody, use, and preservation of the records, papers, and property appertaining to" the Department of Justice, to promulgate order 3229.

Petitioner challenges the validity of the issue of the order under a legal doctrine which makes the head of a department rather than a court the determinator of the admissibility of evidence. In support of his argument that the Executive should not invade the judicial sphere, petitioner cites Wigmore, Evidence (3d ed.), section 2379, and *Marbury* v. *Madison* (1 Cranch 137). But under this record we are concerned only with the validity of order No. 3229. The constitutionality of the Attorney General's exercise of a determinative power as to whether or on what conditions or subject to what disadvantages to the Government he may refuse to produce Government papers under his charge must await a factual situation that requires a ruling.[9] We think order No. 3229 is consistent with law. This case is ruled by *Boske* v. *Comingore* (177 U. S. 459).[10]

That case concerned a collector of internal revenue adjudged in contempt for failing to file with his deposition copies of a distiller's reports in his possession as a subordinate officer of the Treasury. The information was needed in litigation in a State court to collect a State tax. The regulation upon which the collector relied for his refusal was of the same general character as order No. 3229.[11] After referring to the constitutional authority for the enactment of Revised Statute section 161, the basis, as title 5 United States Code, section 22, for the regulation now under consideration, this Court reached the question of whether the regulation centralizing in the Secretary of the Treasury the discretion to submit records voluntarily to the courts was inconsistent with law, page 469. It concluded that the Secretary's reservation for his own determination of all matters of that character was lawful.

We see no material distinction between that case and this.

The judgment of the Court of Appeals is affirmed.

Mr. Justice Black and Mr. Justice Douglas are of the opinion the judgment of the district court should be affirmed.

Mr. Justice Clark took no part in the consideration or decision of this case.

Mr. Justice Frankfurter, concurring.

Issues of far-reaching importance that the Government deemed to be involved in this case are now expressly left undecided. But they are questions that lie near the judicial horizon. To avoid future misunderstanding, I deem it important to state my understanding of the opinion of the Court—what it decided and what it leaves wholly open—on the basis of which I concur in it.

"This case," the Court holds, "is ruled" by *Boske* v. *Comingore* (177 U. S. 459). I agree. *Boske* v. *Comingore* decided that the Secretary of the Treasury was authorized, as a matter of internal administration in his Department, to require that his subordinates decline to produce Treasury records in their possession. In the case before us, production of documents belonging to the Department of Justice was declined by virtue of an order of the Attorney General instructing his subordinates not to produce certain documents. The authority of the Attorney General to make such a regulation for the internal conduct of the Department of Justice is not less than the power of the Secretary of the Treasury to promulgate the order upheld in *Boske* v. *Comingore*, supra.

But in holding that that decision rules this, the context of the earlier decision and the qualifications which that context implies become important. The regulation in *Boske* v. *Comingore* provided: (1) That collectors should under no circumstances disclose tax reports or produce them in court, and (2) that reports could be obtained only "on a rule of the court upon the Secretary of the Treasury" (177 U. S. at 460–461). The regulation also stated that the reports would be disclosed by the Secretary of the Treasury "unless it should be found that circumstances or conditions exist which makes it necessary to decline, in the interest of the public service, to furnish such a copy." Ibid. This portion of the regulation was not in issue, however, for the Court was considering the failure of the collector to produce, not the failure of the Secretary of the Treasury. This is emphasized by the Government's suggestion that:

"[I]f the reports themselves were to be used this could be secured by a subpena duces tecum to the head of the Treasury Department or someone under his direction, who would produce the original papers themselves in court for introduction as evidence in the trial of the cause." Brief for Appellee, page 49, *Boske* v. *Comingore, supra*.

And the decision was strictly confined to the narrow issue before the Court. It is epitomized in the concluding paragraph of the Boske opinion:

"In our opinion the Secretary, under the regulations as to the custody, use, and pres-

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[5] Although in this record there are indications that the United States attorney was willing to submit the papers to the judge alone for his determination as to their materiality, the judge refused to accept the papers for examination on that basis. There is also in the record indication that the United States attorney thought of submitting the papers to the court and opposing counsel in chambers but changed his mind. For our conclusion none of these facts are material, as the final order adjudging Mr. McSwain guilty of contempt was based, as above indicated, on a refusal by Mr. McSwain to produce, as instructed by the Attorney General in accordance with Department Order No. 3229.

[6] *Cf. United States* v. *Andolschek* (142 F. 2d 503).

[7] See Wigmore, Evidence (3d ed.), sec. 2378.

[8] See Wigmore, Evidence (2d ed.), sec. 2374.

[9] *Rescue Army* v. *Municipal Court of Los Angeles* (331 U. S. 549). For relatively recent consideration of the problem underlying governmental privilege against producing evidence, compare *Duncan* v. *Cammell, Laird & Co.* (1942) A. C. 624, with *Robinson* v. *State of South Australia* (1931) A. C. 704.

[10] That case has been generally followed. See, e. g., *Ex parte Sackett* (74 F. 2d 922); In re Valecia Condensed Milk Co. (240 F. 310); *Harwood* v. *McMurtry* (22 F. Supp. 572); *Stegall* v. *Thurman* (175 F. 813); *Walling* v. *Comet Carriers, Inc.* (3 F. R. D. 442, 443).

[11] The following excerpts will show the similarity:

"Whenever such subpenas shall have been served upon them, they will appear in court in answer thereto and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the regulations of this department. * * * In all cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished to the court only and on a rule of the court upon the Secretary of the Treasury requesting the same. Whenever such rule of the court shall have been obtained collectors are directed to carefully prepare a copy of the record or document containing the information called for and send it to this office, whereupon it will be transmitted to the Secretary of the Treasury with a request for its authentication, under the seal of the department, and transmission to the judge of the court calling for it, unless it should be found that circumstances or conditions exist which makes it necessary to decline, in the interest of the public service, to furnish such a copy" (177 U. S. 461).

ervation of the records, papers, and property appertaining to the business of his Department, may take from a subordinate, such as a collector, all discretion as to permitting the records in his custody to be used for any other purpose than the collection of the revenue, and reserve for his own determination all matters of that character." (177 U. S. at 470).

There is not a hint in the Boske opinion that the Government can shut off an appropriate judicial demand for such papers.

I wholly agree with what is now decided insofar as it finds that whether, when, and how the Attorney General himself can be granted an immunity from the duty to disclose information contained in documents within his possession that are relevant to a judicial proceeding are matters not here for adjudication. Therefore, not one of these questions is impliedly affected by the very narrow ruling on which the present decision rests. Specifically, the decision and opinion in this case cannot afford a basis for a future suggestion that the Attorney General can forbid every subordinate who is capable of being served by process from producing relevant documents and later contest a requirement upon him to produce on the ground that procedurally he cannot be reached. In joining the Court's opinion I assume the contrary—that the Attorney General can be reached by legal process.

Though he may be so reached, what disclosures he may be compelled to make is another matter. It will of course be open to him to raise those issues of privilege from testimonial compulsion which the Court rightly holds are not before us now. But unless the Attorney General's amenability to process is impliedly recognized we should candidly face the issue of the immunity pertaining to the information which is here sought. To hold now that the Attorney General is empowered to forbid his subordinates, though within a court's jurisdiction, to produce documents and to hold later that the Attorney General himself cannot in any event be procedurally reached would be to apply a fox-hunting theory of justice that ought to make Bentham's skeleton rattle.

Mr. HRUSKA. I thank the Senator from South Carolina for his helpful answer. It will clear up the point in the legislative history and will be helpful later. I should like to ask a further question.

Would it follow, from what I have just stated, that after the proposed amendment is passed, the authority of the head of an executive department based on section 161 to centralize control of information in himself by appropriate orders and regulations would not be changed from what it is now? I refer to authority under section 161 to centralize responsibility, not to authority to disclose or withhold.

Mr. JOHNSTON of South Carolina. In answer to the question of the distintinguished Senator from Nebraska, I would like to quote the words of Dr. Harold L. Cross, special counsel in freedom of information matters for the American Society of Newspaper Editors, when he testified on February 7, 1958, before a subcommittee of the House Government Operations Committee in connection with H. R. 2767, the companion bill in the House of Representatives identical to S. 921. When asked how Boske against Comingore and Touhy against Ragen would be affected by the amendment to section 161 proposed by the bill, Dr. Cross stated:

Those two cases held, only, that under title 5, United States Code, section 22, the head of 1 of the 10 executive departments in a manner not inconsistent with law might, by regulation, centralize in himself the decision whether or not voluntarily to make a record public, thereby removing that determination from the subordinates in the department.

Those decisions, which, in my opinion, correctly interpret title 5, United States Code, section 22, would not be affected at all by the amendment. They would remain the law of the land.

I fully subscribe to this view, and I quote Dr. Cross now because he stated so clearly and precisely what was in the mind of the senior Senator from Missouri [Mr. HENNINGS] when he introduced the pending bill in the Senate last year.

Mr. HRUSKA. If the Senator will further yield, I should like to ask him to comment concerning a statement on page 1 of the committee report on the bill, as follows:

The purpose of the bill is to clarify the scope of the authority granted to the heads of the executive departments under section 161 of the Revised Statutes and to make it clear beyond any doubt that this statute in no way authorizes withholding of information from the public or limiting the availability of records to the public.

The words "in no way" in that statement may be susceptible to various interpretations. For example—

In the next to the last paragraph in the report of the Post Office Department on the bill, which is reproduced on page 10 of the committee report, that Department expressed the view that—

If the law is amended as proposed by these bills, we believe it will prohibit the Postmaster General from instructing his employees that they may not release to the public certain information.

Does the Senator agree that the amendment to section 161 of the Revised Statutes which would be made by the bill would not prohibit the Postmaster General, as the head of an executive department and the heads of other executive departments, from prescribing regulations instructing their respective employees to refer requests for certain information to the head of the Department for decision?

Mr. JOHNSTON of South Carolina. As I understand the question, I think that what my colleague from Nebraska has just asked about is covered by what was said before concerning the effect of the proposed amendment on the decision in Boske against Comingore and Touhy against Ragen. To whatever extent section 161 now authorizes the Postmaster General or the head of any of the other executive departments to prescribe regulations instructing his employees to refer requests for certain information to him for decision, such authority will remain unchanged by the proposed amendment.

Mr. HRUSKA. Does the Senator agree that in the statement of the purpose of the bill in the committee report the words "in no way" are applicable only to the officers who are referred to in section 161, the head of each executive department?

Mr. JOHNSTON of South Carolina. I think I can answer that question best by saying that the phrase "in no way" is applicable to everyone, including the head of each executive department, who attempts to cite section 161 itself as authority to withhold information or limit the availability of records.

Mr. HRUSKA. However, if a subordinate cited section 161 as amended, plus a directive from the head of his department that he refer requests for information, would that not constitute authority for such subordinate to withhold?

Mr. JOHNSTON of South Carolina. Assuming the directive was a valid directive, promulgated by the head of the executive department under section 161, then under the holding in the Touhy against Ragen case, that directive would constitute good authority for the subordinate to refer a request for information to the department head.

Mr. HRUSKA. Is it not true that section 161, either with or without the amendment in S. 921, applies only to heads of the 10 executive departments—in popular language, the "Cabinet" departments—and does not apply to the head of any independent agency?

Mr. JOHNSTON of South Carolina. Yes; my distinguished colleague from Nebraska is absolutely correct. Section 161 applies only to the heads of the executive departments.

I might say, on this point, that the Constitutional Rights Subcommittee has found that despite the fact that section 161 by its very terms applies only to the heads of the executive departments, several of the so-called independent agencies actually have cited it as authority to withhold information. In other words, not only has section 161 been miscited for the wrong purpose, but it also has been miscited by the wrong persons.

Mr. HRUSKA. There may be a question as to whether the amendment, providing that section 161 does not authorize withholding of information from the public or limiting the availability of records to the public, would permit the head of an executive department to prescribe regulations that requests for official information or that official records be made available must be presented during the regular hours of business of that department, to certain employees in certain offices, and so on.

Does the Senator agree that the amendment which S. 921 would make to section 161 does not prohibit the head of an executive department from prescribing reasonable housekeeping regulations as to the time, place, and method of presentation of any request for information from the books, records, and property appertaining to his department?

Mr. JOHNSTON of South Carolina. In general, I agree with what the distinguished Senator from Nebraska has said. It is not contemplated that the amendments which S. 921 would make to section 161, would prevent the head of an executive department from prescribing reasonable housekeeping regulations as to the time, place, and method of presentation of requests for information. For example, at the moment I can visualize no reason why under this amendment the head of an executive department could not validly

issue a regulation, not inconsistent with law, setting forth that various official records were to be available for public inspection only during the regular hours of business of that department. As long as the regulation was reasonable and fair under the particular circumstances, I think such a regulation would be valid under section 161 as it is written today and as it would be amended by S. 921.

Mr. HRUSKA. In April 1941 the chairman of the House Committee on Naval Affairs requested that this committee be furnished with certain FBI investigative reports respecting industrial establishments which had naval contracts. In a letter to the committee chairman Attorney General Jackson advised him that it is the position of the Department of Justice, restated now with the approval and at the direction of the President, then Franklin D. Roosevelt, that all investigative reports are confidential documents of the executive branch and that Congressional or public access thereto would not be in the public interest. This letter is reproduced in 40 Opinions of Attorneys General 45 (1941).

Does the Senator agree that in the absence of a statute making such reports confidential any authority of the executive branch to withhold such reports from Congressional or public inspection must be found in the Constitution?

Mr. JOHNSTON of South Carolina. The question raised by the Senator from Nebraska is a very interesting one, and can best be dealt with now, I suggest, by referring to the committee report on S. 921.

On page 6 of that report, under the heading, "Will Not Affect Executive Privilege," it is stated:

> In the opinion of the committee, the enactment of the pending bill will in no way affect, nor is it intended to affect, what the Attorney General describes as an executive privilege to withhold information from the Congress and the public. To whatever extent such an executive privilege exists, it must be founded on the principle of separation of powers under the Constitution and, accordingly, will not be repealed, amended, or impaired by the proposed amendment to section 161.

From this language in the committee report it is clear that the committee in no way deemed it necessary to pass on the question whether there exists an executive privilege flowing from the Constitution, or to what extent such a privilege might exist. This question actually is extraneous both to the subject matter of the report and to our consideration of the bill. As the present Attorney General testified when he appeared before the Constitutional Rights Subcommittee in connection with this bill, and I quote from page 4 of the committee report:

> This (sec. 161) is a housekeeping statute, which says they keep the records, they hold them physically. It doesn't relate at all to executive privilege.

In this instance, I agree with the Attorney General. Neither section 161 nor the pending bill have any relation at all to any executive privilege. Accordingly, I do not think it is necessary or appropriate in our consideration of the present bill to attempt to answer the various questions raised from time to time about the so-called executive privilege and the powers of the executive branch under the Constitution to withhold information from the Congress or the public. I think it is sufficient that in the committee report it is stated unequivocally that the amendment to the housekeeping statute proposed in the pending bill in no way will impair any executive privilege or executive order or power flowing from the Constitution.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a statement of Position of the Executive Department Regarding Investigative Reports, dated April 30, 1941, addressed to Hon. CARL VINSON, chairman, House Committee on Naval Affairs, and signed by Robert H. Jackson, then Attorney General of the United States.

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

POSITION OF THE EXECUTIVE DEPARTMENT REGARDING INVESTIGATIVE REPORTS

It is the position of the Department of Justice, restated now with the approval and at the direction of the President, that all investigative reports are confidential documents of the executive department and that Congressional or public access thereto would not be in the public interest.

This accords with the conclusions reached by a long line of predecessors in the office of Attorney General and with the position taken by the President from time to time since Washington's administration; and this discretion in the executive branch has been upheld and respected by the judiciary.

APRIL 30, 1941.

Hon. CARL VINSON,
Chairman, House Committee on Naval Affairs.

MY DEAR MR. VINSON: I have your letter of April 23, requesting that your committee be furnished with all Federal Bureau of Investigation reports since June 1939, together with all future reports, memorandums, and correspondence of the Federal Bureau of Investigation, or the Department of Justice, in connection with "investigations made by the Department of Justice arising out of strikes, subversive activities in connection with labor disputes, or labor disturbances of any kind in industrial establishments which have naval contracts, either as prime contractors or subcontractors."

Your request to be furnished reports of the Federal Bureau of Investigation is one of the many made by Congressional committees. I have on my desk at this time two other such requests for access to Federal Bureau of Investigation files. The number of these requests would alone make compliance impracticable, particularly where the requests are of so comprehensive a character as those contained in your letter. In view of the increasing frequency of these requests, I desire to restate our policy at some length, together with the reasons which require it.

It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to take care that the laws be faithfully executed, and that Congressional or public access to them would not be in the public interest.

Disclosure of the reports could not do otherwise than seriously prejudice law enforcement. Counsel for a defendant or prospective defendant, could have no greater help than to know how much or how little information the Government has, and what witnesses or sources of information it can rely upon. This is exactly what these reports are intended to contain.

Disclosure of the reports at this particular time would also prejudice the national defense and be of aid and comfort to the very subversive elements against which you wish to protect the country. For this reason we have made extraordinary efforts to see that the results of counterespionage activities and intelligence activities of this Department involving those elements are kept within the fewest possible hands. A catalog of persons under investigation or suspicion, and what we know about them, would be of inestimable service to foreign agencies; and information which could be so used cannot be too closely guarded.

Moreover, disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. As you probably know, much of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants—sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency.

Disclosure of information contained in the reports might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation.

In concluding that the public interest does not permit general access to Federal Bureau of Investigation reports for information by the many Congressional committees who from time to time ask it, I am following the conclusions reached by a long line of distinguished predecessors in this office who have uniformly taken the same view. Examples of this are to be found in the following letters, among others:

Letter of Attorney General Knox to the Speaker of the House, dated April 27, 1904, declining to comply with a resolution of the House requesting the Attorney General to furnish the House with all papers and documents and other information concerning the investigation of the Northern Securities case.

Letter of Attorney General Bonaparte to the Speaker of the House, dated April 13, 1908, declining to comply with a resolution of the House requesting the Attorney General to furnish to the House information concerning the investigation of certain corporations engaged in the manufacture of wood pulp or print paper.

Letter of Attorney General Wickersham to the Speaker of the House, dated March 18, 1912, declining to comply with a resolution of the House directing the Attorney General to furnish to the House information concerning an investigation of the smelter trust.

Letter of Attorney General McReynolds to the Secretary to the President, dated August 28, 1914, stating that it would be incompatible with the public interest to send to the Senate in response to its resolution, reports made to the Attorney General by his associates regarding violations of law by the Standard Oil Co.

Letter of Attorney General Gregory to the President of the Senate, dated February 23, 1915, declining to comply with a resolution of the Senate requesting the Attorney General to report to the Senate his findings and

conclusions in the investigation of the smelting industry.

Letter of Attorney General Sargent to the chairman of the House Judiciary Committee, dated June 8, 1926, declining to comply with his request to turn over to the committee all papers in the files of the Department relating to the merger of certain oil companies.

In taking this position my predecessors in this office have followed eminent examples.

Since the beginning of the Government the executive branch has from time to time been confronted with the unpleasant duty of declining to furnish to the Congress and to the courts information which it has acquired and which is necessary to it in the administration of statutes. As early as 1796 the House of Representatives requested President Washington to lay before the House a copy of the instructions to ministers of the United States who negotiated a treaty with Great Britain, together with the correspondence and other documents relating to that treaty. In declining to comply with the request, President Washington said:

"As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office * * * forbids a compliance with your request." (See Richardson, Messages and Papers of the Presidents, v. 1, pp. 194, 196.)

In 1825 the House of Representatives requested President Monroe to transmit certain documents relating to the conduct of the officers of the Navy of the United States on the Pacific Ocean, and of other public agents in South America. In his reply, President Monroe refused to comply with the request, stating that to do so might subject individuals to unjust criticism; that the individuals involved should not be censured without just cause, which could not be ascertained until after a thorough and impartial investigation of their conduct; and that under those circumstances it was thought that communication of the documents would not comport with the public interest nor with what was due to the parties concerned. (See Richardson, Messages and Papers of the Presidents, v. 2, p. 278.)

In 1833, the Senate requested President Jackson to communicate to that body a copy of a paper purporting to have been read by him to the heads of the executive departments, dated September 18, 1833, relating to the removal of the deposits of the public money from the Bank of the United States. President Jackson declined. (See Richardson, Messages and Papers of the Presidents, v. 3, p. 36.)

In 1835 the Senate passed a resolution requesting President Jackson to communicate copies of the charges, if any, which might have been made to him against the official conduct of Gideon Fitz, late surveyor general south of the State of Tennessee, which caused his removal from office. In reply President Jackson again declined to comply. (See Richardson, Messages and Papers of the Presidents, v. 3, pp. 132, 133.)

This discretion in the executive branch has been upheld and respected by the judiciary. The courts have repeatedly held that they will not and cannot require the executive to produce such papers when in the opinion of the Executive their production is contrary to the public interests. The courts have also held that the question whether the production of the papers would be against the public interest is one for the Executive and not for the courts to determine. *Marbury* v. *Madison* (1 Cranch 137, 169); *Totten* v. *United States* (92 U. S. 105); *Kilbourn* v. *Thompson* (103 U. S. 168, 190); *Vogel* v. *Gruaz* (110 U. S. 311); *In re Quarles and Butler* (158 U. S. 532); *Boske* v. *Comingore* (177 U. S. 459); *In re Huttman* (70 Fed. 699); *In re Lamberton* (124 Fed. 466); *In re Valecia Condensed Milk Co.* (240 Fed. 310); *Elrod* v. *Moss* (278 Fed. 123); *Arnstein* v. *United States* (296 Fed. 946); *Gray* v. *Pentland* (2 Sergeant & Rawle's (Pa.), 23, 28; *Thompson* v. *German Valley R. Co.* (22 N. J. Equity 111); *Worthington* v. *Scribner* (109 Mass. 487); *Appeal of Hartranft* (85 Pa. 433, 445; *2 Burr Trials*, 533–536; see also 25 Op. A. G. 326).

In *Kilbourn* v. *Thompson*, supra, the Court said:

"It is believed to be one of the chief merits of the American system of written constitutional law, that all the powers intrusted to government, whether State or national, are divided into the three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other."

In Appeal of Hartranft, supra, the Court said:

"We had better at the outstart recognize the fact, that the executive department is a coordinate branch of the Government, with power to judge what should or should not be done, within its own department, and what of its own doings and communications should or should not be kept secret, and that with it, in the exercise of these constitutional powers, the courts have no more right to interfere, than has the executive, under like conditions, to interfere with the courts."

The information here involved was collected, and is chiefly valuable, for use by the executive branch of the Government in the execution of the laws. It can be of little, if any, value in connection with the framing of legislation or the performance of any other constitutional duty of the Congress. We do not undertake to investigate strikes as to their justification or the lack of it, but confine investigation to alleged violations of law, including of course violation of statutes designed to suppress subversive activity, and to general intelligence to guide executive policy. Certainly, the evil which would necessarily flow from its untimely publication would far outweigh any possible good.

I am not unmindful of your conditional suggestion that your counsel will keep this information inviolate until such time as the committee determines its disposition. I have no doubt that this pledge would be kept and that you would weigh every consideration before making any matter public. Unfortunately, however, a policy cannot be made anew because of personal confidence of the Attorney General in the integrity and good faith of a particular committee chairman. We cannot be put in the position of discriminating between committees or of attempting to judge between them, and their individual members, each of whom has access to information once placed in the hands of the committee.

Of course, where the public interest has seemed to justify it, information as to particular situations has been supplied to Congressional committees by me and by former Attorneys General. For example, I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light. By way of further illustration, I may mention that pertinent information would be supplied in impeachment proceedings, usually instituted at the suggestion of the Department and for the good of the administration of justice.

It is for the reasons given that I feel it my duty to decline your request, believing that in them you will find justification for my refusal.

Respectfully,

ROBERT H. JACKSON.

Mr. DIRKSEN subsequently said: Mr. President, the distinguished Senator from Maine [Mr. PAYNE], has always manifested an abiding and scholarly interest in freedom of information. The Senate has passed House bill 2767, a companion bill to S. 921. Our colleague from Maine is unavoidably detained today. Therefore I ask unanimous consent that, following the consideration of S. 921 and prior to the passage of the House bill, there be printed in the RECORD a brief statement by the Senator from Maine.

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

STATEMENT BY SENATOR PAYNE

The statement has been made that human beings do not instinctively desire to live in a society where the basic freedoms prevail. Even sophisticated men take pleasure in marching in a procession which keeps perfect step with everyone acting in unison. It has only been through many centuries of bitter experience resulting from the distasteful effects of intolerance that men have learned they must master such impulses and adopt the opposite policy of giving a very wide latitude for the expression of diverse statements of fact and belief. By so doing, it was learned that human beings would lead happier, richer lives and the society which they composed would follow wiser and more fruitful courses.

The roots of freedom of the press indeed are very deep. As early as the 17th century in England when books were being printed in greater numbers and the Parliament of Puritans reestablished censorship, John Milton, in 1644 published with no license, Aeropagitica: A Speech for the Liberty of Unlicensed Printing, to the Parliament of England. The main theme of this publication was—"as good almost kill a man as kill a good book." "Give me," cried Milton, "the liberty to know, to utter, and to argue freely according to conscience, above all other liberties."

Likewise, as we all know, American colonists had done much thinking concerning freedom of the press long before the first article of the Bill of Rights was laid down as an inflexible mandate in 1791. As a matter of fact it was the suppression of such liberties by the English Crown within the colonies that played no small part in bringing about the rebellion which was climaxed by the open hostilities of the Revolutionary War. Freedom of expression was a basic requirement for a society made up of so many diverse elements. The colonists' backgrounds were as varied as the number of countries which they represented. In order to unite in any body politic and pursue a common purpose, it was necessary to foster the unrestricted freedom of expression.

The drafters of the Constitution of the new Nation thought the idea of freedom was too obvious even to be mentioned explicitly. When seeking to get the document ratified, however, men everywhere said, "Yes, we'll join, but be plainer about our liberty," and the price of ratification was the guarantee of freedoms safe from Congressional interference.

For this reason, the first amendment was written. It said: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of people peacefully to assemble and to petition the Government for a redress of grievance." Since that time this amendment has protected all Americans and safeguarded their rights. But, surprisingly enough, it has not been immune to occasional serious challenges which, if not met, could have greatly weakened American freedom.

The year 1798, for example, witnessed the passing of the Alien and Sedition Acts. The acts were passed by Congress to silence derogatory criticism of the Government and strengthen the hand of Government in an impending war with France. The Sedition Act was thoroughly denounced by Jefferson as contrary to the first amendment. He had voiced his feelings earlier in a letter stating, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost." The Alien and Sedition Acts became a partisan issue and gave the election of 1800 to Jefferson.

Another example of serious challenge occurred in December 1835, when President Andrew Jackson recommended to Congress that legislation be enacted to prevent the circulation of incendiary publications in the Southern States. "The pamphlets were being circulated through the mails attempting to incite the slaves to insurrection, and to produce a servile war," he said.

John C. Calhoun, reporting in behalf of the "Select Committee" of the Senate, presented a report which stated: "* * * they (the committee) have been constrained to adopt the position that Congress has not the power to pass such a law; that it would be a violation of one of the most sacred provisions of the Constitution, and subversive of reserved powers essential to the preservation of the domestic institutions of the slaveholding States, and, with them, their peace and security * * *"

Some of the most critical challenges to freedom of the press have occurred during wars. In periods of wartime, the Federal Government has often seen fit to limit the freedom of the press. The policy of our Government has never been to abolish freedom of the press but it has placed a number of restrictions on it. The limitations that have been placed on the press while this country has been involved in war have been for the purpose of forbidding the circulation of false reports or statements which would (1) interfere with the successful prosecution of the war, (2) cause insubordination or disloyalty in the Armed Forces, (3) obstruct recruiting of enlistment, or (4) degrade the form of government of the United States and the Constitution.

It is noteworthy, however, that during World War II far less restriction was placed upon freedom of speech and press than had seemed necessary in earlier and lesser struggles. This was a remarkable achievement for a democratic nation to accomplish when the entire Nation was actively engaged in a total war effort.

The history of the first amendment has also been one of various interpretations. Zechariah Chafee, Jr., in his book entitled, "Freedom of Speech and Press," likens the extent of the freedom granted by the first amendment to the weights at two ends of the scales. At one end, the current estimate of the values proclaimed by the first amendment. At the other end, the current estimate of dangers from particular ideas to which a substantial portion of the community objects. A review of the first amendment reveals that the scales have tipped in opposite directions during various periods in our history. Many laws have been passed by Congress restricting the freedom granted by the first amendment during periods when public opinion made serious enough objection to what then seemed a national peril to give necessary support for the passing of such legislation. It usually followed that after the immediate threat had passed and the Supreme Court had declared the act unconstitutional, the threat for which the legislation was enacted had subsided.

Within the past year, bills have been introduced in both Houses of Congress which provide for an amendment to section 161 of the Revised Statutes of the United States (5 U. S. C. 22). The amendment states: "This section does not authorize withholding information from the public or limiting the availability of records to the public." We have before us here today S. 921, which is the Senate's version of this amendment. Here again we have an opportunity to implement the first amendment, and urge passage of S. 921 as an important step in our efforts to preserve freedom of speech.

The original statute of 1789 authorized department heads to make regulations for the custody, use, and preservation of records. This statute has been seized upon in late years by department heads and other Government officials to withhold almost any information they did not want the American taxpayers to have. Often such information was withheld for no apparent reason. If this legislation is acted upon favorably by the Congress, it will be a step forward in making unclassified information available to the press, and through the press, to the American public. It is vital, therefore, that we in the Senate pass S. 921 and end this practice. It would represent another milestone in our efforts to preserve our precious right of freedom of the press.

The true vein of thought which undergirds the basic philosophy of American democracy which the first amendment guarantees was well stated by Justice Holmes in his famous dissent in the Abrams case when he said in part: "The best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their (the people's) wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment."

Mr. PROXMIRE. Mr. President, as coauthor, along with the distinguished senior Senator from Missouri [Mr. HENNINGS], of Senate bill 921, the freedom of information bill, I may say that it strike a blow against secrecy in Government. This bill would help provide the essential fuel of democracy—public information.

I understand House bill 2767 has been substituted for Senate bill 921, but the two are companion bills.

As has been said, "A man's judgment is no better than his information." The same is true of a nation, and the men through whom it governs itself. Without information, judgment is distorted. The proposition with which we must begin is that there ought to be a completely free flow of information about the public's business. Any obstacle to that free flow must be justified on its merits, and the justification submitted to the most rigorous and jealous scrutiny.

This bill removes a spurious and indefensible justification for withholding information. At least seven executive departments have withheld information, not only from the public but from Congress, under alleged authority found in section 161 of the Revised Statutes in a provision intended by Congress only to give them the necessary housekeeping powers over their records and papers and properties.

There is not one scintilla of evidence to support the notion that Congress ever meant the housekeeping provision to be used that way.

The Attorney General has said that when an executive agency uses its housekeeping authority that way it is interpreting the law wrong. The Attorney General is right, but perhaps the agencies did not hear him. In any event, it is a statute that is being misconstrued so Congress ought to spell out what it means.

More than that, we should not let pass an opportunity to strike a blow for freedom of information. How can the people control their government, unless they know what their government does? It is hard enough for people to know when they have full access to the facts, because the facts become every day more numerous and more difficult to understand. It must be admitted, too, that there is some information which must be withheld on grounds of national security. How unconscionable it is, then, to find excuses for secrecy where they were never meant to exist.

What happens when full and accurate information is denied the public? Partial and inaccurate information leaks out the back door. This is the second reason full disclosure is the best rule. It is no mere happenstance that the most scandalous journal of our day was titled "Confidential."

I am well aware that passing this bill will not assure a free flow of information from executive agencies about the public's business. There is still the enormous, amorphous obstacle which the Attorney General calls executive privilege. It is safe to bet that the agencies can make locks faster than the Congress can make keys. But passing this bill will serve the very good purpose of making clear that Congress has not meant, and does not mean, to provide the justification for secrecy in the conduct of government.

Mr. JOHNSON of Texas. Mr. President, the bill we are now considering is S. 921 which was reported favorably by the Committee on the Judiciary on May 21, 1958. In view of the fact that on April 16, 1958, the House of Representatives passed and sent to the Senate H. R. 2767, which is identical in language to S. 921 and which is now pending before the Committee on the Judiciary, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H. R. 2767 and that the Senate proceed to its consideration. This procedure should greatly facilitate our consideration and disposition of this legislation in an orderly fashion.

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

The LEGISLATIVE CLERK. A bill (H. R. 2767) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

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

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H. R. 2767) was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 921 is indefinitely postponed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which H. R. 2767 was passed.

Mr. JOHNSTON of South Carolina. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. JOHNSON of Texas. Mr. President, while the Senator from South Carolina [Mr. JOHNSTON] is on the floor, if he will submit a brief explanation of Calendar No. 1459, House bill 4640, then the Senator from Delaware [Mr. WILLIAMS] wishes to ask some questions.

I hope the Senate will act promptly on the bill; and then it can proceed to consider the motion of the Senator from Indiana [Mr. JENNER] for the reconsideration of the vote by which the Senate agreed to Senate Concurrent Resolution 109, a concurrent resolution to express the sense of the Congress on the establishment of the United Nations Force.

Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1459, House bill 4640.

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

The LEGISLATIVE CLERK. A bill (H. R. 4640) to amend the Civil Service Retirement Act with respect to payments from voluntary contributions accounts.

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

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4640) to amend the Civil Service Retirement Act with respect to payments from voluntary contributions benefits, which had been reported from the Committee on Post Office and Civil Service with amendments.

Mr. JOHNSTON of South Carolina. Mr. President, I move that the bill be amended by striking out, on page 2, the committee amendment beginning in line 7 and ending on page 8, in line 7.

The PRESIDING OFFICER. The motion will be stated.

Mr. JOHNSTON of South Carolina. Mr. President, after that motion is agreed to, the bill will then relate only to the subject contained in the bill as it passed the House.

Mr. WILLIAMS. Mr. President, I should like to have the motion of the Senator from South Carolina stated.

The PRESIDING OFFICER. The motion will be stated.

The LEGISLATIVE CLERK. It is moved to strike from the bill the committee amendment beginning in line 7 on page 2 and ending in line 7 on page 8, proposing to insert a new section, designated as section 3.

Mr. WILLIAMS. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WILLIAMS. As I understand the motion of the Senator from South Carolina, it is to strike from the bill the entire committee amendment which we debated in the Senate approximately one month and a half ago and which amendment I had so vigorously opposed, it is the committee amendment which deals with the retirement benefits of Members of Congress and Congressional employees.

Mr. JOHNSTON of South Carolina. That is correct, to a certain extent.

Mr. WILLIAMS. To what extent is it not correct?

Mr. JOHNSTON of South Carolina. Mr. President, the language being removed was discussed on the floor of the Senate some time ago.

Mr. WILLIAMS. To what extent is my statement not correct? I want this record clear.

The motion of the Senator from South Carolina would strike from the bill the entire committee amendment, beginning in line 7, on page 2, and ending on page 8, in line 7—in other words, you are striking out all the rest of the bill as reported by the committee.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. WILLIAMS. That is the Senate committee amendment which proposed the inclusion of the language dealing with the retirement benefits of Members of Congress and Congressional employees. It is my understanding that the pending motion of the Senator from South Carolina would strike from the bill the entire committee amendment which was the subject of the debate on the former occasion. Is that correct?

Mr. JOHNSTON of South Carolina. That is true.

Mr. WILLIAMS. If the motion of the Senator from South Carolina is agreed to, the bill will not contain any provision in regard to the retirement of Members of Congress or Congressional employees; and the only portion of the bill which then will remain will be the language which was contained in the bill when it was passed by the House of Representatives; and that language which was contained in the bill when it was passed by the House of Representatives only gives the employees who are leaving the Government service the right to withdraw their contributions in lieu of accepting retirement benefits. Is that correct?

Mr. JOHNSTON of South Carolina. That is correct.

Mr. WILLIAMS. To the extent that the bill as passed by the House of Representatives provided that any employee could withdraw his contributions on a voluntary basis in lieu of claiming retirement credit, there has never been any dispute about that proposal nor any objection to it. I stated that clearly at the time that I took exception to the Senate committee amendment which begins in line 7, on page 2, and ends in line 7, on page 8.

I had no objection to the provisions which were contained in the bill when it was passed by the House of Representatives; but I did object strenuously to the Senate committee amendment which would substantially multiply the benefits for Congressional employees and Members of Congress.

It is now my understanding—and I should like to have the Senator from South Carolina verify it—that the motion the Senator from South Carolina has made would, if agreed to, result in striking from the bill all the language of the committee amendment dealing with the subject of retirement benefits for Members of Congress and Congressional employees.

Mr. JOHNSTON of South Carolina. That is true.

Mr. WILLIAMS. Mr. President, I support such a motion or amendment; in fact, such an amendment should have been agreed to at the time when the bill was previously being debated by the Senate; and it is the amendment which I then announced I was going to offer if the bill had been acted on at that time. It is an amendment which, according to all logic and reason, should be adopted.

Frankly, this fantastic proposal never should have been brought before the Senate in the first place, but now that it is before us the committee amendment dealing with this suggestion should certainly be defeated. However, I think that before we act on this amendment there is a minor committee amendment which must be adopted.

The PRESIDING OFFICER. The bill has been reported by the committee with amendments; and the committee amendments will be considered first.

The first amendment of the committee will be stated.

The LEGISLATIVE CLERK. On page 1, at the beginning of line 7, it is proposed to strike out "he (1) is not eligible for immediate or deferred annuity under this act or (2) elects such payment prior to receipt of and in lieu of" and insert "application for payment is filed with the Commission prior to receipt of any,".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment reported by the Committee on Post Office and Civil Service will be stated.

The LEGISLATIVE CLERK. On page 2, after line 6, it is proposed to insert a new section, as follows:

SEC. 3. (a) The Civil Service Retirement Act is amended as follows:

(1) Section 1 (3) is amended by inserting the words "or Member" after the word "employee", and by striking out the words "or a Member separated before he has completed 5 years of Member service".

(2) Section 3 (f) is amended by inserting after the word "employee" the words "or Member".

(3) Section 3 (h) is amended to read as follows:

"(h) No period of service which is used in the computation of the annuity of any employee or Member under any provision of this act shall be used in the computation of

an annuity of such employee or Member under any other provision of this act."

(4) Section 4 (a) is amended by inserting before the period at the end of the first sentence a comma and the following: "except that after June 30, 1958, the amount of such deduction in the case of a Congressional employee shall be 7½ percent of such basic salary".

(5) The table in section 4 (c) is amended by inserting after the word "Employee" the words "Service (other than Congressional employee service)," by inserting after the matter relating to employees the following:

"Congressional employee service: 2½ percent, August 1, 1920, to June 30, 1926; 3½ percent, July 1, 1926, to June 30, 1942; 5 percent, July 1, 1942, to June 30, 1948; 6 percent, July 1, 1948, to October 31, 1956; 6½ percent, November 1, 1956, to June 30, 1958; 7½ percent, after June 30, 1958,"; and by striking out the words "Member for."

(6) Section 6 (e) is amended by inserting after the word "employee" the words "or Member."

(7) Section 6 (f) is amended to read as follows:

"(f) Any Member or any Congressional employee eligible for an annuity under section 9 (b) who attains the age of 60 years and completes 10 years of service shall, upon separation from the service, be paid an annuity computed as provided in section 9. Any Member or any Congressional employee eligible for an annuity under section 9 (b) who attains the age of 55 years and completes 30 years of service shall, upon separation from the service, be paid an annuity computed as provided in section 9. Any Member or any Congressional employee eligible for an annuity under section 9 (b) who completes 25 years of service, or who attains the age of 50 years and completes 20 years of service, shall, upon separation from the service (other than by expulsion in the case of a Member, and other than by removal for cause on charges of misconduct or delinquency in the case of an employee), be paid an annuity computed as provided in section 9."

(8) Section 7 (a) is amended by striking out the words "Member service" and inserting in lieu thereof the words "civilian service."

(9) Section 8 (b) is amended by striking out the words "Member service" in the first sentence thereof and inserting in lieu thereof the words "civilian service"; and by striking out the last sentence thereof and inserting in lieu thereof the following: "Any Member or any Congressional employee eligible for an annuity under section 9 (b) who is separated from the service after completing 10 or more years of Member or Congressional employee service, or any combination thereof, may be paid an annuity beginning at the age of 60 years computed as provided in section 9."

(10) Section 9 (a) is amended by inserting after the word "employee" wherever it appears the words "or Member" and by inserting after "Provided," the following: "That annuity of an employee who has had Member or Congressional employee service on or after the date of enactment of this proviso, and who has had deductions withheld from his salary or made deposit covering his last 5 years of civilian service, shall be (1) 2½ percent of the average salary multiplied by his Member or Congressional employee service and so much of his military service as was performed subsequent to the beginning and prior to the end of his Member or Congressional employee service, plus (2) 1½ percent of the average salary multiplied by so much of the remainder of his total service as does not exceed 5 years, plus (3) 1¾ percent of the average salary multiplied by so much of the remainder of his total service as exceeds 5 years but does not exceed 10 years, plus (4) 2 percent of the average salary multiplied by so much of the remainder of his total service as exceeds 10 years: *Provided further,*".

(11) The first sentence in section 9 (b) is amended to read as follows:

"(b) The annuity of a Congressional employee retiring under this act shall, if he so elects at the time his annuity commences, be 2½ percent of the average salary multiplied by the total service."

(12) Section 9 (b) is amended by striking out clause (1) of the second sentence and inserting in lieu thereof the following: "(1) has had at least 5 years of Member or Congressional employee service, or combination thereof," by inserting after the word "employee" in clause (3) of such sentence the words "or Member," and by inserting before the colon in the second sentence the words: "or retires for disability or dies while serving as a Congressional employee or Member."

(13) Section 9 (c) is amended to read as follows:

"(c) The annuity of a Member retiring under this act shall, if he so elects at the time his annuity commences, be 2½ percent of the average salary multiplied by the total service. This subsection shall not apply unless the Member (1) has had at least 5 years of Member service or Congressional employee service, or combination thereof, and (2) has had deductions withheld from his salary or made deposit covering his last 5 years of civilian service. In no case shall the annuity of a Member retiring under section 7 be less than (A) 40 percent of the average salary or (B) the sum obtained under this subsection after increasing his Member service by the period elapsing between the date of separation and the date he attains the age of 60 years, whichever is the lesser, but this provision shall not increase the annuity of any survivor."

(14) Section 9 (d) is amended to read as follows:

"(d) The annuity as hereinbefore provided, for an employee retiring under section 6 (b) or 6 (d) shall be reduced by one-twelfth of 1 percent for each full month not in excess of 60, and one-sixth of 1 percent for each full month in excess of 60, such employee is under the age of 60 years at the date of separation."

(15) Section 10 (c) of such act is amended by striking out "If an employee dies after completing at least 5 years of civilian service, or a Member dies after completing at least 5 years of Member service," and inserting in lieu thereof the following: "If an employee or a Member dies after completing at least 5 years of civilian service."

(16) Section 10 ((d) is amended by striking out "If an employee dies after completing 5 years of civilian service or a Member dies after completing 5 years of Member service" and inserting in lieu thereof the following: "If an employee or a Member dies after completing at least 5 years of civilian service."

(17) Section 10 is amended by adding at the end thereof a new subsection as follows:

"(f) In case a Congressional employee eligible for annuity under section 9 (b), who is separated from service with title to a deferred annuity under this act after the date of enactment of this subsection, shall die before having established a valid claim for annuity and is survived by a wife or husband to whom married at date of separation, such surviving wife or husband (1) shall be paid an annuity equal to one-half of the deferred annuity of such employee beginning the first day of the month following the death of such employee and terminating upon the death or remarriage of such surviving wife or husband, or (2) may elect to receive a lump sum credit in lieu of annuity if such wife or husband is the person who would be entitled to the lump sum credit and files application therefor with the Commission prior to the award of such annuity."

(b) The amendments made by this section shall not apply in the case of employees or Members retired or otherwise separated prior to the date of enactment of this act.

Mr. WILLIAMS. Mr. President, it is my understanding that the Senate will now vote on the motion which has been made by the Senator from South Carolina; namely, to strike out all of the proposed new section 3.

The PRESIDING OFFICER. First, the remaining committee amendment must be disposed of.

Mr. WILLIAMS. But the motion calls for the elimination of the committee amendment.

The PRESIDING OFFICER. Under the regular procedure, the question now is on agreeing to the committee amendment beginning on page 2, after line 6.

All in favor of the amendment——

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware will state it.

Mr. WILLIAMS. Now that the bill is under consideration by the Senate, is it not in order for the Senate to vote on the motion which has been made by the Senator from South Carolina; namely, to strike out all the language beginning in line 7, on page 2?

The PRESIDING OFFICER. Under the precedents, the question comes first on agreeing to the committee amendment which begins on page 2 in line 7.

Mr. WILLIAMS. In other words, when that question is put, those of us who are opposed to the inclusion of that language will vote against the committee amendment, instead of voting on the motion of the Senator from South Carolina; is that correct?

Mr. JOHNSON of Texas. That is correct, of course.

The PRESIDING OFFICER. Yes, that is correct.

Mr. WILLIAMS. Then, Mr. President, I shall vote against this committee amendment and urge its rejection by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment beginning on page 2, in line 7, and inserting a new section 3 (Putting the question).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS. Mr. President, I have no further amendment to offer. However, after the third reading I will be making a brief statement.

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

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question now is, Shall it pass?

Mr. WILLIAMS. Mr. President, before the bill is passed, I merely wish to confirm again what I think is clear in the RECORD; namely, that the Senate

now has stricken from the bill all of the second committee amendment—that is all of section 3. This is the section which would have substantially liberalized the retirement benefits of Members of Congress and Congressional employees. This is the section which I opposed on earlier occasions.

I believe it well to state for the RECORD what the Senate has now rejected. As the bill was reported by the Senate Committee on Post Office and Civil Service and as the bill would have provided if the second committee amendment had been agreed to—however, I hasten to state that the second committee amendment has now been rejected—it would have been possible for some of the present Members of Congress to have retired at the end of this year with retirement benefits amounting to 115 percent of their present salaries. There are several Members of Congress who, under the language of the second committee amendment, could have retired with retirement benefits ranging all the way from 100 percent to 113 percent of their present salaries. Yes, several Members of Congress and several Congressional employees could have retired with retirement benefits larger than their present salaries, under the committee proposal.

Furthermore, under the language of the second committee amendment, I know of one legislative employee who could have retired—if the bill had been passed in the way it was reported by the committee and in the way the committee tried to have it passed—with retirement benefits which would have amounted to 127 percent of his present salary.

I denounced all this on the floor of the Senate at the time that the bill was previously under debate; I denounced it as one of the most indefensible proposals ever to be brought before the Congress.

It was nothing less than an attempted raid on the Federal Treasury, and I cannot understand why such a proposal ever got out of the committee.

I am glad that the chairman of the committee, upon reconsideration, has now agreed that that committee amendment was indefensible and thus will support the position I took on the previous occasion; namely, that the second committee amendment should be rejected.

At the time this second committee amendment was denounced as a Congressional gravy train. In the case of an employee with 5 years of Congressional service, an average salary of $5,000 and 15 years of Government service in any of the departments—or, in other words, with a total of 20 years of service—under existing law, he could retire at the age 62, and would be entitled to receive annual retirement benefits amounting to $1,812.50. But if the bill had been passed as reported by the committee, the same person would, at age 50, have been eligible for immediate retirement benefits, instead of waiting until he reached age 62, and his retirement benefits would have been, not $1,812.50, but $2,500 a year, which means that by the time he reached age 62—the age at which, under the provisions of existing law, he would have commenced his retirement—he would have already collected $30,000 from the Government, and then for the remainder of his life he would have been eligible to receive retirement benefits amounting to $2,500 a year, instead of $1,812.50, as under the provisions of the present law. This is an increase of $687.50 per year in benefits for the remainder of his life, plus the $30,000 he would previously have collected before age 62. I have yet to hear anyone defend this proposal, and I have heard no one defend the principle of Members of Congress and our employees being able under certain circumstances, to retire with pensions higher than their salaries.

This surely was properly labeled as a "Congressional gravy train."

Now let us consider the situation of a Congressional employee with 30 years of service at an average annual salary of $5,000, who had reached age 55. Under existing law, such an employee would be eligible for $2,812.50 retirement benefits at age 60. But if the second committee amendment had been agreed to and enacted into law, this same employee would have been eligible for a pension of $3,750 beginning at the age of 55. Under the committee proposal Members of Congress could have used their offices as bucket shops to siphon employees through shortly before their retirement so that when they did retire they could leave the Government service, not as regular Government employees, but as Congressional employees, and thereby substantially increase their retirement payments. We could have raised their benefits and lowered the retirement age by letting them retire from the Congressional payroll.

This is the "Congressional gravy train" which we have just derailed, dismantled, and I hope junked.

In this last example, by the time the employee reached the age of 60, he would have received $18,750 over and above what he would have received under existing law and would have been eligible for a pension increase by approximately $900 a year for the remainder of his life. This increase would have cost him only $40 or $50 a year in addition to his present contributions. That was a part of the Congressional gravy train which an effort was made to steamroller through the Congress, and to which I am proud to have objected.

Another example: An employee at the age of 55, with $10,000 a year salary, would have had his pension increased $1,625 a year over and above that which he would have received under existing law, or about 30 percent. In addition he, too, under the committee proposal could have started immediately drawing retirement benefits without waiting until the retirement age now provided by law.

I do not see the need to take the time of the Senate to cite any more cases. We now seem to be in complete agreement that had the bill been passed as its sponsors attempted to get it passed, it would have increased the pension benefits for Members of Congress from 50 to 60 percent, as well as have increased the retirements benefits of all our employees on Capitol Hill. This would have included the policemen and the mail clerks delivering mail in the Capitol. Mail clerks working in the regular post offices or back home in our States, who pay practically the same amount of money into the retirement fund as employees on Capitol Hill, would not have been eligible for more than one-half or two-thirds of these benefits. We were setting ourselves up as a privileged group. Only Members of Congress or members of their staffs and other Congressional employees could have gotten on this gravy train. I am glad we have stopped it in the Senate.

The wreck of this proposed Congressional gravy train is one train wreck that the American taxpayers will appreciate.

I asked the Civil Service Commission what it would have cost had we extended the same benefits which the Capitol Hill employees would have received under the committee proposal to all other employees in the United States Government. Certainly all employees are entitled to the same consideration when they pay into the civil service retirement fund the same amount as those on Capitol Hill. If they pay the same amount into the fund, they should be eligible for retirement on a similar basis. The Civil Service Commission advised that if similar benefits were extended across the board to all Government employees—that is, if all the 2½ million Government employees had been given the same benefits as the bill proposed to give Congressional employees—the additional cost to the United States Government would have been $830 million a year over and above the existing cost of the retirement system.

I say again that I am glad this Congressional gravy train was stopped. It should be derailed, put in the shop, and dismantled, and I hope it will never appear in the Senate again.

Mr. President, I ask unanimous consent to have printed and incorporated in the RECORD as a part of my remarks a series of editorials and articles which appeared throughout the country in support of the position I took in opposition to this legislation. The bill as it has now been amended by the Senate with this provision out should be passed.

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

[From the Chicago Tribune of May 14, 1958]

SENATORS KILL BILL TO BOOST OWN PENSIONS—SPONSOR FLEES FLOOR AS ACCUSER APPEARS

(By William Edwards.)

WASHINGTON, May 13.—The Senate today hastily shelved a bill which might have made it more profitable for some Members of Congress to be defeated next November than to be reelected.

Senator JOHN J. WILLIAMS, Republican, of Delaware, who stopped passage of the measure last week when Democratic leaders had scheduled it for quiet approval, received congratulations for having prevented a raid on the Treasury.

WILLIAMS exposed features of the bill revamping the pension system for Capitol Hill employees, including Senators and Representatives, which would have permitted veteran legislators to retire with pensions higher than their salaries of $22,500.

SPONSOR FLEES FROM FLOOR

"I shudder to think what the voters around the country would have said if we approved that bill," said Senator CHARLES E. POTTER, Republican, of Michigan. "With 5 million unemployed Americans, this is no time for a 'bundles for Congress' bill."

Chairman OLIN JOHNSTON, Democrat, of South Carolina, of the Senate Civil Service Committee, who sponsored the bill, was absent. Yesterday, JOHNSTON had charged WILLIAMS with making "misleading statements in a search for newspaper publicity."

WILLIAMS, a quiet man known as the Senate's one-man investigator who has exposed scores of instances of corruption in the Government, marched on the Senate floor today to repeat his original charges, backed by an armful of documentary proof. JOHNSTON fled from the floor.

COULD DRAW 115 PERCENT

WILLIAMS noted that JOHNSTON had proposed to remove the present limitation in the pension law which sets a ceiling of 80 percent of earned salary on pensions granted Members of Congress.

The pension fund is made up of 7½ percent of annual salary contributions which are matched by 7½-percent payments from the Treasury.

TAKES THEIR CANDY

"When you take candy away from a spoiled baby," WILLIAMS told the Senate, "it is going to bawl. And I have taken a lot of candy away from some people around here by revealing the features of this bill. Now, let us bury it and let it rest in peace."

The Senate quickly agreed to pigeonhole the legislation.

Senator EDWARD MARTIN, Republican, of Pennsylvania, former major general, told WILLIAMS that he had merited "a decoration for performance above and beyond the call of duty."

[From the Salt Lake Tribune of May 23 1958]

HALTING GRAVY TRAIN

Senator JOHN J. WILLIAMS has added proof that the voters of Delaware made a profitable political investment when they elected him to Congress in 1946 and again in 1952.

Senator WILLIAMS led a movement to sidetrack, for the present, a plan to increase retirement pensions of national legislators and Congressional employees. Details of the bill are not available but the Chicago Tribune said pensions to some veteran lawmakers would be higher than salaries currently paid them.

The Senate leadership had planned to push the bill through quietly and quickly before it attracted much public attention, but Senator WILLIAMS denounced it as a "Congressional gravy train" which its proponents "didn't have the guts to defend in public."

The Delaware lawmaker has conducted an unspectacular but tireless campaign against corruption and waste. He did much to expose the Internal Revenue Bureau in the Truman administration and saved the taxpayers millions of dollars in outrageous tax settlements which favored gamblers and crooks. As a member of the Senate Agriculture Committee, he has unearthed a series of lesser scandals. Recently he even uncovered a $72,000 shortage in the funds of the United States consulate at Lahore, India.

The booty train has been halted for now, but efforts doubtless will be made to start it again.

One thing might be said in behalf of such a bill. The taxpayers might gain if fabulous pensions persuaded some Members of Congress to retire officially.

[From the Washington Daily News of May 9, 1958]

MORE BUNDLES FOR CONGRESS?

Back in 1941 Congress slipped through a bill to give itself pensions. The result was one of the most dramatic, and effective, demonstrations of public sarcasm we can remember.

Thousands of taxpayers joined the bundles for Congress campaign, and the bill's sponsor said he was deluged with "crutches, old shoes, old pants, and dirty letters."

The Senate Post Office and Civil Service Committee has just stumbled in a bid for similar public uprising. Eagle-eyed Senator JOHN J. WILLIAMS, Republican of Delaware, caught and blocked a bill to give Congressmen and their employees a whopping increase in pensions.

He called it a "Congressional gravy train"; said that if the same formula were applied to all Government employees it would cost the taxpayers $830 million a year.

We have no objection to pensions; we like them—provided, of course, everybody understands how much they will cost and is willing to shell out to pay for them.

But this bill was reported from the Post Office and Civil Service Committee, Senator WILLIAMS said, without hearings at all. Furthermore, there was no attempt to find out what it would cost. Senator OLIN D. JOHNSTON, of South Carolina, chairman of the committee, said it was reported unanimously.

Senator JOHNSTON is the same man who held hearings and hearings and hearings on the bill to get the Post Office out of the red, and who still is the main barrier to enactment of that measure.

[From the New York Daily News of May 21, 1958]

WATCHDOG WILLIAMS

We want to lift a slightly belated cheer for Senator JOHN J. WILLIAMS, Republican, of Delaware, and his recent blocking of a very peculiar-looking pension bill which was about to be rushed through Congress. The measure, WILLIAMS insisted, "would permit Members of Congress to retire the day after it passed with pensions higher than their existing salaries."

That point was disputed; but the bill had all the look of a quiet gravy-grab, and WILLIAMS put the kibosh on it, thereby proving himself for the umpteenth time to be an economy-minded credit to Delaware and the Nation.

[From the Chicago Daily Tribune of May 20, 1958]

SENATOR WILLIAMS DOES IT AGAIN

A Congressional pension plan which would have permitted veteran legislators to retire with pensions higher than their salaries has been shelved by the Senate, thanks to the watchfulness of its champion waste detector, Republican Senator JOHN J. WILLIAMS of Delaware.

When Senator LYNDON JOHNSON, the Democratic majority leader, recently proposed passing the bill quietly and quickly, Senator WILLIAMS denounced it as a "Congressional gravy train" which its proponents "didn't have the guts to defend in public."

This is the latest victory in Senator WILLIAMS' quiet but relentless campaign against corruption and waste. He exposed the rottenness in the Truman administration's Internal Revenue Bureau; he saved millions of dollars in absurd tax settlements favoring gamblers and crooks; as head of the Senate Agriculture Committee, he has unearthed a succession of lesser scandals, and he has even located a $72,000 shortage in the funds of the consulate at Lahore, India.

The money which Senator WILLIAMS has saved by his watchfulness would undoubtedly pay his salary a thousand times over. His election by the voters of Delaware in 1946 was one of the most profitable political investments ever made.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H. R. 4640) was passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

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.

ESTABLISHMENT OF UNITED NATIONS FORCE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Jenner motion to reconsider the vote by which the Senate agreed, on July 23, 1958, to Senate Concurrent Resolution 109, to express the sense of the Congress on the establishment of the United Nations Force.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the motion to reconsider.

Mr. JOHNSON of Texas. Mr. President, I understand the Senator from Indiana desires the yeas and nays on his motion. The yeas and nays have not been ordered, have they?

Mr. JENNER. No, they have not.

Mr. JOHNSON of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, I understand from the Senator from Indiana he will take 20 to 30 minutes for his address. How long will the Senator from Alabama take?

Mr. SPARKMAN. Not long.

Mr. JOHNSON of Texas. I should like to have the Senate know that we hope to have a quorum call and vote on the motion in the neighborhood of 12:45 o'clock.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 109) to express the sense of the Congress on the establishment of the United Nations Force.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

PERMANENT U. N. MILITARY FORCE

Mr. JENNER. Mr. President, Senate Concurrent Resolution 109, by which both Houses of the Congress are to express approval of a permanent United Nations Police Force, is our old friend, chapter VII of the United Nations Charter.

This chapter gives the United Nations organization police powers, military powers, and the legal right to establish

its own military forces for use against member states.

Yes; I know that article 43 provides the member states are to make special military agreements, to provide for cooperation in military affairs "in accordance with their constitutional processes."

But those are weasel words. "Military agreements" are not defined, and so include legislation in any form whatever. These words were inserted in much of the legislation for international organization, to lull the Members of Congress and the American people to sleep.

Every such statute passed by a majority of those present in Congress is "in accordance with our constitutional processes" today, no matter how great a violation of our historic constitutional principles it may be.

That is the effect of perverting the treaty clause, so that changes in our Constitution can now be made by statute law, Presidential directive, or Executive agreement, provided some connection with a treaty can be shown or assumed. That covers everything in the field of international relations.

Of course, Congress will not vote a clear-cut agreement for us to join in setting up a supernational military force, which could use military power against any member state, at the bidding of the security council.

We know what the plan is. Congress is to vote to give away our sovereign military power, inch by inch.

The architects of world government, in the executive branch and outside, will put the pieces together according to prearranged plans. They will say, "Well, we must do this. Congress has voted it and of course we only do what Congress tells us."

Mr. President, I say that establishment of United Nations military power can do nothing to solve the problem of Communist subversion of free countries.

I say that establishment of United Nations military power may constitute a serious danger to our national security and to our domestic liberty.

Let me remind you, Mr. President, that I have never opposed the principle of international debate as a substitute for war.

The idea which is summed up in the phrase "the town meeting of the world" could be a hopeful one. Such procedures would be opposed by no responsible American. But I say that, along with the town meeting of the world, the United Nations gives us something quite different—the power structure of the United Nations.

The secretary general and the U. N. administrative staff have great and elastic powers, over which Congress has no control. They are above our constitution and our laws. Now it is proposed to give this power complex the ultimate, the military power.

Congress cannot in conscience vote on this resolution without answering the questions:

Under what policy direction will this force operate?

What are the limits on its power?

How might it affect the foreign and domestic concerns of the United States?

What could it contribute to the solution of the problem which faces the world today—the finesse with which the Soviet rulers are subverting the free nations?

I invite attention to the fact that Senate Concurrent Resolution 109 was submitted by the Senator from Alabama [Mr. SPARKMAN], on July 21, 1958.

It was referred to the Committee on Foreign Relations.

No hearings were held.

It was reported a day later by the Senator from Alabama, and adopted by the Senate, without a rollcall, on July 23, after notice given by the majority leader at the beginning of the session of the 23d.

This Congressional resolution is a restatement of Senate Resolution 15, which was submitted last August, and adopted by the Senate on August 8, without a rollcall.

The debate on this 1957 resolution occupies less than one page of the CONGRESSIONAL RECORD. Most of that is taken up by a prepared statement by the Senator from Alabama.

I submit, Mr. President, that that is not adequate discussion of a proposal to establish a permanent military establishment, above our Constitution and our laws, which could be ordered to take action against us or any other member state as the security council directed.

At the rate at which our support in the United Nations is leaking away, who would dare forecast what might be done with such a military force, 10 years from now? There is not a man who knows.

Now let us go back to chapter VI of the United Nations charter.

Article 42 says the security council of the United Nations may "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."

That means, Mr. President, the United Nations charter has already given the security council full authority to move land, sea, or air forces against any nation which it decides is impeding the peace.

Congress has committed us to that provision.

Article 42 says all member nations must give the security council, on call, armed forces, assistance and facilities, including rights of passage.

That means United Nations forces could cross our territory, occupy our bases, and use our ships and docks, if it called for them.

We have agreed to that provision.

Article 45 says the United Nations is to have air force contingents ready.

The member states have dragged their feet on that one, but the United Nations emergency force is already in existence.

In the Middle East resolution, Congress agreed that the President could give the United Nations emergency force men and equipment.

That is one of the bits and pieces by which Congress is to vote us into full support of United Nations military operations, and say it is "in accordance with our constitutional processes."

Is there any difference between the United Nations Emergency Force and a permanent United Nations force which time will not cure?

Especially if time is helped along by carefully planned steps like Senate Concurrent Resolution 109, which puts Congress on record in support of a permanent United Nations military force.

Is that not all the "military agreement" the "one worlders" will need to proceed with their plan for a United Nations military establishment?

Of course we will call any United Nations military operation a police action, or a movement for peace, or some other name.

But the American people remember well the police action in Korea.

In a United Nations police action, the casualty lists are just like those in war.

The crosses over the graves of the dead look just the same.

The only difference is that, even if we win, victory is taken away from us in the United Nations Security Council.

The architects of the United Nations Charter planned it that way.

What are we getting into if we approve this resolution?—which we did the other day, on a voice vote, without any consideration, we might say, at all.

I invite attention to the fact that statement after statement has been made by supporters of this movement that the United Nations forces should be stronger than the forces of any one nation, so that, in the event of resistance, the international body would be victorious.

Of course they would be.

The plan is to build up the United Nations military power, step by step, and at the same time to induce the United States to cut down its military establishment, step by step, in the name of disarmament.

Then, lo and behold, the United Nations will be ready to mobilize forces strong enough to tell us what we must do.

I repeat, they will tell us what wars we must fight, what wars we must not fight—like not attacking Red China in 1951—and even what we must do at home.

Yes; I know Senate Concurrent Resolution 109 says no permanent members of the United Nations Security Council shall contribute members to the United Nations military forces—not yet, anyway.

Soviet troops and American troops will not be brigaded together—not yet, anyway.

What is that worth?

We are still committed to supply arms and equipment, facilities, which may include bases, and nuclear equipment.

The President has plenty of uncommitted funds, and loose powers, to give the United Nations military forces all the supplies they need.

And I believe we are committed to give these troops the right of passage, and even in time the use of bases.

Of course they will not ask for such powers in the immediate future.

The plan is to get them legally approved, and then wait till the right moment.

What safeguards does our country have?

How long before troops from Poland or Czechoslovakia or Indonesia will be posted at key points on American soil, such as the Panama Canal, or the Bering Sea coast, all in the name of peace and security?

Let me remind Senators of article 46, which says "plans for the application of armed force shall be made by the security council."

What does that mean?

It means United Nations military forces cannot punish the Soviet Union or any of its stooges for any act, because the Soviet delegate will veto the attempt.

We cannot win. We cannot possibly hope ever to get any action from the United Nations military forces which will help the free nations.

We do not know what dangers to our own security may be hidden in the growth of a military power above our Constitution and our laws.

It will be remembered that the head of the bureau of military affairs for the security council has been by custom or secret commitment, a Soviet national.

Senators remember how all MacArthur's reports in the war in Korea were promptly submitted to this official who could inform the Soviet Union at once.

Do Senators think the Soviet Union will give up that custom or secret agreement?

Imagine the folly and self-delusion of pretending that the fighting in Korea was a great United Nations crusade for liberty, when the Soviet Union had its handpicked man in the key spot in the Security Council staff, and all kinds of secret allies like Krishna Menon, pretending to speak for neutral countries.

I repeat, Mr. President, Americans have no objection to orderly discussion of world affairs in an international assembly. We have the strongest possible objections to the buildup of supergovernmental power in the United Nations, above our Constitution and our laws.

We know that military power is the key to holding fast to all the other powers. The United Nations has no remedy for the difficulties in the Middle East. It cannot have one, so long as the Soviet Union has a veto in the Security Council.

Perhaps it will undertake a vast giveaway program there, with our money, but that is no remedy. And why should they need military force if their only purpose is to give away our money?

We live in times more dangerous to our survival than those of Genghis Khan, or Attila the Hun. We face an enemy whose aim is frankly the total destruction of our country. How much longer will we stay asleep, while the fires come closer?

When will Congress assume its responsibility and make a truly American foreign policy, for the safeguarding of the United States, and such help to the cause of freedom everywhere as we can honestly promise to deliver?

Mr. SPARKMAN. Mr. President, I have listened with interest to my eloquent friend the distinguished Senator from Indiana [Mr. JENNER]. I do not intend to try to answer him point by point. I shall take only a few moments of the time of the Senate.

First, reference was made to the speedy action of the Foreign Relations Committee in reporting this particular resolution. There have been many hearings before the Senate Foreign Relations Committee relating to this subject. A year ago the Foreign Relations Committee, after careful consideration, reported a resolution in the exact language of this resolution. Therefore, when the committee reported the resolution this time, it felt that it was reporting the same resolution it reported last year. However, in this instance it was reported as a concurrent resolution, rather than a simple Senate resolution. That was the reason for the speed. Last year the Senate voted unanimously for this resolution.

With reference to an army or a military force, there certainly is no intention on my part, as the sponsor of this resolution, that there shall be a military force. When I say "police force" I mean a police force. I do not envisage a force larger than the military power of any one of the member countries. I have often said that the force I contemplated would consist of probably 10,000 men, to serve as a police force.

We observed what such a force was capable of doing in the Suez crisis last year, when order was restored and preserved, and has been maintained up to this date, on the Israeli-Egyptian border. I truly believe that if there had been available such a police force to send into Lebanon, we would not be in there today with our Marines. Our Government has said that as soon as the United Nations sent in a force to patrol that border, we would be willing to withdraw our Marines.

I hope the Senate will reject the motion to reconsider.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. As I understand, the yeas and nays have been ordered on the motion to reconsider.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPARKMAN. If I should make a motion to lay that motion on the table, would the yeas and nays be automatically ordered on the motion to lay on the table?

The PRESIDING OFFICER (Mr. MORTON in the chair). Not on the motion to lay on the table.

Mr. JOHNSON of Texas. Mr. President, I heartily concur in the statement of the able Senator from Alabama. I hope the motion to reconsider will not prevail. I hope the Senate will approve the concurrent resolution by an overwhelming vote. I think it is important that we do so, in the light of the action previously taken by the Senate.

Mr. YARBOROUGH. Mr. President, I wish to speak in support of the Senate Concurrent Resolution 109, introduced by the distinguished junior Senator from Alabama [Mr. SPARKMAN], which calls for the creation of a permanent United Nations armed force on the model of the present United Nations emergency force. This resolution provides for the contribution of units to the force from all members of the United Nations that wish to participate, except the five permanent members of the Security Council. It also provides that consideration be given to permitting individual volunteers from all but these five nations, and that the permanent force be equipped and its expenses met out of the regular budget of the United Nations.

A permanent United Nations force could make a substantial contribution to the maintenance of international peace and security today. I am convinced of this when I look at the effectiveness of the present United Nations emergency force in the explosive Middle East situation. The 6,000-man United Nations emergency force was established in November 1956 when Israel and Egypt were engaged in open warfare. Since then the United Nations emergency force has been stationed between these two nations to keep the peace. The fighting has not been renewed. I do not claim the United Nations force could have prevented either state from initiating full-scale hostilities upon the other, though it might have been able to do even this because the emergency force does have widespread political support among the members of the United Nations. But the 6,000-man police unit has not been called upon to do this. Instead, it has served to prevent border incidents and similar causes of friction from getting out of control, and perhaps leading to a war. In other words, it has helped to prevent a war that is always possible, but that no one actually seems to want.

Mr. President, I am convinced that a permanent United Nations force could perform approximately the same function in other similar situations. I am thinking particularly of recent developments in the Middle East. A permanent United Nations force could prove to be highly useful in enabling the powers to neutralize and guarantee a tense border when it is apparent that a war might thus be avoided. It is indeed possible that the availability of an effective force of this kind would sometimes make it unnecessary for the United States to incur the dangers of unilateral action, and at the same time be able to guarantee the security of particular governments in the area.

I do not suggest that a permanent United Nations force would always be able to prevent the outbreak of local hostilities in the Middle East, or elsewhere. I do suggest, however, that there are situations today in which the force might be able to prevent the outbreak of open warfare. The money we would contribute to the support of such a United Nations force would be indeed a

small price to pay for the opportunity to avoid even one war.

Therefore, I urge that the Senate act favorably upon this resolution, which will assure the President of our support for a United States proposal to establish a permanent United Nations force.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSON of Texas. Mr. President, the Senator from Alabama desires to make a motion.

Mr. SPARKMAN. Mr. President, I move to lay on the table the motion of the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to lay on the table the motion of the Senator from Indiana [Mr. JENNER].

Mr. SPARKMAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays are ordered. 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 Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oregon [Mr. MORSE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from Oklahoma [Mr. MONRONEY] is absent by leave of the Senate attending the 49th Congress of the Interparliamentary Union at Rio de Janeiro, Brazil.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Oregon [Mr. MORSE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from New York [Mr. JAVITS], the Senator from Maine [Mr. PAYNE], and the Senator from Utah [Mr. WATKINS] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] and the Senator from Minnesota [Mr. THYE] are absent on official business.

The Senator from Connecticut [Mr. PURTELL] is absent by leave of the Senate because of death in his family.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

If present and voting, the Senator from South Dakota [Mr. CASE], the Senator from West Virginia [Mr. HOBLITZELL], the Senator from New York [Mr. JAVITS], the Senator from South Dakota [Mr. MUNDT], the Senator from Maine [Mr. PAYNE], the Senator from Minnesota [Mr. THYE], and the Senator from Utah [Mr. WATKINS] would each vote "yea."

The result was announced—yeas 66, nays 14, as follows:

YEAS—66

Aiken	Ervin	McClellan
Allott	Flanders	McNamara
Anderson	Fulbright	Morton
Barrett	Green	Murray
Beall	Hayden	Neuberger
Bennett	Hickenlooper	O'Mahoney
Bible	Hill	Pastore
Bridges	Humphrey	Potter
Bush	Ives	Proxmire
Butler	Jackson	Robertson
Byrd	Johnson, Tex.	Saltonstall
Carlson	Johnston, S. C.	Smathers
Carroll	Jordan	Smith, Maine
Case, N. J	Kennedy	Smith, N. J.
Chavez	Kerr	Sparkman
Church	Knowland	Stennis
Clark	Kuchel	Symington
Cooper	Lausche	Talmadge
Cotton	Long	Thurmond
Dirksen	Magnuson	Wiley
Douglas	Mansfield	Yarborough
Ellender	Martin, Iowa	Young

NAYS—14

Bricker	Frear	Martin, Pa.
Capehart	Hruska	Revercomb
Curtis	Jenner	Schoeppel
Dworshak	Langer	Williams
Eastland	Malone	

NOT VOTING—16

Case, S. Dak.	Javits	Purtell
Goldwater	Kefauver	Russell
Gore	Monroney	Thye
Hennings	Morse	Watkins
Hoblitzell	Mundt	
Holland	Payne	

So Mr. SPARKMAN's motion to lay on the table Mr. JENNER's motion to reconsider was agreed to.

NUCLEAR-POWERED ICEBREAKING VESSEL

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1976, H. R. 9196.

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

The LEGISLATIVE CLERK. A bill (H. R. 9196) to authorize the construction of a nuclear-powered icebreaking vessel for operation by the United States Coast Guard, and for other purposes.

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

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

Mr. MAGNUSON. Mr. President, the bill, which authorizes the construction of a nuclear-powered icebreaker for service in the Arctic regions, was reported unanimously by the Committee on Interstate and Foreign Commerce. The ship will be capable of staying in the Arctice regions for a long period of time.

The compelling reason, in one sentence, for the passage of the bill at this session of Congress is that the first nuclear-powered ship constructed by the Soviet Union was an icebreaker for work in the Arctic, not only for Coast Guard work and opening sealanes, but also for the purpose of determining questions of sovereignty in the Arctic. This could be one of the most important bills which Congress could pass with respect to the effect on our future.

I shall place in the RECORD a part of the report which explains the nature of the ship and its construction.

The United States is far behind in its building of icebreakers for use both in the Arctic and Antarctic regions. A number of our icebreakers are either of prewar construction or are ships which were built somewhat hastily during the war.

This would be the first modern icebreaker the United States Government would have available. Its completion will require approximately 3 or 4 years. So action at this time seems to be imperative.

The PRESIDING OFFICER (Mr. MORTON in the chair). If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 9196) was ordered to a third reading, read the third time, and passed.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD certain excerpts from the report, which explain the bill in detail.

There being no objection, the excerpts from the report (No. 1976) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would authorize the construction, outfitting, and preparation for operation, including training of personnel, of a nuclear-powered icebreaking vessel designed for operation by the Coast Guard in icebound waters of the United States, and in the Arctic and Antarctic regions as required. For this purpose such funds as may be necessary would be authorized to be appropriated to the Treasury Department, the United States Coast Guard, and the Atomic Energy Commission.

Collaboration of the Treasury Department and the Atomic Energy Commission with, and employment of, persons, firms, and corporations would be authorized, on a contract or fee basis, for the performance of special services deemed necessary in the carrying on of the activities in connection with the planning, construction, and so forth of the vessel. Utilization by the Treasury Department for the same purposes, of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, would be authorized, subject to the approval of the Secretary of the Treasury and the department or agency from which assistance would be sought.

Experts in the field of Arctic and Antarctic operations, testifying before the committee, strongly supported the views of the Commandant and Deputy Commandant of the Coast Guard as to the need for such a vessel in the carrying out of the Coast Guard's statutory mission in peacetime, and its military readiness function in time of national emergency.

They emphasized the urgency of greatly increased exploration and research by this Nation, particularly in the Arctic region, which now has become a highly strategic

area, and in regard to which the Soviet Union undoubtedly now possesses far more extensive data and information than is available to the United States for purposes of commercial development or for possible bombing or missile warfare.

In any stepped-up program of research, these expert witnesses agreed, additional icebreaking vessels would be essential and a nuclear-powered icebreaker would offer advantages surpassing the capabilities of any of the eight seagoing icebreakers now in active service under Navy and Coast Guard jurisdiction.

* * * * *

Comparing the feasibility of operation of a nuclear-powered icebreaker as compared to a conventional type, Admiral Thomas stated:

"Comparing fuel requirements in icebreakers, an ice-mile may be equal to a thousand sea-miles because of the toughness of the pack. The need for conservation of fuel materially reduced the mobility of our icebreakers. For instance, in the Antarctic, the average endurance of a *Wind*-class icebreaker is about 2½ months, and for the Navy's *Glacier*, about 3 months. In the Arctic the endurance is but a trifle longer. If an icebreaker were to become beset in the polar seas she might be able to stretch her fuel for a limited amount of heat during the winter but would have insufficient reserve to break her way out of the pack in the spring.

"Such restrictions on mobility point strongly to the use of atomic fuel to provide the energy to propel the ship, furnish heat and water, and supply power for a complex of scientific equipment * * *. I believe, moreover, that savings in fuel and space of an atomic-powered vessel will offset an amortization of the first cost. In other words, over a period of time, with fewer icebreakers, using atomic power and employing a fleet of iceworking vessels, we will be able to operate more efficiently and economically."

Importance of the Arctic to the national defense, and the definite operational aspects of a nuclear-powered icebreaker for needed research in that area, were stressed by the representative of the Arctic Institute of North America, Rear Adm. Leo Otis Colbert, Coast and Geodetic Survey (retired).

He told of a joint study, made at the request of the Chief of Naval Research, in which the Arctic Institute participated, for the purpose of examining the phases of Arctic research which might have military significance. The study group found, in part:

"The concept that the Arctic is a barrier to an aggressor is no longer tenable. Expanded Arctic research is essential so that we may extend our northern military frontier to the Soviet Arctic littoral * * * a vacuum exists in the Arctic Ocean area due to our lack of capability in this region."

* * * * *

At the present time the United States has 8 seagoing icebreakers and 1 in service on the Great Lakes. Five of these are under the jurisdiction of the Coast Guard and, of the remaining 4, 3 were designed for Coast Guard use, but were taken by the Navy because of manning difficulties within the Coast Guard. The U. S. S. *Glacier* was the first and only large icebreaker designed and built directly for the Navy.

The Coast Guard has operated in and around Alaskan waters since that newest State was purchased from the Russians. As early as 1880, it began systematic cruising in the Arctic Ocean. In line with its traditional peacetime function of assisting and regulating the commerce of our country, the Coast Guard has been called upon to keep harbors free of ice, but its responsibility in this respect was not formally set forth until 1936, in Executive Order No. 7521. The first real demand for specially designed icebreakers came just prior to the entry of the United States into World War II, when the Coast Guard was called upon to transport back and forth to Greenland representatives of the United States to the Danish Government in exile and their territory of Greenland. Funds were appropriated for 4 vessels, of which 3, when completed, were turned over to the Soviet Government. The fourth vessel, the *Eastwind*, was retained by the Coast Guard. Funds were then allocated for 3 more icebreakers, but these were not completed until after the war, at which time the Coast Guard, because of drastic cutbacks in personnel, was able to take only 1.

The Coast Guard has made no request for addition to its icebreaking fleet, and the Bureau of the Budget is quoted in the Treasury Department report on S. 3657, as advising that "it does not favor the enactment of the bill and considers it unwise to place the construction of a nuclear-powered icebreaker ahead of ships regarded by the Coast Guard and the Navy as more essential."

However, the report on the bill from the Department of the Navy, speaking for the Department of Defense, stated that "since 1954, there have been insufficient United States icebreakers to carry out all tasks desired * * *. There is foreseen no reduction in the need for icebreakers in the near future. In fact, it is possible that further high priority tasks be assigned them * * *. Even realizing this situation * * *. The Navy cannot within its program, upgrade the icebreaker priority at this time.

"While it is not possible for the Navy to upgrade the priority for the construction of a nuclear-powered icebreaking vessel within its own program at this time, nevertheless, the Navy and the Coast Guard work together very closely and, if this vessel were built for the Coast Guard, it would undoubtedly be readily available to the Navy if high priority tasks arose requiring its use. Accordingly, for the foregoing reasons, the Department of the Navy, on behalf of the Department of Defense, supports enactment of S. 3657 dependent upon the needs of the Coast Guard."

The report on the bill from the Atomic Energy Commission states, in part:

"We do feel, however, that if such a vessel will be needed, it would be not only feasible, but advantageous as well, to use a nuclear plant as a source of power. The reasons for this conviction are stated below.

"In the performance of its tasks, an icebreaker may be required to spend prolonged periods of time at sea without opportunity for refueling. As the use of nuclear fuel would permit an extended range and might permit substantial weight and space savings to be made, the proposed vessel could provide a greater cargo capacity and at the same time provide electrical and steam power to remote stations for extended periods. This capability could also provide standby power for domestic needs in the event of a national emergency. Moreover, if sufficient time were allowed for research and development, the construction and operation of the reactor might contribute materially to the advancement of reactor technology.

* * * * *

"The proposed icebreaker would probably be more expensive to construct than a conventionally powered ship. However, in view of the offsetting consideration stated above, the utilization of a nuclear powerplant would appear to afford an excellent opportunity to demonstrate a peaceful use of atomic energy in a practical application. Accordingly, if the services of an additional icebreaker are required, we would recommend favorable consideration of S. 3657."

As a specific justification for the proposed additional icebreaker, the Commandant cited the Coast Guard's military-readiness function, as follows:

"If we had this additional icebreaker, then obviously more Coast Guard personnel are going to be trained and ready for operation under polar conditions in the event of another emergency. Further, since it would appear that the future source of power for combatant ships in the event of an emergency may well be atomic power, it would be highly desirable, from the standpoint of the Coast Guard, to have a cadre of personnel familiar with the operation under atomic propulsion."

The proposed icebreaker, based on tentative specifications for a 350-foot, 18-knot vessel with a maximum displacement of 9,700 tons, is estimated to cost in the neighborhood of $60 million. It would have accommodations for 40 passengers for scientific expeditions, plus the normal crew complement. Space also would be provided for housing and servicing 3 helicopters, with storage tanks for 20,000 gallons of aviation gasoline. It would have a cargo capacity of about 500 tons in addition to a 6-month supply of general stores and refrigerated items.

This would be a smaller vessel than the nuclear-powered icebreaker which Russia is known to be building for research in the Arctic, with less than half the passenger capacity for scientific personnel. As a result of discussion at the hearing concerning the Russian vessel, and the possible desirability of a larger vessel with more passenger capacity for research by the United States, the Coast Guard was requested to present to the committee its views as to the type of vessel that would best serve United States needs.

In the appendix of this report are two possible designs, as supplied to the committee subsequent to the hearing. One of the designs would be for a vessel somewhat larger than the Russian icebreaker. It would house 100 scientific personnel, half as many as the Soviet vessel, and would require 2 reactors. No estimate price was supplied, but the cost undoubtedly would be quite higher than the $60 million cost for the 350-foot vessel.

CONCLUSIONS AND RECOMMENDATIONS

In view of all the foregoing facts and considerations, your committee feels that the immediate needs of national security, and the less immediate but nevertheless important requirements for increased knowledge of the Arctic and the Antarctic for commercial purposes of the future, render construction of the proposed nuclear-powered icebreaker highly desirable.

In any future war or emergency the strategic nature of the Arctic regions becomes inescapably clear. * * *

Vastly increased knowledge of this area therefore would seem vital to our Nation's future security. Such increased knowledge could come only from greatly expanded research therein, not on a 3-month-per-year basis as in the DEW line supply operations, but on the semi or practically permanent basis that would be made possible by a nuclear-powered icebreaker designed and equipped to spend the entire year in the icepack if necessary, and capable of getting in or out of the polar regions at almost any time of the year.

Your committee is convinced also that operation of such an icebreaker should be in the hands of the Coast Guard, which over the years has had the function of advancing United States interests in the Arctic, which under Executive Order No. 7521, 1936, is "directed to assist in keeping open to navigation by means of icebreaking operations * * * channels and harbors in accordance with the reasonable demands of commerce"; and which has responsibility for inspection and regulation of commercial nuclear-powered vessel propulsion facilities.

We believe that construction of the proposed nuclear-powered icebreaker is in the national interest, to such a degree that failure now to grant the proposed authority would be almost tantamount to ceding to

Russia full control of the Arctic regions in the event of future hostilities between the two leading world powers.

APPENDIX

(A) PROPOSED NUCLEAR-POWERED ICEBREAKER FOR THE UNITED STATES COAST GUARD: ONE POSSIBLE DESIGN

Design characteristics [1]

Maximum displacement	9,700 tons.
Overall length	350 feet.
Depth, molded	38 feet.
Beam, maximum	74 feet.
Draft, maximum	26 feet 6 inches.
Number of propellers	2.
Shaft horsepower per screw	15,000.
Shaft horsepower, total	30,000.
Speed, open water	18 knots.

[1] These are based upon very preliminary studies and on one possible set of operational requirements.

Description

Strength or iceworthiness: The vessel will be constructed to withstand severe Arctic ice conditions and be built to proceed through field ice as well as pack ice with best possible maneuvering qualities and iceworthiness.

Aviation facilities:

(a) Space will be provided for the housing and servicing of three helicopters on the main deck consisting of hangar and flight deck.

(b) Stowage tanks will be provided for 20,000 gallons of aviation gasoline for refueling and transferring gasoline ashore.

Quarters: Living and berthing accommodations will be provided for normal crew complement plus 40 passengers for scientific expeditions.

Armament: Armament will be installed as determined jointly by the United States Navy and the United States Coast Guard.

Cargo: The cargo capacity will be about 500 tons, in addition to carrying a 6 months' supply of general stores, dry stores, and refrigerated stores.

Propulsion: The main propulsion system will utilize 1 nuclear reactor to provide 30,000 horsepower and propel the vessel at an open water speed of approximately 18 knots.

(B) PROPOSED NUCLEAR-POWERED ICEBREAKER FOR THE UNITED STATES COAST GUARD: A SECOND POSSIBLE DESIGN

Design characteristics [1]

Maximum displacement	17,500 tons.
Overall length	453 feet.
Depth, molded	46 feet.
Beam, maximum	90 feet.
Draft, maximum	30 feet.
Number of propellers	3.
Shaft horsepower per screw	15,000.
Shaft horsepower total	45,000.
Speed, open water	20 knots.

[1] These are based upon very preliminary studies and on one possible set of operational requirements.

Description

Strength of iceworthiness: The vessel will be constructed to withstand severe Arctic ice conditions and be built to proceed through field ice as well as pack ice with best possible maneuvering qualities and iceworthiness.

Aviation facilities:

(*a*) Space will be provided for the housing and servicing of three helicopters on the main deck consisting of hangar and flight deck.

(*b*) Stowage tanks will be provided for 20,000 gallons of aviation gasoline for refueling and transferring gasoline ashore.

Quarters: Living and berthing accommodations will be provided for normal crew complement plus 100 passengers for scientific expeditions.

Armament: Armament will be installed as determined jointly by the United States Navy and the United States Coast Guard.

Cargo: The cargo capacity will be about 1,500 tons in addition to carrying 1 year's supply of general stores, dry stores, and refrigerated stores.

Propulsion: The main propulsion system will utilize 2 nuclear reactors to provide 45,000 horsepower and propel the vessel at an open water speed of approximately 20 knots.

EFFECTIVE DATES OF INCREASES IN COMPENSATION GRANTED TO WAGE BOARD EMPLOYEES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees, which was to strike out all after the enacting clause and insert:

That each increase in rates of basic compensation granted, pursuant to a wage survey, to employees of the Federal Government or of the municipal government of the District of Columbia whose compensation is fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under authority of section 202 (7) of the Classification Act of 1949 (5 U. S. C. 1082 (7)) or section 7474 of title 10 of the United States Code shall become effective, as follows:

(1) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) with respect to its own employees, such increase shall become effective for such employees not later than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date on which formal collection of data for such wage survey is begun; and

(2) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) and is utilized by any department or agency which did not conduct such wage survey, such increase shall become effective, for the employees of the department or agency utilizing such wage survey, not later than the first day of the first pay period which begins on or after the 20th day, excluding Saturdays and Sundays, following the date on which the department or agency utilizing such wage survey receives the data collected in such wage survey and necessary for the granting of such increase.

SEC. 2. (a) Retroactive compensation shall be paid, by reason of any increase in rates of basic compensation referred to in the first section of this act, only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of issuance of the order granting such increase, except that such retroactive compensation shall be payable—

(1) to an employee who retired during the period beginning on the effective date of the increase in rates of basic compensation and ending on the date of issuance of the order granting such increase, for services rendered during such period, and

(2) in accordance with the provisions of the act of August 3, 1950 (Public Law 636, 81st Cong.), as amended (5 U. S. C. 61f–61k), for services rendered during the period described in paragraph (1) of this subsection, by an employee who dies during such period.

(b) Such retroactive compensation shall not be considered as basic salary for the purposes of the Civil Service Retirement Act in the case of any such retired or deceased employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 3. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2091–2103), each increase in rates of basic compensation referred to in the first section of this act shall be held and considered to be effective as of the date of issuance of the order granting such increase or as of the effective date of such increase if such effective date occurs later.

SEC. 4. The foregoing sections of this act shall not apply to any increase in rates of basic compensation granted pursuant to any wage survey described in paragraph (1) or paragraph (2) of the first section of this act and for which the formal collection of data is begun prior to September 1, 1958.

Mr. JOHNSTON of South Carolina. Mr. President, I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. JOHNSON of Texas. Mr. President, has the Senator from South Carolina cleared this matter with the minority?

Mr. JOHNSTON of South Carolina. I have cleared it with the other side.

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

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON of South Carolina, Mr. NEUBERGER, Mr. YARBOROUGH, Mr. CARLSON, and Mr. MORTON the conferees on the part of the Senate.

PROHIBITION OF INTRODUCTION OF SWITCHBLADE KNIVES INTO INTERSTATE COMMERCE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2025, House bill 12850.

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

The LEGISLATIVE CLERK. A bill (H. R. 12850) to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes.

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

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

Mr. MAGNUSON. Mr. President, this House-passed bill has been under consideration for a long period of time. I particularly invite the attention of the Senator from Tennessee [Mr. KEFAUVER] to this matter.

The bill prohibits the movement in interstate commerce of what now are

commonly termed "switchblade knives." After lengthy testimony, it was the unanimous opinion of the committee that the definition arrived at, which is the common definition, both in legal practice and in normal life, of a weapon of this type, substantially covers the purpose, and does not interfere with the use of such knives by hunters, fishermen, and so forth. From the testimony we found that the only use of these knives is to injure someone or as dangerous or lethal weapons.

The Senator from Tennessee conducted a lengthy series of hearings on the problems of juvenile delinquency. It has been found that in urban centers, much of the violence done by teen-age gangs is done by the use of knives of this sort.

Therefore, enactment of the bill will prohibit the introduction, or manufacture for introduction, into interstate commerce, of switchblade knives.

Sixteen States have passed laws which will coincide with the proposed Federal law; and I believe the remaining States will do likewise, following the enactment of this proposed law.

Mr. KEFAUVER. Mr. President, I congratulate the chairman of the Committee on Interstate and Foreign Commerce and the other members of the committee for reporting this important bill.

The chairman of the committee has correctly stated that the Juvenile Delinquency Subcommittee of the Judiciary Committee held extensive hearings on this proposed legislation. It was found that in many places, juveniles purchased switchblade knives, not for purposes of hunting, and so forth, but for the purpose of using them as dangerous or lethal weapones. In fact, many murders have been committed by means of the use of such knives. The hearings also brought out the information that some companies manufacture and advertise such knives as weapons to be used in such ways.

The importance of the enactment of the bill has been stated by the Attorney General, Mr. Rogers. In the report he is quoted as saying that when these knives are in the hands of criminals, they constitute dangerous weapons. The proposed exemption will provide for the use of such knives by sportsmen.

Mr. MAGNUSON. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. MAGNUSON. We cleared this matter, insofar as we could, with the sportsmen's organizations and the knife manufacturers. All the legitimate penknife manufacturers are highly in favor of the bill, because most of the knives which will be affected by the bill are imported.

So enactment of the bill will not affect the use of knives in games of mumbletypeg or the use of knives by Boy Scouts, and so forth.

Mr. KEFAUVER. That is correct.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD excerpts from the committee's report.

There being no objection, the excerpts from the report (No. 1980) were ordered to be printed in the RECORD, as follows:

[From S. Rept. No. 1980, H. R. 12850, Calendar No. 2025]

Section 1 defines the terms used in the bill.

Section 2 prohibits the manufacture for, or transportation or distribution in, interstate commerce, of switchblade knives or of other concealed-blade knives which open by operation of inertia or gravity or both. Section 3 would also prohibit the manufacture, sale, or possession of such knives within any Territory or possession of the United States, within Indian country (as defined in sec. 1151 of title 18 of the United States Code); or within the special maritime or territorial jurisdiction of the United States (as defined in sec. 7 of title 18 of the United States Code). Persons violating these sections would be subject to a fine of not more than $2,000 or to imprisonment for not more than 5 years, or both.

Exceptions to these provisions are made in the following cases:

(1) The transportation of switchblade knives by common and contract carriers in the ordinary course of business;

(2) The manufacture, sale, transportation, distribution, or possession of such knives pursuant to contract with the Armed Forces;

(3) The handling of switchblades by the Armed Forces or by any member or employee thereof in the performance of his duty; or

(4) The possession of a switchblade knife with a blade 3 inches or less in length by a one-armed person.

Section 5 of the bill amends section 1716 of title 18 of the United States Code to prohibit the mailing of switchblade knives except in connection with Armed Forces or other Government orders.

It should be particularly noted that the proposed legislation does not affect the possession, or manufacture for, or sales in, intrastate commerce of switchblade knives within States which freely permit their use. Nor would the bill interfere with switchblade control measures in those States where their use is subject to statewide or local regulation.

It is also important to add that the bill's exemption relating to the Armed Forces is not intended to sanction surplus sales of switchblade knives to the public.

III. NEED FOR AND BACKGROUND OF THE LEGISLATION

The problem of the use of switchblade and other quick-opening knives for criminal purposes has become acute during recent years—particularly by juvenile delinquents in large urban areas. During the present Congress a special study of juvenile delinquency was made by a subcommittee of the Committee on the Judiciary of the Senate. In its report (S. Rept. No. 1429, 85th Cong., 2d sess.) the subcommittee pointed up the switchblade menace as follows:

The subcommittee's investigation disclosed that many of these knives were manufactured abroad and distributed by firms in this country who handle numerous items in addition to switchblade knives.

It was established that these items were being widely distributed through the mail by distributors to the various States that had local laws prohibiting possession, sale, or distribution of switchblade knives. This fact, the subcommittee feels, points out the need for Federal control of the interstate shipment of these instruments, since local legislation is being systematically circumvented through the mail-order device.

In the United States 2 manufacturers have a combined production of over 1 million switchblade knives a year. Both concerns are important cutlery manufacturers and the manufacture of switchblade knives represents only a small part of their business. It is estimated that the total traffic in this country in switchblade knives exceeds 1,200,000 per year.

The questionnaires returned by police chiefs throughout the country indicate that many switchblade knives have been confiscated from juveniles. The police chiefs, almost without exception, indicate that these vicious weapons are on many occasions the instrument used by juveniles in the commission of robberies and assaults. Of the robberies committed in 1956, 43.2 percent were by persons under 21 years of age. A switchblade knife is frequently part of the perpetrator's equipment in this type of crime. In New York City alone in 1956, there was an increase of 92.1 percent of those under 16 arrested for the possession of dangerous weapons, one of the most common of which is the switchblade knife.

As a result of this study, a bill (S. 2558) to prohibit the manufacture for or distribution in interstate commerce of switchblade knives was introduced by Senator KEFAUVER and referred to your committee. The present measure, which was passed by the House of Representatives on June 27, 1958, is similar to the Senate bill, but, unlike the latter, is not aimed specifically at sales to juveniles.

Hearings on the bill were held by your committee on July 23, 1958, with witnesses representing New York State groups concerned with juvenile-delinquency and law-enforcement problems. A representative of a New York cutlery firm also appeared in support of the bill. Testimony received indicated that 12 States, including New York, have already enacted legislation to prohibit the manufacture, sale, or possession of switchblade and similar knives. It was stressed, however, that so long as the interstate channels of distribution remain open the problem of enforcing the State laws will be extremely difficult.

In supporting enactment of this measure, however, your committee considers that the purpose to be achieved goes beyond merely aiding States in local law enforcement. The switchblade knife is, by design and use, almost exclusively the weapon of the thug and the delinquent. Such knives are not particularly adapted to the requirements of the hunter or fisherman, and sportsmen generally do not employ them. It was testified that, practically speaking, there is no legitimate use for the switchblade to which a conventional sheath or jackknife is not better suited. This being the base, your committee believes that it is in the national interest that these articles be banned from interstate commerce.

Mr. MAGNUSON. Mr. President, the Senator from Tennessee has done a remarkably fine job in calling the attention of the Nation to the growing problem of juvenile delinquency. Personally, I am amazed at how much of it exists today. When I was a boy, a juvenile delinquent was a fellow who owed 8 cents on an overdue library book. But apparently times have changed.

We shall not correct this entire situation by means of the enactment of the bill; but I believe its enactment will probably be of great aid—by reducing the availability of these dangerous weapons to both teen-agers and adults who have been using them as lethal and dangerous weapons.

Mr. KEFAUVER. Yes; enactment of the bill will help a great deal.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 12850) was ordered to a third reading, read the third time, and passed.

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by me on the subject of the bill just passed.

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

STATEMENT BY SENATOR KEFAUVER

I should like to make some remarks for the record in favor of the general purposes of the legislation under discussion today—H. R. 12850 prohibiting interstate traffic in switchblade knives. There are no Federal controls at present of the interstate movement of these articles, or of the large-scale importation of them into this country.

An extensive staff study and field investigation by the Senate Subcommittee to Investigate Juvenile Delinquency (of which I am a member, was aimed at determining whether switchblade knives were falling into the hands of juveniles; whether they were being used in an antisocial and injurious fashion by juveniles; and to determine if the controls on the State and local level were adequate.

Up to the time of this national study, estimates as to the impact of switchblade knives and stilettos on the community have been based, at least in part, on conjecture and speculation.

As a result of the subcommittee's study, it is now known that over a million switchblade knives are distributed and sold each year in the United States. This figure includes approximately 200,000 imported push-button knives, of which 150,000 are vicious automatic opening stilettos with blades up to 6 inches long. It is estimated that over 5 million of these dangerous knives have been sold, principally to juveniles, in this country during a recent 5-year period.

The two major manufacturers are producing over 800,000 of these automatically opening knives each year. A heavy proportion of them are sold for between 95 cents and $1.29, a popular price, making the article available and accessible to juveniles.

One overseas manufacturer, who until recently employed over 120 persons in his European factory, made 12,000 automatically opening stilettos a month, 144,000 a year, almost exclusively for importation into the United States. In this same small European community, there are 14 other concerns at present turning out stilettos, most of them being distributed in the United States. Ironically, the country where these factories are located has outlawed the use of these deadly instruments within its own borders.

At the moment literally hundreds of thousands of knives of various design are pouring into the American market, and they all approximate the push-button knife in most respects. This variation in design is the result of the importers' efforts to circumvent recent State statutes which attempt to outlaw the automatic-opening knife.

At the time of our subcommittee investigation of this matter, 12 States (Colorado, Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Virginia) had specifically outlawed the sale and possession of these articles. Numerous other States have some legislation, varying in degrees of effectiveness. But the variation in State statutes concerning carrying of these knives varies to such an extent that a transient would be unable to have a clear insight into the law of the State he is in. And as a result of the absence of Federal legislation and the use of a substantial amount of advertising in national magazines, any person—criminal, insane, or child—can come into possession of one of these vicious articles through the mails.

Advertising of these knives appears in nationally circulated magazines. One such magazine that I have in mind is an adventure type publication which would appeal to young boys. The article advertised is called Black Beauty. It is, reading from the ad, an Italian stiletto. Reading further, the advertisement states, "holding Black Beauty about 12 inches from object, press mystic button and flashing steel blade will open with the speed of sound."

One of these knives was received through the mails by a psychopathic individual in San Francisco, who recently used it to threaten doctors and nurses in the ward of a San Francisco hospital. This knife was mailed by a northern Florida firm, which advertises and distributes these stilettos.

An examination of the knife revealed an object which could logically be used for only one purpose; i. e., the inflicting of serious injury to another human being. It differs from some of the other switchblade knives in that it has no cutting edge, and hence does not serve even the purpose attributed to the normal pocket knife.

Accompanying the stiletto, which was manufactured overseas by a manufacturer who distributes most of the stilettos in the United States, was a knife catalog.

The catalog, which is partially devoted to advertising sports equipment to boys 10 to 14 years old, contains the following ad for a European knife for sale with deep-blood groove: A jet-spring knife which "opens with lightning speed when lock is released * * * beautifully constructed knife for use when speed is vital."

One New York distributor who imports stilettos from abroad, using a warehouse in the South as a mailing point, has conceded that he ships and sells to retailers throughout the United States over 12,000 of the stilettos a year, many of which are larger than the one described in the advertisement to which I refer.

All of this activity, of course, occurs without violating any Federal statute at present.

As a result of many interviews and the response to a large number of questionnaires sent to police departments, provost marshals, and sheriffs throughout the United States, it has been established that the push-button knife and stiletto are attractive and appealing to the juvenile. It was further established that many of the sales are made to juveniles.

I am inserting in these remarks excerpts from some of the questionnaires that were sent by the subcommittee not only to show that these articles are being sold to juveniles, but also to show the problem is not confined to large urban areas, as many have previously thought.

In a letter dated April 3, 1957, Roy Stone, chief of police, Longview, Tex., stated:

"The people who sell these knives say that teen-agers are the ones who are buying most of these knives."

In a letter dated March 27, 1957, W. B. Murray, detective sergeant, of Burlington, N. C., includes a report on an interview with a local concern selling switchblade knives. The owner of the concern stated that he "sells them to the 8- and 9-year-old groups of children and up."

Walter F. Johnson, chief of police, Denver, Colo., writes:

"It has been my experience in dealing with the juvenile gang problem that the snap-blade knife is one of the favorite weapons of the gang members."

As to the antisocial use that these articles are put to by juveniles, Francis J. Ahern, chief of police, San Francisco, Calif., stated on June 7, 1957: "* * * that a substantial amount of our juvenile crimes of violence involve the use of this type of knife." He further stated that since the enactment of a local ordinance, the use of such knives in crimes has diminished.

R. T. Runyan, chief of police of Corpus Christi, Tex., wrote regarding an interview with the owner of a store that sells stilettos:

"The owner of the company also stated that the persons who buy the stiletto knife are usually the criminal type. He also stated that he would like to see the stiletto outlawed. He stated that his regular good steel nonswitchblade knives were top sellers to adults. The cheap $1 switchblade knives were second, and most of these were more attractive to juveniles, on an average of 14 years of age."

Harry J. Krieg, chief of police, Waterloo, Iowa, stated in a letter dated July 2, 1957, that a store owner who sells switchblade knives said, "* * * and most of the cheap knives going to young people."

A letter from the police department in Des Moines, Iowa, dated July 8, 1957, regarding a local store which sells switchblade knives states that the proprietor "estimates that the average age of the purchaser would run from 14 to 18 years."

A Kentucky Army and Navy surplus supply operator stated he could unload his supply of switchblade knives to teen-agers within a half hour, the demand was so heavy. However, he followed the policy of requiring the parents to be present.

These statements corroborate the interviews conducted by staff members with store proprietors, who in some instances have freely admitted that much of their demand comes from juveniles as young as 11 years old.

Members of youth gangs who were interviewed revealed that it was standard practice for most of their group to carry switchblade knives, allegedly for protection. However, we all know, or have read about, the numerous assaults resulting from the eruption of gang wars among these juveniles and the injuries inflicted by the knives. Many retailers selling stilettos stated that members of the Pachuces gang, a loosely knit, aggressive youth gang, purchased these articles.

The following statistics give a general indication of the increase in the use of weapons by juveniles. Although no statistics are available as to the ratio of these switchblade knives and stilettos to other weapons, it is believed to be substantial:

In New York City in 1956, there was an increase of 92.1 percent of those under 16 arrested for the possession of dangerous weapons, one of the most common kind being the switchblade knife; and also in New York 36.9 of the felonious assaults, many involving use of switchblade knives, were committed by those under 16. On the national level, 29.6 percent of the total arrested for carrying dangerous weapons was attributable to young persons under the age of 18. A more shocking and striking figure is that 43.2 percent of the total robberies committed in the United States last year were by persons under 21 years of age. A switchblade knife is very often part of the perpetrator's equipment in a robbery.

Additional confirmation of the connection between criminal assaults and other antisocial conduct and the possession of these knives is disclosed by the following facts:

In Milwaukee, in the course of 1 year, more than 300 automatically opening knives were confiscated from prisoners after arrest. In Kansas City 15 switchblade knives were used in assaults and robberies in 1956, and 80 of these knives were taken from suspects who had been booked for investigation during the same period. In addition, there were 10 to 12 cases in which these knives were used by one juvenile to take money from another, and during the same period, there were 6 cases of cuttings as well as several cases where the knives were thrown by one juvenile at another.

During 1956 at Fort Bragg, N. C., it was necessary for the military police to confiscate from military personnel 161 switchblade knives—an average of 3 a week. At Fort Sill, Okla., in 1956, 75 of these knives were confiscated as a result of aggravated assault. In the area of Fort Bliss, Tex., there are more than 20 establishments selling these articles. The only military use for switchblade knives

is for parachutists, and they receive their knives through Army issue. All other sales to military personnel usually culminate in a violation of post regulations when the article is carried on the post.

A specious argument advanced by some of the switchblade-knife dealers is that these articles are frequently sent to military supply stores in the vicinity of Army installations for use by military personnel. This fact was corroborated by visits to some of these installations, but it was further learned through interviews and questionnaires that not only was the possession of these articles contrary to post regulations, but with uniformity the provost marshals supported the measure now being introduced. Rather than feeling that the switchblade knife and stiletto were useful in the operation of an Army installation, the provost marshals, without exception, expressed the view that it was an undesirable and dangerous article.

The act does not apply to common carriers who may inadvertently transport these articles. When arriving from abroad, the stilettos are classified and marked "folding blades," and the carrier is not in a position to know the contents of the package. In the United States the carrier is normally not privileged to open a package to determine the exact article contained within. It is, therefore, only equitable and fair that he be given immunity from the enforcement provisions of this measure. The Army has on two occasions placed orders for parachutists to use these knives, and Army issue is exempt from the impact of this statute. The act mentions other areas that are exempt from the statute, but in the case of huntsmen and sportsmen it has been learned that the switchblade knife is not an indispensable article and that an alternate and safer kind of knife can be effectively used.

The following excerpts from questionnaires sent to police chiefs reflect the sentiment of law-enforcement agencies with respect to the ideas embraced in this type of legislation:

From Clifford G. Bailey, captain of the Crime Prevention Bureau of Minneapolis, Minn.:

"I believe Federal legislation controlling the manufacture, sale, and distribution of switchblade or automatic-opening knives would be most desirable. We have attempted to control this in our own city by local legislation, but the juveniles continue to get possession of this type of weapon through the mails, over which we have no control. We have outlawed the manufacture, sale, and possession of automatic-opening knives by local legislation; yet we are continually picking up youngsters who have obtained them through mail-order advertisements."

From the acting chief of police, Lt. Col. W. E. Parker, of Kansas City, Mo.:

"Federal legislation on sale and distribution in interstate commerce of automatic (switchblade) knives would control such weapons getting into the hands of teen-agers. On this basis alone, it would be extremely important that consideration be given this proposed legislation."

From Chief James F. Daley, of the Boston Police Department:

"It is my opinion that this (a Federal law prohibiting the interstate traffic in switchblade knives) would be desirable; however, it would be much more effective if the manufacture of such knives was stopped entirely. The reason being that from a law-enforcement viewpoint, these weapons are specifically devised as a vicious, insidious weapon of assault and can be devoted to no legitimate use in the everday life of law-abiding citizens. Federal legislation that would prohibit their manufacture and interstate shipment would certainly have my approval."

In order to evaluate possible constructive and helpful uses that these articles are put to, an inquiry was made of sporting and hunting organizations. Although some fishermen and huntsmen indicated that they have used switchblade knives, the majority felt that the standard hunting knives were much more effective for their purposes.

The conservation director of a national sportsman's league stated that he had never seen a sportsman in Western States use a switchblade knife for either hunting or fishing and that most sportsmen prefer the sheath-type knife, as they are much easier to keep clean.

A value judgment must be exercised in determining whether a ban should be imposed on the transportation and distribution of an article. In the case of the switchblade knife, the question resolves itself to whether the antisocial, negative, and criminal uses this knife is put to, sufficiently outweigh the occasional constructive uses that can be made of the knife to justify the prohibition contained in the suggested legislation. In the case of the automatic-opening stiletto, there is no conceivable positive community use. This article can only be used for stabbing and assault.

There are only a few isolated and constructive established uses of the switchblade knife, and these uses can be equally well fulfilled by another kind of safer instrument.

Certainly, the damage in terms of assaults and threats and the unhealthy, aggressive, psychological role this article now has, far outweigh the rare positive use that the knife can be put to. The elimination of these knives from the production schedule of several of the manufacturers would not be unduly injurious to them. The largest manufacturer and distributor has stated that these knives constitute only 10 percent of his production—the rest being standard pocket knives. The second largest manufacturer has taken the same position.

Invented by George Schrade in 1898, the push-button opening knife was a useful article produced on a limited scale. In the past 10 years, however, the large-scale manufacture of these articles, the reduction in price of the push-button knife so that it is easily available to juveniles, and the psychological effect of these articles in antisocial and aggressive conduct has made such legislation necessary.

Aside from overt criminal activity, the dissemination of more than 1 million switchblade knives and stilettos in the American community each year represents a latent reservoir for future antisocial and criminal conduct. The answer to juvenile delinquency goes much deeper, of course, than curtailing the availability of these articles. However, it is necessary to protect society from the destruction that can result from the placing of these articles into the hands of immature, emotionally disturbed, and antisocial youngsters and adults.

STUDY OF UNITED STATES FOREIGN POLICY

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the consideration of calendar 1982, Senate resolution 336, to authorize a study of United States foreign policy.

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

Mr. FULBRIGHT. Mr. President, the resolution was reported from the Foreign Relations Committee without opposition, and also has been before the Committee on Rules and Administration. The report comes from the latter committee.

The resolution authorizes a bipartisan study of our foreign relations, by the Foreign Relations Committee.

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

The resolution (S. Res. 336) was agreed to, as follows:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of United States foreign policy.

SEC. 2. The committee shall, without limiting the scope of the study hereby authorized, direct its attention to the following subjects:

(a) The concepts which govern the relations of the United States with the principal nations and geographic areas of the world, and the policies by which these concepts are pursued;

(b) The present state of the relations of the United States with the principal nations and geographic areas of the world;

(c) The administration and coordination of policies and programs by the Department of State and such other departments and agencies of the executive branch which engage in substantial activities abroad; and

(d) The relationship of other policies and activities of the Government and private activity which exert a significant influence on the relations of the United States with the rest of the world.

SEC. 3. For the purposes of this resolution the committee is authorized (1) to make such expenditures; (2) to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate; (3) to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (4) to take such testimony; (5) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (6) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government as it deems advisable.

SEC. 4. In the conduct of this study the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and is authorized to divide the work of the study among such individuals, groups, and institutions as it may deem appropriate and may enter into contracts for this purpose.

SEC. 5. The expenses of the committee under this resolution, which shall not exceed $300,000 for the period ending January 31, 1959, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 6. The committee shall complete its study by June 1960, but it shall submit to the Senate not later than January 31, 1959, such results of the study herein authorized together with such recommendations as may be found to be appropriate.

STUDY OF UNITED STATES RELATIONS WITH THE AMERICAN REPUBLICS

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1980, Senate Resolution 330, which authorizes a

study of United States relations with the American Republics. This resolution was submitted before the resolution which was agreed to a moment ago; it was the initial reaction of the committee to the need for a study of this matter.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas [Mr. FULBRIGHT].

The motion was agreed to, and the Senate proceeded to consider the resolution.

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

The resolution was agreed to, as follows:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to make a full and complete study of United States relations with the American Republics.

SEC. 2. For the purposes of this resolution the committee is authorized (1) to make such expenditures; (2) to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate; (3) to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (4) to take such testimony; (5) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (6) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government as it deems advisable.

SEC. 3. In the conduct of this study the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and is authorized to divide the work of the study among such individuals, groups, and institutions as it may deem appropriate and may enter into contracts for this purpose.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $150,000 for the period ending January 31, 1959, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. The committee shall complete the study by June 30, 1960, but it shall submit to the Senate not later than January 31, 1959, such results of the study herein authorized together with such recommendations as may at that time be found appropriate.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the votes by which Senate Resolution 336 and Senate Resolution 330 were agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider the votes by which both resolutions were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Arkansas to reconsider the votes by which Senate Resolution 336 and Senate Resolution 330 were agreed to.

The motion was agreed to.

POWERS OF THE TWO HOUSES OF CONGRESS

Mr. FULBRIGHT. Mr. President, on July 24 two distinguished Members of the House of Representatives, the chairman and the ranking minority member of the House Committee on Appropriations, made statements with respect to the powers of the two Houses of Congress. These statements appear at pages 14981 and 14982 of the CONGRESSIONAL RECORD of July 24, 1958.

Several passages in these statements refer to the power of the House of Representatives to initiate appropriations legislation. For example, the statement is made:

> Under the Constitution, the House of Representatives alone may initiate revenue legislation and appropriations legislation. * * * The thing which we must insist upon is that the Senate shall not, in violation of the Constitution, transmit to the House a bill originating an appropriation. * * * The House of Representatives under the Constitution was given the authority to originate appropriations.

I have no desire to dispute the acknowledged practical fact that, generally speaking, the appropriations bills originate in the House. However, I do not agree that this is a constitutional requirement. The Constitution, in article I, section 7, provides as follows:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

"Rottschaefer on Constitutional Law" discusses this provision in chapter 6, section 108, page 157, as follows:

> The two Houses of Congress are in general equal and coordinate in their legislative capacity. The only exception thereto is that bills for raising revenue must originate in the House, but the Senate may propose or concur with amendments as on other bills. * * * Bills making appropriations of public funds may originate in either House, although they in fact generally originate in the House.

The Constitution of the United States, annotated, at page 102, under Legislative Process, Revenue Bills, reads as follows:

> Only bills to levy taxes in the strict sense of the word are comprehended by the phrase "all bills for raising revenue,"

This annotation cites Story on the Constitution and two United States Supreme Court cases, both of which also cite Mr. Justice Story. The cases are *Twin City Bank* v. *Nebeker* ((1897) 167 U. S. 196, 202–3); and *Millard* v. *Roberts* ((1906) 202 U. S. 429, 436–7). In the first case the Court says:

> Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question prove that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

The second cited case repeats this statement.

These cases are not directly on the point of whether the Constitution requires an appropriation measure to originate in the House of Representatives. They are direct rulings on the power of the Senate to originate tax legislation where such tax legislation is only incidental to the main purpose of the legislation. However, the emphasis in these cases and in Mr. Justice Story's writing is upon strict construction of the provision of article I, section 7.

What has happened, I think, was well summarized by Henry Cabot Lodge in The Senate of the United States, as quoted by Haynes, in his book of the same name, page 457:

> The Senate has, without serious resistance, conceded to the House the sole right to originate the great appropriation bills, although its own right to originate such measures is the same as that of the lower branch. * * * but it certainly does not show on the part of the Senate a desire to usurp authority.

The distinguished members of the House Appropriations Committee were referring to bills originated in the Senate providing for the financing of certain activities of the Government through a public debt transaction. I quote from their statements as follows:

> The Senate has figured out a new device to get around this exclusive prerogative of the House. * * * The Senate has now adopted a plan which is technically known as the public debt transaction under which funds are released from the United States Treasury through the issuance of securities which, in effect, are nothing more nor less than an appropriation. * * * But, under this gimmick, under the public debt transaction device agencies are not required to come in for an annual appropriation.

These statements and others carry the implication that the Senate has discovered a new device calculated to undermine the authority of the House of Representatives to initiate appropriations.

In the CONGRESSIONAL RECORD of June 9, 1958, I inserted a tabulation entitled, "Expenditures Handled Under Congressional Authorization as Public Transactions Cumulative to June 30, 1957," which indicates the extent to which this type of financing has been used. It is astonishing to me that Members of Congress should describe this method of financing as a new device or gimmick when the record will show that over the course of years expenditures have been made and bonds and notes acquired under this method to the extent of at least $144 billion.

Such well-known agencies and programs as the Commodity Credit Corporation, Federal Farm Mortgage Corporation, Federal Public Housing Authority, Home Owners Loan Corporation, Reconstruction Finance Corporation, Tennessee Valley Authority, Export-Import Bank, International Bank for Reconstruction and Development, Federal Home Loan Bank Board, Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, Defense Production Act, Civil Defense Act, Public Law 480—The Agricultural Trade Development Assistance Act—and, no doubt, many others have been financed, in whole or in part, by this method. Although I have not researched this point, I am confident that many such programs

have originated in the House of Representatives, and even in the House Committee on Appropriations. For example, the Third Supplemental Appropriation Act of 1951 increased the borrowing authority under the Defense Production Act from $600 million to $1.6 billion.

Public-debt transactions have ordinarily been used for lending programs where it is expected that the amounts advanced will be loaned on interest. In some cases the advance represents a capital contribution, such as the contributions to the stock of the Export-Import Bank or the subscription to the International Bank for Reconstruction and Development. In most cases, however, the amount is expected to be repaid. In many cases they have been profitable. For example, the total advances of $26.6 billion to the RFC, after deducting cancellations of $12.8 billion representing national defense, war and reconversion activities and similar items, and transfers to liquidating agencies, have ended up, according to Assistant Secretary of the Treasury Robbins' letter of May 7, 1957, with a net income as of June 30, 1957, of $333 million, after charging off interest equivalent to the amount paid by the Treasury on its borrowings.

It makes better sense to treat the financing of a lending program as a borrowing of capital through a public-debt transaction rather than an expenditure of income through the ordinary type of appropriation. It is not an expenditure in the sense of the normal appropriations, but an investment.

The enactment of a bill establishing a program through a public-debt transaction does not deprive the Committees on Appropriations of their authority. The Federal Flood Insurance Act of 1956 authorized a substantial program using an open-ended public-debt transaction. The legislation came to naught, because appropriations for the administration of the act were denied in 1957.

The Committees on Appropriations are kept fully advised of all activities carried on under public-debt transactions, which are set forth clearly in the annual budget document. See, for example, pages 134, 173, 276–277, and 338–339 of the 1959 budget document. Public-debt transactions affect the public debt of the United States, which is a matter of concern to the Committees on Finance. Those committees can and do exercise restraint over the use of public-debt transactions through the debt-ceiling legislation.

Mr. President, I conclude that the use of the public-debt-transaction form of financing is not new nor revolutionary. It does not constitute an attempt to usurp or undermine the proper functions of the Committees on Appropriations, nor those of the House of Representatives.

PAYMENT OF BOUNTIES FOR CONTROL OF PREDATORS ON SALMON AND HALIBUT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2026, S. 2719.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2719) to provide for the payment of bounties for the control of certain predators on salmon and halibut of the Pacific coast and Alaska.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments, on page 1, at the beginning of line 4, to strike out "halibut" and insert "other", in the same line, after the word "coast", to strike out "and Alaska."; in line 6, after the word "coast", to strike out "and Alaska", in the same line, after the word "which", to strike out "various predators on salmon and halibut are found," and insert "depredations of dogfish sharks occur,"; in line 9, after the word "such", to strike out "predators" and insert "dogfish sharks"; at the top of page 2, to strike out:

SEC. 2. (a) The Secretary of the Interior shall pay the following bounties in the areas established by him pursuant to the first section hereof: $10 per ton for unlivered dogfish sharks, or 10 cents a pound for dogfish livers; $20 per ton for lamprey eels taken from the Columbia River and other rivers of the Pacific Coast; and $40 per ton for hair seals and sea lions.

And, in lieu thereof, to insert:

SEC. 2. (a) In the areas established pursuant to the first section of this act, the Secretary of the Interior shall pay a bounty of $10 a ton for unlivered dogfish sharks, or 10 cents a pound for dogfish shark livers.

In line 15, after the word "section," to strike out "with respect to dogfish sharks, lamprey eels, hair seals, and sea lions"; after line 17, to strike out:

SEC. 3. The Secretary of the Interior is further authorized to initiate such programs of control as he deems to be desirable in the public interest with respect to beluga whales and other predators on the salmon resources of Alaska, including such fish eating birds as he determines to be destructive to such resources.

And, at the beginning of line 24, to change the section number from "4" to "3," so as to make the bill read:

Be it enacted, etc., That in order to aid in the rehabilitation of the salmon and other fisheries of the Pacific coast the Secretary of the Interior is authorized to establish areas along the Pacific coast in which depredations of dogfish sharks occur, and to provide for the payment of bounties for the control of such dogfish sharks as hereinafter provided.

SEC. 2. (a) In the areas established pursuant to the first section of this act, the Secretary of the Interior shall pay a bounty of $10 a ton for unlivered dogfish sharks, or 10 cents a pound for dogfish shark livers.

(b) The payments made under subsection (a) of this section shall be made to domestic fish producers or otherwise as the Secretary of the Interior shall determine.

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

The amendments were agreed to.

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

The title was amended, so as to read:

A bill to provide for the payment of bounties on dogfish sharks to control the depredations of this species on the fisheries of the Pacific coast.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD certain portions of the report which came from the Committee on Interstate and Foreign Commerce on the bill. The bill was unanimously reported.

There being no objection, the extracts from the report (No. 1979) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the amended bill is to control the predatory dogfish sharks. This is to be accomplished by paying fishermen $10 per ton for unlivered dogfish sharks, or 10 cents a pound for dogfish shark livers. These payments are to be made to domestic fish producers or otherwise as the Secretary of the Interior shall determine.

PREDATOR CONTROL

This bill is an attempt to reestablish the balance of nature intended between food, sports fish, and a major predator. In recent years, dogfish sharks have increased tremendously in numbers and have increased out of all proportion in their relation to food and game fish, whose numbers have been decreased by the inroads of industrial development.

Unless a natural balance is restored, depletion of our food fish will ultimately result. The diet of the dogfish shark consists principally of such fish as young salmon, bottom fish, sole, cod, and crabs.

There is little purpose in maintaining fish hatcheries and having more and more of the escaping fry consumed on their way to the sea. These dogfish sharks infest waters from the State of Oregon to the southeastern shores of the State of Alaska. This is the area of our great salmon migration for the entire Pacific, the home of the Dungeness crab and our North Pacific bottom-fish industry.

S. 2719, in its original form, would have provided bounties of $10 per ton for unlivered dogfish sharks, 10 cents per pound for dogfish shark livers, $20 per ton for lamprey eels, and $40 per ton for hair seals and sea lions. In this form the bill was objected to by Assistant Secretary of the Interior Ross Leffler. Regarding dogfish sharks, he advised your committee:

"With respect to dogfish sharks, it is my understanding that they are a problem of considerable proportion to the fishermen in the State of Washington, particularly in Puget Sound. You are quite right in assuming that they can best be taken by fishermen. In fact I doubt there is any other way in which they could be taken successfully."

There is now a limited market for dogfish shark livers, at from 8 to 12 cents a pound. The addition of 10 cents per pound bounty would provide sufficient incentive to increase the number of vessels operating on dogfish manyfold. This will encourage the processors and manufacturers of fish byproducts to enlarge and modernize their plants. Unlivered dogfish sharks will be used for fertilizer and for pet food.

Pacific coast trawl vessels are hampered in their operating by hordes of dogfish sharks. At times the major portion of their drag will consist of these valueless pests which now are only thrown back into the sea. Trollers and sportsmen have been forced to abandon historic fishing areas that have been plagued with these fish. The loss of gear attributable to dogfish sharks amounts to thousands of dollars yearly because of the unwelcome capture of nets full of the predator. Our fishermen are anxious to get on with the drive to eliminate them from once-valu-

able fishing areas, and the income from the proposed bounties will mean a great deal to an important industry, which is now in a depressed condition.

Prior to the importation of low-cost vitamin oil and the synthesis of vitamin A, the value of dogfish liver to the commercial fisherman during the peak years, 1940-43, ranged from 5 cents in June 1940 to a top of 54 cents per pound in August of 1943. This rapid increase in price logically brought about a comparable increase in fishing effort on the dogfish stocks during these years resulting in landings, in the State of Washington alone, of roughly 2 million pounds of liver or an approximate production of about 20 million pounds of round dogfish. This production in 1957 amounted to only 1,372,014 pounds. Obviously, the reduction in catch from near 20 million pounds in 1942 to just over a million pounds last year, has caused a tremendous increase in stocks of fish.

On the basis of last year's catch, this bill would result in bounty payments of approximately $138,000. On the other hand, the best estimate your committee received indicated that dogfish sharks consume 5 times their weight in food fish per year, with a value of over 10 times the cost of the bounty involved.

Your committee believes the enactment of the bill will do a great deal for the preservation of the Pacific coast fisheries.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. 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 Washington to lay on the table.

The motion to lay on the table was agreed to.

INTEGRATION OF A FISH AND WILDLIFE CONSERVATION PROGRAM

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2027, H. R. 13138.

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

The LEGISLATIVE CLERK. A bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water resource developments, and for other purposes.

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

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD certain portions of the report explaining the bill.

There being no objection, the extracts from the Report (No. 1981) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This amendment to the Coordination Act would grant authority to the agencies of Government engaged in construction to consult with the Fish and Wildlife Service before and during the building of Federal water development projects.

The Fish and Wildlife Service would make known to these construction agencies, such as the Corps of Engineers and the Bureau of Reclamation, the project necessary to protect fish and wildlife. Considerable study would be required in some cases, with suggested changes in construction plans to the great advantage of our wildlife resource. Under the bill suggestions regarding changes could be made previous to the commencement of construction. Such plans, or recommendations, whether accepted or rejected by the construction agency, would be submitted to the Congress at the time authorization legislation for the project was under consideration.

The bill would amend the Watershed Protection and Flood Prevention Act which is administered by the Department of Agriculture. It is designed to provide for greater consideration of fish and wildlife conservation in the Federal water-resource development program. Enactment of the bill would not retard that program but should help significantly in permitting Federal water development to serve the interest of a much larger share of our population.

The Secretary of Agriculture would be required to notify the Department of the Interior on any construction plans which concern the conservation and development of wildlife resources. The Secretary of Agriculture would give full consideration to any plans submitted to him by the Fish and Wildlife Service.

The Congress recognized the need for greater emphasis on fish and wildlife conservation through the enactment of the Fish and Wildlife Act of August 8, 1956 (70 Stat. 1119). This act specifically pointed to the need to maintain and increase these resources through proper development and management. The Congress also directed the Secretary of the Interior to take such steps as may be required for the betterment of fish and wildlife resources, and to make such recommendations for additional legislation as deemed necessary.

H. R. 13138 in the form reported by your committee is based on the recommendations of the Secretary of the Interior contained in a letter to the committee dated April 1, 1958. That letter stated, in part:

"* * * we have discussed this proposed legislation with other interested departments, including particularly, the Department of Agriculture and the Department of the Army. The bill as transmitted herewith has their concurrence."

The bill enjoys exceptionally enthusiastic and widespread support. Every one of the 48 State governors, or their authorized representatives, had expressed general endorsement of an earlier version of this bill, according to the Secretary of the Interior. Every major national conservation organization supports it. The bill has the wholehearted endorsement of the commercial fishing industry. As noted above, the Secretary of the Interior sponsored the bill and states that the administration, including all of the other affected Federal departments, supports the bill. The committee has received a very large number of written endorsements from all parts of the country.

* * * * *

Unquestionably, the bill, if enacted, would result in the Congress having better information on the effects of water projects on fish and wildlife resources while considering project-authorizing legislation. It will then, of course, be for the Congress to decide what conservation measures should be incorporated in any project.

The Congress, moreover, would retain full control, through its consideration of project-authorizing legislation, and the review of supplemental reports, in the case of projects already authorized, of any costs incurred for fish and wildlife conservation purposes.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H. R. 13138) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration S. 4208.

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

The LEGISLATIVE CLERK. A bill (S. 4208) to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes.

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

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

INCREASED SOCIAL SECURITY BENEFITS

Mr. REVERCOMB. Mr. President, the 85th Congress can point with justifiable pride to its accomplishments to date. Most Americans will agree, I believe, that the session now drawing to a close has been a most productive one from the standpoint of constructive legislation.

Positive steps have been taken to meet the new and complex problems of what is often described as the most rapidly changing age in history. Numerous measures have been adopted to strengthen our defenses, to combat the recession, to prepare for space-age developments, and to meet many other urgent problems that have confronted the country.

There is one important field, however, in which no action has yet been taken. I refer to the social security system. It is imperative, I feel, that the 85th Congress enact legislation to make this program more responsive to our modern economy and to the basic needs of our older people and those who are handicapped to the extent that they are unable to secure gainful employment.

The House now has before it a bill that would provide a cost-of-living increase for the Nation's social-security beneficiaries. I strongly favor an increase in benefits and expect to support that bill if it passes the House and comes before the Senate.

As we know, any bill dealing with social security must first be acted upon by the House before the Senate can take any action upon it.

It is my feeling, however, that Congress must go further in this field if we

are to meet the social problems of this industrial age. I am strongly in favor of lowering the minimum retirement age and liberalizing the disability provisions of the Social Security Act. These changes are necessary if we are to make the social security program meet the needs of the times.

I have introduced bills in the Senate that would accomplish both objectives. One of the bills I have introduced would reduce the retirement age from 65 to 62 and pay full benefits to both men and women at that age. This added purchasing power in the hands of our senior citizens for life's essentials—food, clothing, and shelter—will help our economy and at the same time promote the long-range objectives of the Social Security Act.

Mr. President, several years ago I offered an amendment to provide for the lowering of the social security age of retirement from 65 to 60. The amendment was not agreed to, so I now ask the Congress to lower the age from 65 to 62, for the reasons I state before the Senate today.

This bill would dispel two myths which have been perpetuated too long about our social security system. One is that the retirement age of 65 is sacrosanct and should be preserved at all cost. The other is that everybody immediately applies for benefits when he reaches the retirement age set for social security.

The fact of the matter is that the age 65 figure was chosen quite arbitrarily back in 1935 when the system was established. Prof. Wilbur Cohen, who was a member of the staff of the Committee on Economic Security, whose recommendations formed the basis of the original act, has recently given us the inside story. He wrote:

> Although the committee studied many alternative financing proposals as a basis for making its recommendations for a contributory old age insurance plan, every proposal considered was based upon 65 as the retirement age and upon retirement from work as a condition for eligibility. The committee made no detailed studies of alternative ages or of any proposals for voluntary retirement at earlier ages or of compulsory retirement or of any flexible retirement program in relation to the disability of an individual.

Inasmuch as the original plan has been substantially changed in other areas, to meet the new and revolutionary changes in our economy, it has always seemed strange to me that the age 65 for retirement, which is based on an unexamined premise, should have been considered a cornerstone of the act for so long a time. Indeed, this provision went unchallenged for over 20 years, until the last Congress made a small crack in the retirement age barrier.

It was challenged, I will say, in 1948, when I sought to have the Senate reduce the retirement age from 65 to 60, but that proposal was not accepted at the time. Again I say my proposal now would reduce retirement age to 62, and that proposal will be before the Senate if the House will pass its social security bill.

In these 1956 amendments, as Senators will recall, widows and dependent mothers were made eligible for full benefits at age 62, while wives and women workers could apply for actuarially reduced benefits at the same age. This important step provided much-needed benefits to many American women—as is demonstrated by the way they responded to it—but it discriminated against a great number of women who surrendered a portion of their benefits each month for the rest of their lives. And it failed entirely to recognize the critical situation in which many men find themselves between the ages of 62 and 65.

If we reduce the retirement age to 62 for both men and women, some 1,200,000 women between the ages of 62 and 65 will become eligible for benefits, and the same opportunity would be extended to some 1,825,000 men. Certainly a large majority of these persons, if gainfully employed and in good health, would choose to continue working—for the myth that age 65 is the age that a man will retire completely ignores individual situations and the vicissitudes of life.

I have been appalled by the large number of older workers who have written to me to point out that they are too disabled to compete in the labor field with their younger contemporaries; yet, they cannot qualify, because of one reason or another, for the cash disability benefits which were authorized by the 1956 amendments.

A decade ago, during my previous term in the Senate, I introduced a bill providing for disability payments to workers of any age who became permanently disabled. That bill was not enacted into law at the time. Nevertheless, the 84th Congress saw the wisdom of extending social-security benefits to permanently disabled workers of 50 or over who are covered by the act. However, the provisions of Public Law 880 have been so rigidly interpreted that many disabled workers are unable to qualify for much-needed benefits. I do not believe it was the intent of the 84th Congress to make it all but impossible for those unable to work by reason of physical or mental impairments to obtain social-security benefits.

Mr. President, I still believe the time will come, under this insurance plan, when any person who becomes permanently and totally disabled at any age will have benefits accrue to him. I think that is proper, and sound, and it would be done under any private insurance plan. However, the step taken for the permanently disabled, to reduce the age from 65 to 50, is certainly a step in the right direction.

Now I wish to comment upon some provisions of the law and the administration of them.

Therefore, to bring our disability program more in line with the humane purposes the Congress intended, I introduced two bills (S. 1811 and S. 1812) at the last session of Congress. One would liberalize the very strict definition of permanent and total disability in existing law. The other would greatly modify the present provision which makes benefits contingent on a triple-threat requirement which calls for fully insured status, and coverage for 5 of the 10 years and 1½ of the 3 years prior to the tragedy of a handicapping illness or injury. I shall continue to seek enactment of this legislation with all my power, and it is my hope that the 85th Congress will act to meet the particular problems I have cited.

But this is just part of the dilemma. For I am also acutely aware of the fact that these disability provisions do not represent a complete answer to the situation facing many older people. A very slight injury, or a relatively minor ailment, can cost an older worker his job, without making him eligible for disability benefits. Even a perfectly healthy older worker who loses his job, because of a technological change or a shift in plant location, is faced with a really desperate problem. For to find employment in a new and strange occupation is never easy. Under the best circumstances, a man who has spent his entire life working at a given skill finds it almost impossible to find a new position. In times of economic recession this task is almost insurmountable. Our social-security plan, therefore, must take account of the displaced people in our economy by adjusting the social security retirement age reasonably and equitably downward.

The second myth which I mentioned earlier—the myth that everyone will rush to retire—is likewise the product of fallacious reasoning. The facts clearly show that most people go on working as long as they can and that they apply for social security benefits only when they are forced to do so either because they are no longer able to work, or because they cannot find work.

The most recent study as to reasons given for applying for social security, which was made in 1951, shows that only 5 percent of the people applying for benefits did so voluntarily. The rest had been forced to retire either for health reasons, because they had been laid off, or because they were unable to find jobs.

In this connection, let me quote from a news story that appeared in the Charleston (W. Va.) Daily Mail not long ago:

> "Our latest local figures show that the great majority of full-time workers retire because they are in ill health or because they have lost their jobs. Few people in West Virginia are retiring from full-time work just to collect their social security payments," Paul L. Jefferson, manager of the Charleston social security district office, said today.

This conclusion is buttressed by the fact that the average retirement age under social security today is not age 65, but age 68 for men, and that there are about 2.3 million people 65 and over now in the Nation's working force. Moreover, it is estimated that about 60 percent of these elderly workers are eligible for social security benefits. This, I believe, is very vivid evidence of the fact that retirement habits of the American people are not governed by the age specified in the Social Security Act but rather by their individual circumstances. Surely it must be clear to any thinking person that no one in his right mind who is in good health is going to rush into retirement to receive the munificient sum of $76 a month—the average social security benefit today.

My bill recognizes the fact that age restrictions in employment, tiring

muscles, and the debilitating illnesses of later life, force a great many men and women to retire years before they reach age 65. It recognizes the fact that any substantial time lag between the day they are retired and the day they are eligible for social security benefits means real hardship and suffering. Two years ago, Secretary of Labor James A. Mitchell called attention to the plight of some 2 to 3 million older workers caught in what he described as "the no-man's land between maximum hiring ages on the one hand and the minimum retirement ages on the other."

One of the most important reasons for enacting such legislation is that it will shrink this "no-man's land" while, at the same time, adding more flexibility to the retirement provisions of the Social Security Act. It will give American workers a freedom of choice which they will use reasonably in the light of their individual situations.

I point out that this added flexibility, is a growing feature in many private pension plans. A survey of employee retirement plans of industrial workers for the period 1953 through 1955, conducted by the Bankers Trust Co. of New York, showed that 70 percent allowed for regular early retirement, subject to age and service requirements. Of this number, 53 percent allowed retirement at age 60, another 16 percent at age 55, and only 9 percent had no provision for early retirement.

Mr. President, the result is that the gap between the time when a workingman retires on his company pension and the time when he is eligible for his social-security benefits is widening. We have, in effect, set up a period of endurance for many older workers. My bill recognizes the fact that disability, age restrictions on employment, and other circumstances can more effectively force an individual's retirement than does his chronological age.

I am equally concerned with allowing all women to receive full benefits at age 62. The policy of excluding two groups of women—wives and women workers—from the right to full benefits is, I believe, a violation of benefit rights.

The fact is that the overwhelming majority of women at age 62 are not—and should not be expected to be—gainfully employed. Over 90 percent of all wives in this age group are not in the labor force. And any woman who loses her job between the ages of 62 and 65 cannot easily find other employment. Moreover, present law not only reduces a wife's benefit if she applies before age 65, but it also penalizes many women who are the same age as their husbands. This is true because women cannot qualify for a wife's benefit until the husband has attained eligibility age. As a result, one woman at age 62 may not be eligible for any benefit whatsoever—because her husband is also aged 62—while her neighbor, of the same age, can qualify because her husband is 65. Thus, by lowering the retirement age for men to 62, we will also make many more wives eligible for social security at an earlier age.

Whether we like it or not, the facts of our time are inexorably pointing to the wisdom of adjusting social security's retirement age downward to conform to an age of automation which is making it more and more difficult for older men and women to find suitable employment.

The very genius of our productivity—which makes it possible for one man to do the work which required 3 men 50 years ago—is shortening the length of our working life just as certainly as it has shortened the length of the working week. I am convinced that our social security system must be brought up to date in this respect.

I urge every Member of the Senate to give this proposal most serious consideration, for I believe its early enactment is essential not only to the people who will directly benefit but also because it is consistent with the economic realities of the present and future.

It is my sincere hope, Mr. President, that the 85th Congress will take action to meet the problems that confront our older workers as well as those who, by reason of illness or injury, are unable to find gainful employment.

The House must act first on this question, under the law. I trust that it will act at an early date, and that the bill will be sent to the Senate. I hope the amendments which I feel are so necessary to meet this problem will be approved by the Senate, and that this social-security improvement will become the law of the land before the present Congress adjourns.

THE DEBT LIMIT

Mr. MARTIN of Pennsylvania. Mr. President, many of us are distressed because we are confronted with a proposal to increase the debt limit of the United States. That would open the way to further deficit financing which, as we all know, is the principal cause of inflation, probably the greatest danger facing our country. All Americans must enter the fight to defeat inflation and prevent the erosion of the dollar. So much depends upon Congress, because under our system of Government Congress has the power to control the purse strings of the Nation.

I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks an editorial from the Oil City Derrick of Monday, July 28, and one from the New York Times, of Saturday, July 26.

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

[From the Oil City Derrick of July 28, 1958]

DEEPER AND DEEPER INTO HOCK

We're going deeper and deeper into hock.

Last February Congress approved a temporary $5 billion hike in the permanent debt ceiling of $275 billion, permitting it to be raised to $280 billion between now and June 30, 1959, the end of the fiscal year.

Now comes the announcement from Washington that Congress will be asked on Wednesday to add another $8 billion to that temporary jump so that the debt may be increased, if necessary, to $288 billion by next June.

On top of that, it is said a request will be made to boost the permanent debt limit from the present $275 billion to $285 billion.

These debt limit increases, of course, are not unexpected in view of the spending splurge upon which the Federal Government is embarked. In the fiscal year which closed last June 30, the Government operated in the red to the tune of $2.8 billion. And it is estimated that the fiscal year which ends next June 30 will see a budget deficit of between ten and twelve billion dollars.

You can't operate on a deficit basis without borrowing. And borrowing means steadily increasing the debt—going deeper and deeper into hock. That's exactly what the Government is doing.

There are only two ways to avoid budget deficits. One is to increase taxes, the other to cut spending. Taxes already are at such an extremely burdensome and oppressive level as to be a real threat to the principles of incentive and reward essential to the successful operation of a free economy. So the areas of avoidable spending must be contained and reduced if deficits are to be erased.

There seems little disposition in Washington to do either of these things—increase taxes or cut spending. So the gears are being meshed for a new whirl of inflation with its attendant evils of higher prices and a lower dollar value.

Unless there is a radical reversal of spending policy, the way is being paved for the years of deficits of which Budget Director Stans recently warned.

The way is being paved, too, for fulfillment of his added warning that deficit spending can't continue forever and eventually we reach the day of reckoning.

[From the New York Times of July 26, 1958]

THE FEDERAL DEBT CEILING

A specter that has been putting in an appearance more or less regularly every year now since 1953 is again back to haunt the administration. That is the problem of keeping the public debt within the debt ceiling—a problem that will be additionally complicated in the present fiscal year at least by the prospect of a very substantial budget deficit.

The debt ceiling is a comparatively new instrument of fiscal control in this country. In 1938, with the debt then standing at what many regarded as the dangerously high level of $37 billion, Congress acted to discourage future reckless spending by setting a limit on the debt of $45 billion. During the ensuing 8 years, most of which were marked by war or preparation for war, Congress had little choice but to revise this limited ceiling upward when such action was requested by the President. The ceiling was lifted five times in that period, until it reached $300 billion in 1945. A year later it was revised downward for the first time to its present level of $275 billion.

With the debt pressing against the ceiling, as a result of post-Korean rearmament program, President Eisenhower proposed in 1953 that the Government be given more elbow room in meeting its finance requirements, but Congress put its foot down. The great problem of the Treasury that year and in the years since then has been to get past the lean period of the year, from December through February, when receipts are at their lowest. This has been "solved" since 1953 by authorizing temporary increases, usually of $5 billion, in the ceiling. In the face of the much more serious situation that it now faces the administration is proposing that the present debt limit be raised to $285 billion, with an additional $3 billion on a temporary basis.

It is difficult to see how such a request can be refused. The fact remains, nevertheless, that this situation might have been avoided had the budgetary policies of the administration during the recent boom years called for substantial surpluses, rather than surpluses that were surplus in name only.

CRUM McKINNON BUILDING CO., OF BILLINGS, MONT.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2089, S. 2519.

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

The LEGISLATIVE CLERK. A bill (S. 2519) for the relief of the Crum McKinnon Building Co., of Billings, Mont.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with an amendment on page 1, line 10, after "Montana", to strike out "so as to relieve the said company of its obligation under paragraph (6) of such lease to provide utilities and janitorial and other services with respect to such building, and to increase from $28,350 to $37,500 the amount of the annual rental to be paid by the United States to such company for such building", and insert "to provide that the amount of the annual rental to be paid by the United States to said company for such building shall be increased from $28,350 to $37,500, effective on the date the option to renew was exercised by the Government, and said company shall be required to perform all of its obligations under said lease, including, without limitation, its obligation under paragraph (6) to provide utilities and janitorial and other services", so as to make the bill read:

Be it enacted, etc., That the Administrator of General Services is authorized and directed to enter into negotiations with the Crum McKinnon Building Co., of Billings, Mont., for the purpose of revising, and shall offer to revise, the lease (GS-10B-160 (formerly I-3L-119), dated October 29, 1948, as renewed beginning July 1, 1954) under which such company leased to the United States a certain building located in Billings, Mont., to provide that the amount of the annual rental to be paid by the United States to said company for such building shall be increased from $28,350 to $37,500, effective on the date the option to renew was exercised by the Government, and said company shall be required to perform all of its obligations under said lease, including, without limitation, its obligation under paragraph (6) to provide utilities and janitorial and other services.

Mr. MANSFIELD. Mr. President, the bill has been reported unanimously by the Committee on Government Operations. It has the approval of the General Accounting Office and the General Services Administration. The purpose of the bill is to correct an inequity which existed in an expired 5-year lease contract, and which would continue under the new lease being considered. I hope the Senate will pass the bill unanimously.

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

The amendment was agreed to.

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

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

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1959—CONFERENCE REPORT

Mr. MANSFIELD. 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. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, p. 15729, CONGRESSIONAL RECORD.)

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

There being no objection, the Senate proceeded to consider the report.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, I intend to suggest the absence of a quorum. Following the consideration of the conference report I shall move that the Senate proceed to the consideration of Calendar No. 1899, H. R. 8002, to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations.

THE RURAL ELECTRIFICATION PROGRAM

Mr. HUMPHREY. Mr. President, within the past week a very important ruling has been made by the Comptroller General relative to the Rural Electrification Act and its administration. I intend to comment on it and its very serious effect on the future activities of the REA.

Shortly after Congress convened in January, I introduced an REA bill, S. 2990, which is designed to restore to the REA Administrator the loanmaking powers that Congress had originally given to him in the Rural Electrification Act of 1936.

About a year ago the Secretary of Agriculture took over the major responsibility for making REA loans. He did this under the authority of the Reorganization Plan No. 2 of 1953. Under this authority he ordered the REA Administrator not to make any loans over $500,000 or any loans to new borrowers without first getting the clearance of the Secretary's office.

The REA co-op people in my State and elsewhere felt that the Secretary's action was changing the REA program in a way that was bound to become more and more detrimental to the program as time went on.

In the early part of June the Reorganization Subcommittee of the Government Operations Committee of the Senate held hearings on S. 2990. Co-op representatives came in from all over the country for the hearings. Twenty-five of them testified and nearly 100 additional directors and managers felt strongly enough about the matter to come to Washington and demonstrate their concern. Since June we have received expressions in the form of letters, telegrams, and resolutions from a number of individual cooperatives and their members.

Basically the co-ops are not complaining about events of the past. However, they did point out that the downgrading of the REA Administrator weakened REA ties with Congress, injected a new and uncertain element into the loan procedure, exposed REA to political manipulation, cut off their direct access to the man who is actually the REA Administrator with the power to act and created additional and unnecessary redtape and duplication. These developments, they said, in their opinion were damaging to the REA program.

However, what was really of deep concern to them was the future. They are extremely apprehensive about the moves to interfere with the authority of the REA Administrator, whether it be by the Secretary of Agriculture or whether it be by any other person or ruling. This, of course, does not apply to any particular individual, but to the official who may be in charge.

We now have another alarming example of an action that, if allowed to stand, would have far-reaching effects on the functioning of the REA program.

I am referring to a ruling dated July 21, 1958, and issued by the Comptroller General of the United States.

This ruling which is addressed to the Secretary of Agriculture and which applies to the Rural Electrification Administration's operations, reverses a precedent of 22 years' standing in the operation of the REA program.

Briefly the Comptroller General of the United States has ruled that no REA loan can be made to a rural electric cooperative for service to anyone whom others say they will serve whether such persons are presently being served or not.

The ruling is made in connection with a single case, but the language is so broad that it would write policy for all future time unless it is reversed.

Now here are some of the long-term implications that will demonstrate how damaging the ruling will be to the future operations of the REA program:

First. It would prevent an REA cooperative from serving any consumer in the future which another utility says it would like to serve.

Second. It would prevent virtually all loans for generation and transmission

because in fighting these loans the power companies have always stated their alleged willingness to provide power.

Third. It would make illegal a very large number of REA loans that have been made during the past 22 years.

Fourth. It is in direct conflict with the interpretation of the REA Act which has been applied by the Rural Electrification Administration in its administration of the act since it went into operation in 1935.

The REA program has been administered on the basis stated in the REA Act. This authorizes loans to persons in rural areas who are not receiving central station service. The new ruling now issued by the Comptroller General states that, even though a person is not receiving service, he cannot obtain service from a cooperative if he happens to live in an area where the power company renders service to others.

What the Comptroller General in effect is doing is substituting the word "area" for the word "persons." However, he does not define what an area is. It could be so interpreted as to prevent virtually any additional service by cooperatives. I doubt that such an interpretation would be made, but it is surely within the realm of possibility.

Here we have another example of effective downgrading of the REA Administrator's authority to make loans. Last summer Secretary Benson took over most of the loanmaking authority under the terms of Reorganization Plan No. 2 of 1953. Now, even that authority is being further restricted to the detriment of the REA program. In other words the ruling of the Comptroller General is binding not only upon the REA Administrator, but it is, indeed, binding upon the Secretary of Agriculture. The effect of the Comptroller's ruling is to make it necessary to clear all new loans with him.

The interference with the REA Administrator's authority has reached such a stage that it appears to me action by Congress is imperative. The bill, S. 2990, will go a long way to correct these moves which are greatly undermining the Administrator's power to deal effectively with rural electrification.

I also believe it will be necessary to have Congress make it unequivocally clear that the word "person" in the act is to be interpreted in the singular—as "person"—and not to be reinterpreted, in the light of the ruling to mean an area in which persons live.

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

Mr. HUMPHREY. I yield.

Mr. AIKEN. I have not read the decision of the Comptroller General. Did I correctly understand the Senator from Minnesota to say that the REA Administrator could not make a loan to a cooperative if the cooperative could obtain the money elsewhere?

Mr. HUMPHREY. Mr. President, before I answer the Senator's question, I ask unanimous consent that the text of the ruling by the Comptroller General of the United States, dated July 21, 1958, be printed at this point in the RECORD.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., July 21, 1958.

The Honorable the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: Reference is made to our letters of October 28, 1957, and April 14, 1958 (B-134138), to you, concerning a loan of $11,173,000 made by the Rural Electrification Administration (REA) to the Central Iowa Power Cooperative (CIPCO), part of the proceeds ($120,000) of which was to be used to enable CIPCO to furnish power to a member cooperative for resale by the member to Lehigh Sewer Pipe & Tile Co. (Lehigh), Lehigh, Iowa.

The record before us discloses that the loan in question was approved by the Acting Administrator, Rural Electrification Administration on September 9, 1955, for the purpose of financing the construction by CIPCO of certain electric generation and transmission facilities, including one 44,000-kilowatt generating unit, 128 miles of 115-kilovolt transmission line, 176.5 miles of 34.5-kilovolt transmission line, and related substation and switching facilities, for the purpose of furnishing electric energy to CIPCO's 8 REA-financed member cooperatives. Included in the 176.5 miles of 34.5-kilovolt transmission line were 20 miles designated the "Lehigh Tap," the purpose of which was to enable CIPCO to furnish one of its member cooperatives, Greene County Rural Electrification Cooperative (Greene County), a supply of power for a large powerload in the vicinity of Lehigh, Iowa. The large powerload needed in the vicinity of Lehigh apparently was for a new building or plant that Lehigh proposed to construct near an existing plant it owned. The cost of this 20 miles of line was estimated at $120,000.

Your Department, by letter dated December 3, 1957, advised us that the loan was made pursuant to the Rural Electrification Act of 1936, as amended, title 7, United States Code, sections 901–924, and in accordance with the administrative findings required by section 4 of that act (7 U. S. C. 904). This latter code section provides, in pertinent part, as follows:

"The Administrator is authorized and empowered * * * to make loans for rural electrification * * * for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing of electric energy to persons in rural areas who are not receiving central station service."

Section 2 of the same act (7 U. S. C. 902) also contains an unserved person or central station service limitation.

The record discloses that a plant of Lehigh located on a tract of ground outside the town of Lehigh, Iowa, was being furnished 25-cycle electric service by the Fort Dodge, Des Moine & Southern Railway Co. (the predecessor of the Iowa-Illinois Gas & Electric Co.) at the time the loan to CIPCO was made. Prior to the making of the above referred-to loan Lehigh decided to build another building or plant on the same tract of ground approximately 160 feet away from its existing plant and operate both plants or buildings, apparently as separate entities. Lehigh contemplated using machinery in the new plant which would require 60-cycle electric service. It appears that by letter dated May 19, 1955, the railway company offered to supply 60-cycle electric service to Lehigh. Further, it appears from the record that the railway company again, orally, on September 28, 1955, offered to furnish Lehigh 60-cycle service for its proposed new plant and confirmed such offer in writing by letter dated October 4, 1955. Lehigh, however, apparently did not desire to accept such service from the railway company on the ground that the rate quoted by the company would prevent Lehigh from producing its products at a competitive price. Lehigh therefore entered into negotiations with Greene County for 60-cycle service and subsequent to the date of the above referred-to loan entered into a contract with Greene County for such service.

Greene County in October 1955, in accordance with its REA loan agreements, submitted for REA approval a contract for electric service between it and Lehigh. Also, CIPCO submitted plans and specifications providing for construction of the Lehigh Tap to serve Greene's new substation. It appears that the proposed electric service to Lehigh was the principal justification for the transmission line tap and new substation. As indicated above the funds ($120,000) for construction of this line were included in the $11,173,000 loan made by REA to CIPCO on September 9, 1955. It appears from the record that the power contract was returned to Greene without approval in November 1955, and that REA approval to construct the transmission line and substation was also withheld. Apparently REA withheld approval of the power contract and construction of the Lehigh Tap on the ground that Lehigh was already receiving "central station service" from the railway company, since, as indicated above, the record discloses that Lehigh at its existing plant was receiving 25-cycle service from that company.

In April 1956 Greene County and CIPCO again requested approval of a contract for electric service between Greene County and Lehigh, and apparently REA approval to use $120,000 of the loan funds to construct the Lehigh Tap. It further appears from the record that the Greene County-Lehigh power contract was approved in June of 1956 together with the approval of the proposed construction of the Lehigh Tap. The basis for this approval is explained by your Department in a letter to us dated May 5, 1958, signed by Mr. K. L. Scott, Director, Agricultural Credit Services, as follows:

"The findings and determinations made by REA with respect to the use of a loan funds in this case are summarized in an affidavit, copy of which is enclosed, filed in the United States District Court for the District of Columbia by Fred H. Strong, Deputy Administrator, REA. Mr. Strong's affidavit states in part that 'an administrative determination was made, pursuant to title 7, United States Code, section 904, that Lehigh, at its new plant, was not receiving central station electric service.' It thus appears that REA did not base its determination on the nonavailability of power from another supplier, but, as reflected in Mr. Strong's affidavit, on the fact that the new plant was a person not receiving central station electric service."

It appears from the Department's letter to us dated December 3, 1957, that the determination that Lehigh's so-called new plant was a person not receiving central station service was based on certain facts presented by Greene County and CIPCO to the effect that the "proposed contract contemplated service not to the existing Lehigh plant nor to extension of or addition to the existing plant, but to a completely new, separate and independent plant." Moreover, your Department contends, in effect, that even if Lehigh is considered a single person with respect to its old and new plant, at the time the loan was made, September 9, 1955, an administrative finding on the assumed facts, that Lehigh was not receiving adequate central station service from the railway would have been administratively justifiable and legally supportable. See your Department's above referred-to letter of May 5, 1958.

It is clear from the above-quoted provisions of section 4 of the Rural Electrification Act of 1936, as amended (7 U. S. C. 904), and also from section 2, that the Administrator has no authority to make a loan for the purpose of furnishing electric services to persons in rural areas who are receiving central station service. The question as to whether the basic purpose of a proposed loan in a particular case is to provide electric service to unserved persons in rural areas is a matter primarily for determination administratively after a thorough consideration of the pertinent facts and circumstances in the case in the light of the purpose and intent of the Congress in including the central station service limitation in sections 2 and 4. However the Rural Electrification Act does not appear to make this determination final and conclusive.

It may be that literally accepted the terminology of section 4 (and sec. 2) is sufficiently broad to authorize a loan for the purpose of furnishing central station electric service to a person not receiving such service, even though the service is available to such person and that the effect of the loan will be to create competition with an existing private utility. However, in construing or considering the application of a statute it is permissible to look at its evident spirit and purpose as well as the strict letter of the law and the strict letter must yield to its evident spirit when this is necessary to give effect to the intent of the Congress.

The legislative history of the central station service limitation indicates that the limitation was included because of a legislative intent to exclude loans for the purpose of paralleling existing systems and thus creating competition for the established utilities. That this is the purpose of the limitation was acknowledged by a former solicitor of your department in opinion No. 4506, dated November 24, 1942, appearing at page 498, Rural Electrification Planning, Hearing Before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 79th Congress, 1st session on H. R. 1742. The solicitor said in this opinion that—quoting from the opinion as it appears in the hearing:

"A study of the debates in Congress and the Committee hearings indicates that this provision was inserted because of a legislative intent to exclude loans for the purpose of paralleling existing systems and thus creating competition with established utilities.

* * * * *

"* * *. It seems clear from the legislative history that the intent of the limitation was to prevent loans that would create Federally financed competition with existing utility enterprises. * * *

"Where the effect of a proposed loan, regardless of its essential purpose, would be to substitute a competitive REA-financed service to persons already served, the loan may not be made. For example, it is my opinion that a competing line could not be financed even though it were only a small part of a system designed to reach unserved persons and even though the project could not properly be developed without such competing line.

* * * * *

"In the above analysis I have endeavored to delimit and point the issue by reference to situations which fall clearly within the implied prohibition of the clause here under discussion: (1) The financing of facilities which compete directly with existing business, regardless of the fact that such competing facilities might contribute materially to the construction of a system to serve unserved persons."

Also, in this same connection, note the following statements made on the floor of the House and Senate during debate on the bill which became the Rural Electrification Act of 1936, as they appear in the CONGRESSIONAL RECORD, volume 80:

"Mr. MCNARY. I have my own idea as to the interpretation and definition of the expression 'electrification of rural areas not receiving central-station electric light and power service.' What interpretation does the Senator place upon that language? Could he illustrate it?

"Mr. NORRIS (author of the bill). That means, as I understand, and as I think the present administration is now doing, that there will not be set up an organization and money loaned to it for the purpose of electrifying a rural area which is now supplied. There are now, of course, a large number or rural districts already supplied with electricity from central power stations. * * *

"Mr. MCNARY. We probably are together generally, but under the language used, it seems to me, where a plant is now in existence which is adequately supplying a certain area with electricity none of the money provided by the bill could be used for that purpose.

"Mr. NORRIS. That is as I understand it.

* * * * *

"Mr. MCNARY. I think we want a definite meaning fixed, because I think it is an important proposition. The prohibition would relate to a central station furnishing light and power in an area that is now enjoying adequate service. Is that the Senator's interpretation?

"Mr. NORRIS. Yes (80 CONGRESSIONAL RECORD, p. 2751, pt. 3).

* * * * *

"Mr. NORRIS. The Senator says 'come in competition.' They would not come in competition with farms already supplied. They might come in competition with the central power station.

"Mr. KING. That is not my question.

"Mr. NORRIS. There is no intention of going into a farming community which is already supplied with electric current and forming farm organizations there and having them built up to go into competition, as the Senator suggests, with farmers who are already getting their electric current from a central station (80 CONGRESSIONAL RECORD, p. 2752, pt. 3).

* * * * *

"Mr. KING. * * * I may say that my understanding of the bill was that its primary and only purpose was to take care of farmers who did not have electrical facilities.

* * * * *

"Mr. WALSH. That infers, of course, that there is no competition with any existing private or municipal plant.

"Mr. NORRIS. Yes.

* * * * *

"Mr. WALSH. That is what I understand to be the main purpose of the bill; that in rural sections where private enterprise has not undertaken to furnish light or where a municipality has not done so, there will be opportunities given for groups of individuals, or, as the Senator says, in some cases a town or municipality itself, to set up in such rural sections units for lighting purposes (80 CONGRESSIONAL RECORD, pp. 3305, 3306, pt. 3).

* * * * *

"Mr. RAYBURN. May I say to the gentleman that we are not, in this bill, intending to go out and compete with anybody. By this bill we hope to bring electrification to people who do not now have it. This bill was not written on the theory that we were going to punish somebody or parallel their lines or enter into competition with them. It was our thought that in the States where electricity is now generated and distributed the laws of that State would control the rates. May I say further that the Rural Electrification Administration will have nothing whatever to do with the rates that may be fixed in these communities, for the simple reason that matter will be controlled by State law" (80 CONGRESSIONAL RECORD, p. 5283, pt. 5).

While the above statements (except for Mr. RAYBURN's) may have been made in connection with the central station service limitation in section 2 of the act, the same limitation appears in section 4. Thus, the quoted statements would appear equally applicable to explain the intent of the limitation as used in both sections. Also, while the language of section 2, as enacted into law, is somewhat different from the language of the section at the time the above statements (except for Mr. RAYBURN's remarks) were made, the statements would still appear to be for application.

It is clear from the above quoted statements that the purpose of the central station service limitation was to exclude loans for the paralleling of existing systems or creating competition with existing facilities by prohibiting the use of loan funds for construction of transmission lines and substations to furnish power to an area already served by private power companies when such companies are willing to provide adequate central-station service to persons within the area who are not tied to the power lines.

As indicated above, Lehigh was receiving central-station service at its existing plant and apparently desired a modification or adjustment of that service for its proposed new building or plant. The power supplier furnishing the central-station service to the existing plant offered to furnish adequate central-station service to Lehigh's proposed new plant located approximately 160 feet from its existing plant. It appears that this offer was first made prior to the date (September 9, 1955) REA approved the $11,173,000 loan to CIPCO and, of course, prior to the date REA determined Lehigh at its new plant was a person not receiving central-station service. In view of these facts, the approval of the use of $120,000 of the loan in question for construction of the Lehigh Tap had the effect of making a loan of $120,000 for the purpose of paralleling an existing power system and creating competition with an existing facility. As indicated above, the only reason Lehigh refused to accept electric service from the railway company was because Lehigh felt that the rate quoted by the company would prevent it (Lehigh) from producing its products at competitive prices. However, your Department advised us in the letter of May 5, 1958, "The rate at which service is offered is, of course, not a determining factor."

Since it is clear from the legislative history of the central station service limitation that the purpose of the limitation was to exclude loans which would have the effect referred to above, it is our view that the Rural Electrification Administration disregarded the evident spirit and purpose of the Rural Electrification Act when it authorized the use of $120,000 of the loan funds for construction of the Lehigh tap.

However, aside from the legislative history of the central station service limitation we are of the view that where a new building or plant (of an industrial company) is located approximately 160 feet from an old building or plant of the same company on the same tract of ground and the old plant is receiving central station service from a power supplier who has offered to furnish adequate central station service to the new plant, there appears little basis for considering the new plant a person not receiving central station service so as to authorize the making of a loan, or the use of loan funds, under section 4 of the Rural Electrification Act for the purpose of constructing facili-

ties to furnish electric service to the new plant.

In view of the foregoing there appears ample justification for holding that the portion of the loan made for the construction of the Lehigh tap was not authorized and steps should be taken by your Department to reduce the $11,173,000 loan by the amount advanced to construct the Lehigh tap and to recover immediately from CIPCO that amount, i. e., the amount advanced to construct the Lehigh tap. In the event such action will not be undertaken and you so advise, we will be required to report the matter to the Congress.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. HUMPHREY. Mr. President, returning to the question of the Senator from Vermont, the ruling of the REA Administrator—I shall quote a summation of it—is to the effect that it would prevent any REA cooperative from serving, in the future, any consumer which another utility says it is willing to serve.

In other words, under the term of the ruling, which applies, by way, to a specific case—the so-called Lehigh case of Lehigh, Iowa, relating to the Central Iowa Power Cooperative—but which is general in its application, the Comptroller General says that if a private power company, or even a public power company, at any time or any stage of the negotiation says it is willing to serve an area, then no loan will be made to the REA cooperative which is already in the area, even though the cooperative may possibly be seeking to firm up its lines or even to extend its service to other customers who have indicated a desire to be served.

Mr. AIKEN. Evidently the Comptroller General does not recognize the fact that an REA cooperative is the very highest type of private industry.

Mr. HUMPHREY. I think the Senator from Vermont is eminently correct. An REA cooperative is about as individualistic an enterprise as one can conceive.

Mr. AIKEN. What the ruling means is that if an REA cooperative can serve a customer and furnish him with a given amount of electricity, which would cost about $6 a month, and a proprietary concern says, "We can serve the same customer and provide the same amount of electricity at a cost of $20 a month," the cooperative, which could serve the customer for $6 a month, would be unable to borrow for that purpose. Is that what the ruling amounts to?

Mr. HUMPHREY. That is the interpretation which some of the attorneys who represent REA's have given to this ruling. I am not an attorney. I have read the ruling. I have it here.

The intent and effect of the ruling is simply that if a power company offers to serve an area which is at present served by an REA cooperative, and if the REA cooperative seeks a loan to extend or improve its service or to include additional customers, the cooperative shall not be eligible for a loan under the terms of the ruling, because of the proximity of the private company and its willingness to serve.

Mr. AIKEN. The situation seems to be this: the REA's went into areas which corporate utility companies either could not or would not serve.

Mr. HUMPHREY. That is the original history.

Mr. AIKEN. After the REA moved into such areas, newcomers began to come in and those who were there began to improve their residences and farms.

Also, in many cases small industries moved into the areas, which were desirable areas before, except that there was no power.

Mr. HUMPHREY. The Senator is correct.

Mr. AIKEN. The REA furnished the power. After the REA had moved in, and the population, industry, and agriculture had been built up, what were previously skim-milk territories, which private utility companies did not want, became areas producing cream, which the private utilities did want. Recently the private companies have been evidencing a determination to go in and skim the cream from areas which they previously considered were too poor to be worthy of service.

I do not question the decision of the Comptroller General. He may have had to make this decision. I do not know anything about it. I had not heard about it until the Senator from Minnesota spoke of it. But it seems to me that farm people—and originally all of them were farm people—who had the courage and foresight to build up communities, should not now be put at a disadvantage because of the foresight and courage which they demonstrated at an earlier date.

Mr. HUMPHREY. The senior Senator from Vermont has for years been one of the champions in Congress of the rural electrification program.

The reason I placed the ruling in the RECORD was not to make a definitive judgment; I want to make that quite clear. But I believe it is something which the appropriate committees of Congress might very well look into. In this instance, I think the Subcommittee on Agriculture Appropriations of the Committee on Appropriations might consider the matter. I hope the decision will be carefully studied. It was called to my attention yesterday by the president of the Rural Electric Cooperative of Elk River, Minn., Mr. O. N. Grangaard, who also is a member of the board of the National Rural Electric Cooperative Association, which has its headquarters in Washington.

Mr. AIKEN. A study would have to be made of the extent to which State laws apply. I well recall the day when my State enacted legislation permitting the REA to come into the State. It was not a rainy day, but it was a little stormy. But the REA finally came into Vermont. One of the adjoining States does not permit the REA to operate within its borders at all, but I know that other States have very liberal laws. So I think it would be necessary for us to consider State laws, as well as the Federal law.

Mr. HUMPHREY. I thank the Senator from Vermont for his helpful contribution to this discussion.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 607) to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MURRAY, Mr. MORRISON, and Mr. REES of Kansas were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 3916) to amend the Shipping Act, 1916, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 13, 16, 19, 21, 22, and 29, to the bill, and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 31 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted on its disagreement to the amendment of the Senate numbered 1 to the bill.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. SHEPPARD, Mr. SIKES, Mr. NORRELL, Mr. WHITTEN, Mr. CANNON, Mr. WIGGLESWORTH, Mr. SCRIVNER, Mr. FORD, and Mr. TABER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate bill (H. R. 13015) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON, Mr. BROOKS of Louisiana, Mr. KILDAY, Mr. DURHAM, Mr. RIVERS, Mr. ARENDS, Mr. GAVIN, Mr. WILSON of California, and Mrs. ST. GEORGE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12728. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of

compensation in cases where third persons are liable;

H. R. 13021. An act to amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; and

H. R. 13531. An act to amend the act of June 29, 1938, as amended, to increase the insurance coverage required to be carried by cabs for hire in the District of Columbia for the protection of passengers and others, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H. R. 12728. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable; placed on the calendar.

H. R. 13021. An act to amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; to the Committee on Labor and Public Welfare.

H. R. 13531. An act to amend the act of June 29, 1938, as amended, to increase the insurance coverage required to be carried by cabs for hire in the District of Columbia for the protection of passengers and others, and for other purposes; to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1959—CONFERENCE REPORT

The Senate resumed the consideration of 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. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes.

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

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

The question is on agreeing to the report.

Mr. PASTORE. Mr. President, before it is adopted I wish to say a few words about the conference report.

First, let me say that the report is signed by all the conferees.

The total amount of the conference bill is $204,033,460, as compared to the $206,211,814 voted by the Senate and the $203,276,100 voted by the House.

Of the total finally approved, the sum of $172,418,497 is payable from the general fund. This is the fund to which the Federal payment of $20 million is made. As Members will recall, the Senate voted $21.5 million for this purpose, or an increase of $1.5 million over the House allowance. The Senate conferees made every effort to sustain the $21.5 million payment. However, the House conferees insisted on their position, and took the matter back to the House in disagreement; and only this morning the disagreement was approved by the House.

Approximately $24 million in additional obligations will be imposed on the District government this fiscal year by reason of pay increases already enacted or pending in Congress. In my judgment the unappropriated Federal contribution—or $12 million—will have to be provided next session, to meet this uncontrollable obligation.

I am advised that, in the meantime, sufficient funds are available to meet the operating expenses of the District government that are payable from the various funds, until the Congress has an opportunity to review the financial conditions of the District government, early next session.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary statement of the bill.

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

Summary of bill

FEDERAL PAYMENTS

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1958	Budget estimates, 1959	House bill 1959	Senate bill 1959	Conference action
Federal payment to District of Columbia (general fund)	$20,000,000	$25,000,000	$20,000,000	$21,500,000	$20,000,000
Federal payment to District of Columbia (highway fund)		431,600	431,600	431,600	431,600
Federal payment to District of Columbia (water fund)	1,751,450	1,532,000	1,732,000	1,732,000	1,732,000
Federal payment to District of Columbia (sanitary sewage works fund)	753,000	697,000	697,000	697,000	697,000
Total, Federal payment	22,504,450	27,660,600	22,860,600	24,360,600	22,860,600

LOAN AUTHORIZATIONS

(Out of the general revenues of the Federal Treasury)

Item	Authorizations, 1958	Budget estimates, 1959	House bill 1959	Senate bill 1959	Conference action
Loans to District of Columbia for capital outlay (highway fund)	$6,481,100	$5,500,000	$5,500,000	$5,500,000	$5,500,000
Loans to District of Columbia for capital outlay (water fund)	1,600,000	3,100,000	3,100,000		
Loans to District of Columbia for capital outlay (sanitary sewage works fund)	1,550,000				
Total, loan authorizations	9,631,100	8,600,000	8,600,000	5,500,000	5,500,000

APPROPRIATIONS

(Out of the revenues of the District of Columbia)

Item	Appropriations, 1958	Budget estimates, 1959	House bill 1959	Senate bill 1959	Conference action
OPERATING EXPENSES					
Executive Office	$370,930	$422,000	$382,000	$435,000	$399,500
Department of General Administration	4,540,000	4,740,500	4,700,000	4,725,000	4,720,000
Office of Corporation Counsel	584,000	693,000	650,000	660,000	660,000
Regulatory agencies	1,207,500	1,410,000	1,400,000	1,400,000	1,400,000
Department of Occupations and Professions	294,800	299,000	299,000	299,000	299,000
Public schools	37,246,050	40,256,000	39,758,000	39,965,900	39,948,000
Public library	1,950,000	2,153,000	2,140,000	2,140,000	2,140,000
Recreation Department	2,161,000	2,258,000	2,250,000	2,250,000	2,250,000
Metropolitan Police	18,342,000	18,500,000	18,460,000	18,460,000	18,460,000
Fire Department	9,000,000	9,187,000	9,187,000	9,187,000	9,187,000
Department of Veterans Affairs	104,000	97,000	97,000	97,000	97,000
Office of Civil Defense	86,000	200,000	80,000	80,000	80,000
Department of Vocational Rehabilitation	208,500	260,000	215,000	224,800	224,800
Courts	4,607,000	4,987,000	4,953,000	4,953,000	4,953,000

APPROPRIATIONS—Continued

(Out of the revenues of the District of Columbia)

Item	Appropriations, 1958	Budget estimates, 1959	House bill 1959	Senate bill 1959	Conference action
OPERATING EXPENSES—Continued					
Department of Public Health	$28, 229, 300	$31, 376, 000	$30, 505, 000	$30, 877, 954	$30, 730, 000
Department of Corrections	5, 275, 000	5, 537, 000	5, 437, 000	5, 437, 000	5, 437, 000
Department of Public Welfare	13, 136, 000	15, 263, 000	15, 000, 000	15, 140, 000	15, 140, 000
Department of Buildings and Grounds	2, 010, 000	2, 161, 000	2, 135, 000	2, 135, 000	2, 135, 000
Office of Surveyor	180, 000	180, 000	180, 000	180, 000	180, 000
Department of Licenses and Inspections	1, 862, 000	2, 061, 000	2, 000, 000	2, 022, 000	2, 017, 000
Department of Highways	7, 050, 000	7, 582, 000	7, 484, 000	7, 907, 000	7, 907, 000
Department of Vehicles and Traffic	1, 438, 000	1, 495, 000	1, 465, 000	1, 042, 000	1, 042, 000
Motor Vehicle Parking Agency	519, 000	427, 000	310, 000	310, 000	310, 000
Department of Sanitary Engineering	12, 210, 000	13, 856, 000	13, 590, 000	13, 590, 000	13, 590, 000
Washington Aqueduct	2, 322, 000	2, 382, 000	2, 322, 000	2, 322, 000	2, 322, 000
National Guard	155, 300	155, 000	155, 000	155, 000	155, 000
National Capital Parks	2, 750, 000	2, 865, 000	2, 850, 000	2, 850, 000	2, 850, 000
National Zoological Park	833, 000	898, 000	898, 000	898, 000	898, 000
Personal services, wage-scale employees	1, 162, 500				
Total, operating expenses	[1] 159, 834, 480	171, 700, 500	168, 902, 000	169, 742, 714	169, 531, 360
CAPITAL OUTLAY					
District debt service	572, 000	793, 000	793, 000	793, 000	793, 000
Public building construction	13, 154, 000	19, 689, 000	15, 704, 000	17, 799, 000	15, 832, 000
Department of Highways	15, 301, 000	11, 512, 000	11, 457, 600	11, 457, 600	11, 457, 600
Department of Sanitary Engineering	9, 400, 000	8, 359, 000	6, 369, 500	6, 369, 500	6, 369, 500
Washington Aqueduct	190, 000	3, 100, 000	50, 000	50, 000	50, 000
Total, capital outlay	38, 617, 000	43, 453, 000	34, 374, 100	36, 469, 100	34, 502, 100
Grand total	[1] 198, 451, 480	215, 153, 500	203, 276, 100	206, 211, 814	204, 033, 460

[1] In addition, $171,195 was appropriated for judgments, claims, and private relief acts.

Mr. PASTORE. Mr. President, I move the adoption of the report.

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

The report was agreed to.

Mr. BIBLE. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. BIBLE. First, I wish to congratulate the distinguished Senator from Rhode Island upon the conclusion of an exceedingly difficult negotiation with the other body on the appropriations to finance the District of Columbia for the coming year.

The Senate conferees were faced with skillful and determined negotiators who had the backing of the House of Representatives.

In my opinion, the Senate conferees, under the able and devoted leadership of the Senator from Rhode Island [Mr. PASTORE], have acquitted themselves well in bringing to the Senate the conference report in which the Senate recedes on only 4 points, whereas the House of Representatives gives ground on 12. For this, alone, the Senator from Rhode Island richly deserves a full round of applause.

There is one matter which undoubtedly will receive some editorial and news article comment, namely, the amount of the Federal payment to the District of Columbia.

As the Senator from Rhode Island has stated, the conferees reported themselves in disagreement on this item. The $20 million on which the House of Representatives insists contrasts with the $21,500,000 the Senate committee had requested and the Senate had voted.

But, as the Senator from Rhode Island has so ably pointed out, the budget we are adopting, by means of our agreement to the conference report, is based squarely on the estimates submitted last January, and does not take into consideration the effect of pay raise legislation already enacted, with expensive retroactive provisions—for instance, the classified pay bill, the teachers' pay bill, and the policemen and firemens' pay bill, to mention only a few. Neither does it take into account the proposed legislation now pending in the legislative committee providing for an increase of the annuities for policemen, firemen, and teachers.

Under these circumstances, it seems to me that we have every reason to believe that the District of Columbia Commissioners will—and must, as a matter of fact—come before the Congress, in the early days of the next session, and seek an additional $12 million Federal payment, in order to meet these charges against the general fund.

I may say that I received the definite impression, from the meeting of the conferees on yesterday, that the Members on the other side of the Capitol would be sympathetic to coming to grips with this particular problem, in view of the fact that a heavy deficit will face the District of Columbia government in January or February, and would meet the problem fairly and squarely at that time.

Again I wish to commend the distinguished Senator from Rhode Island for his very able leadership in connection with this matter.

Mr. PASTORE. First, Mr. President, I thank the Senator from Nevada.

Let me say that it is my firm conviction that the Congress will have to come to grips with this matter, which involves the District of Columbia government.

As the Senator from Nevada has pointed out, by legislative fiat—and without any encouragement, I dare say, from the District of Columbia Commissioners—the Congress has already made certain adjustments in the salaries of District of Columbia policemen, firemen, and teachers, all laudable and long overdue and necessary; but that action was taken by the Congress; and, as a result of that action alone, an increase of approximately $24 million or $25 million a year is required.

So it strikes me that the time has come when the Congress will have to recognize its responsibility and meet it head on.

I hope that, come January, all of us will be conscious of our responsibility, and will meet it conscientiously, and with adeptness and dexterity.

Mr. BIBLE. I share the sentiments which have been expressed by the Senator from Rhode Island. I know that under his leadership we shall be able to meet this responsibility squarely, and will leave some ray of hope regarding the possibility of securing the entire $32 million Federal payment.

I am convinced that it is justified, and that we should face up to our responsibility in that connection; and I believe that the Federal Government will make that type of contribution.

Mr. BEALL. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. BEALL. Mr. President, I wish to associate myself with the remarks of the distinguished chairman of the Subcommittee on District of Columbia Appropriations [Mr. PASTORE].

I also endorse most sincerely the remarks of the Senator from Nevada [Mr. BIBLE] in commending and praising the distinguished Senator from Rhode Island [Mr. PASTORE] for the hard work he has performed in connection with the conference report.

I, too, anticipate that, come January, an additional Federal payment will be requested of the Congress, for the General Fund of the District of Columbia, in order to take care of the funds needed for the increases in pay and annuities.

I assure the Senator from Rhode Island that, the voters of the State of Maryland willing, I will support his efforts to obtain for the District of Columbia the additional funds needed.

Mr. President, as the chairman has said, I am looking forward to obtaining the additional funds for the District.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12948, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
July 31, 1958.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 13, 16, 19, 21, 22, and 29 to the bill (H. R. 12948) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes", and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 31, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: ": *Provided*, That hereafter leases for rentals shall not be on terms and periods in excess of 5 years."

That the House insist on its disagreement to the amendment of the Senate numbered 1.

Mr. PASTORE. Mr. President, I move that the Senate recede from its amendment No. 1.

The motion was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate agree to the amendment of the House to the amendment of the Senate numbered 31.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, has action on the conference report been concluded?

Mr. PASTORE. Mr. President, what is the status of the report?

The PRESIDING OFFICER. The report has been agreed to.

Mr. PASTORE. I believe that answers the question of the Senator from Montana.

IMPROVED METHODS OF STATING BUDGET ESTIMATES

Mr. MANSFIELD. Mr. President, I move that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1899, House bill 8002, to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 8002) to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations, which had been reported from the Committee on Appropriations, with amendments, on page 2, line 2, after the word "expenditures", to insert "The President may include in the budget with any such proposed limitation on annual accrued expenditures, proposals for provisions authorizing the head of a department or establishment to make transfers, within his department or establishment, between such limitations on annual accrued expenditures; and such provisions may limit by amount or by percent the size of any transfer so proposed."; in line 18, after the word "lapse", to insert a comma and "except that whenever any liabilities are incurred within the limitation provided for in any fiscal year (whether or not recorded or reported in such fiscal year), nothing in this section shall be construed to prevent the making of payment therefor in any subsequent fiscal year."; after line 22, to strike out:

(c) Any liabilities becoming payable during the fiscal year concerned but for which payment is not made during that year may be paid, if not otherwise contrary to law, in a subsequent fiscal year or years to the extent they are within the limitation on annual accrued expenditures for the fiscal year concerned.

On page 3, at the beginning of line 5, to strike out "(f)" and insert "(e)"; at the beginning of line 11, to strike out "(g)" and insert "(f)", in the same line, after the word "through", to strike out "(f)" and insert "(e)"; and in line 20, after the word "and", to strike out "provisions pertaining to the availability of any appropriations or funds previously made available" and insert "to include in any such bill or joint resolution provisions authorizing the head of a department or establishment to make transfers, within his department or establishment, between such limitations on annual accrued expenditures; and such provisions may limit by amount or by percent the size of any transfer so provided for."

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

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BUSH. 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. BRIDGES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRIDGES. Is H. R. 8002 the bill under consideration?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that it is the pending measure.

Mr. BRIDGES. Mr. President, I wish to say a few words in favor of the passage of H. R. 8002. This bill is the culmination of many hours of deliberation, both by persons within and without the Congress. In brief, it provides that the executive budget and Congressional appropriations shall be in terms of estimated annual accrued expenditures, namely, charges for goods and services to be received. This idea, although not entirely a new concept, was one of the most vigorously supported recommendations of the Hoover report.

The suggested implementation of the idea was found in the companion bills, H. R. 8002 and S. 434. As a member of the Hoover Commission, I was most happy to join with a great number of my colleagues in the sponsorship of S. 434 and, as Senators know, it and its companion measure readily passed their respective Houses.

The two bills, although essentially the same in ultimate purpose, had some important differences. The Senate version carried in it the principle of contract authority which the House version did not, and the House version provided the inclusion in appropriations bills of amendments, rescissions, or transfers of appropriations previously made without such provisions being subject to a point of order. This would have necessitated considerable changes in longstanding Senate rules.

Mr. President, H. R. 8002 as presently before us for consideration, although bearing the House designation is a compromise between the original House and Senate bills. The contract authority provision of the Senate bill has been eliminated and also eliminated were the provisions of the House bill which would have had the far-reaching effect on the Senate rules.

Although I would have preferred personally to have seen contract authority retained, because I have long been an advocate of it and a believer in it, I nevertheless am in vigorous support of the bill in its present form, because it will allow an opportunity to observe and evaluate in actual practice the concept of the budgetary process being based on accrued annual expenditure.

This bill is not without its critics. There are those who object to it in principle, and there are others who feel that as a practical matter it adds nothing to what might be carried out at present. To those in the first category I must say I heartily disagree. To those in the second category I can say that this bill has the virtue of requiring a practice which at present is merely optional for those responsible for the preparation of the budget. This may not be a perfect bill, but I for one believe that it is as perfect as we can make it without the practical experience of seeing it operate in practice. Any imperfections which show up in the shakedown of actual trial would be easy of amendment.

In summation, Mr. President, this is in no way a partisan measure, as is shown by the whole history of this proposed legislation. I can only earnestly hope that a clear majority of the Members of this body present and voting will endorse what I consider to be a long step forward in better control of the fiscal function of the Government of the United States, which is one of the primary responsibilities of the legislative branch.

Mr. HUMPHREY. Mr. President, the bill before the Senate, H. R. 8002, to which the distinguished Senator from New Hampshire has directed his attention, and on which a report has been filed on behalf of the Committee on Appropriations, was studied very carefully, as the senior Senator from New Hampshire [Mr. BRIDGES] told us, both in the present Congress and in the preceding Congress, by the Committee on Government Operations through its Subcommittee on Reorganization.

In the 84th Congress, the distinguished Senator from Massachusetts [Mr. KENNEDY] was chairman of that subcommittee and was the main author of the bill, along with the Senator from Maine [Mr. PAYNE], and the Senator from Virginia [Mr. BYRD]. I was also a cosponsor.

In the present Congress the Senator from Massachusetts [Mr. KENNEDY] was the author of a similar bill. We took initial action. As the senior Senator from New Hampshire [Mr. BRIDGES] pointed out, the House took a different tack and came forth with another bill, which is now before us.

The purpose of the House bill, however, is to fulfill the objectives of the Hoover Commission report. In the light of the interpretation which has been made by the Committee on Appropriations of the language of H. R. 8002, I believe the bill will fulfill those objectives. At least, the bill will do so if the law is properly administered.

I desire to make a very brief statement about the bill, Mr. President, and I understand the Senator from Massachusetts also desires to indicate his interest in this measure and his interpretation of the proposed legislation.

The Hoover Commission recommended that the executive budget be placed on an annual accrued expenditure basis, and that appropriations be made on that basis.

As chairman of the Subcommittee on Reorganization of the Committee on Government Operations in the 85th Congress, I conducted the hearings on the bill designed to do this. I guess it is no secret that we certainly had quite a good deal of negotiation, discussion, and at times argument among the respective departments of Government, until they were able to come to some semblance of agreement.

As the senior Senator from New Hampshire [Mr. BRIDGES] knows, there has been considerable worry about the bill on the part of the Department of Defense. I feel that the language of the bill as it is now before the Senate should in no way really cause the Department of Defense any great difficulty.

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

Mr. HUMPHREY. I yield.

Mr. BRIDGES. I think that is correct. This is not the bill which the Senator from Minnesota, the Senator from New Hampshire, or others would prefer, if we had drafted the bill ourselves. I favor the Senate bill.

Mr. HUMPHREY. Yes.

Mr. BRIDGES. However, the pending House bill represents a common meeting of minds, which is essential at times, and will bring no particular hardship to the Department of Defense. The bill will make it mandatory upon Congress to review expenditures each year. I think the bill represents a very great step forward, even though it does not contain all we might desire.

Mr. HUMPHREY. Indeed. I think those of us who are not on the Appropriations Committee certainly recognize that the members of that committee have a tremendous responsibility when it comes to following through on the appropriations; not only those to be made, but those which have been made, when there are carryover balances. Many times we have heard an argument made on the Senate floor, particularly about the ICA and the foreign aid funds, concerning tremendous balances and enormous carryovers. We sometimes have difficulty in obtaining accurate information.

The bill under consideration, H. R. 8002, would make it mandatory that the departments, through the Bureau of the Budget, keep the Appropriations Committee thoroughly abreast of the rate of expenditures, and would also place limitations upon expenditures, to be announced in advance. I think the bill would really equip the committees of Congress to do a more creditable and more accurate job.

H. R. 8002 makes no change in the determination of budget estimates or appropriation requests. They would continue to be submitted to the Congress on the present obligation basis.

H. R. 8002 provides, in section (b), that whenever the President determines that a satisfactory accrual accounting system has been established for an appropriation account, the appropriation transmitted to the Congress for that account shall be accompanied by a limitation on expenditures which may be made from that account.

This gives the control about which the Senator from New Hampshire has been speaking, and this is what we tried to provide in the Kennedy bill which passed the Senate last year.

In other words, an appropriation estimate for $500,000 would be accompanied by a limitation that no more than $400,000 could be expended during the fiscal year for which the appropriation is requested.

The bill provides in section (c) that when an appropriation is subject to an expenditure limitation, the costs of goods, services, and other items becoming payable during the fiscal year concerned shall be charged against the appropriation limitation. It follows that if only items becoming payable during the current fiscal year are charged against the appropriation limitation for that fiscal year that expenditures would be made on an annual accrued basis.

The bill provides in section (d), that at the end of the fiscal year concerned, any unused balance of the expenditure limitation shall lapse. This, however, does not mean that the unused balance of the appropriation would be rescinded, but that it would be carried forward into the subsequent appropriation made for the following fiscal year. In other words, this would amount to the carrying over of an unexpended appropriation balance into the next fiscal year, as presently occurs.

In summation, H. R. 8002, as passed by the House, is a complete substitute for S. 434—KENNEDY, et al.—which passed the Senate June 5, 1957. S. 434 provided for the stating of appropriation estimates on an annual accrued expenditure basis, for the elimination of unexpended carryover balances and for the granting of contract authority for long lead-time programs.

H. R. 8002 provides for an expenditure limitation on an appropriation account, as explained above. The Bureau of the Budget maintains that this limitation would accomplish the Hoover Commission's main objective of better fiscal control by requiring an annual Congressional review of appropriations which were granted in prior years.

However, H. R. 8002 does not provide for the complete elimination of carryover balances of appropriations which accumulate from fiscal year to fiscal year. These balances are now estimated to total some $70 billion over which the Congress has little or no control.

While some authorities maintain that an appropriation limitation would provide for better Congressional control of expenditures, many, including the Comptroller General, believe that reduction or elimination of carryover balances is imperative if the Government is to operate upon a realistic fiscal basis. This, as pointed out above, H. R. 8002 does not provide.

I believe this bill is workable. I do not believe it will do all we had hoped would be accomplished, but it certainly merits at least an honest effort to make it work. It may very well be that it should be limited in its original application so that we do not try to bite off too much. I believe the Senator from Arizona [Mr. HAYDEN] has an amendment directed toward such a limitation.

Mr. SALTONSTALL. Mr. President, I am glad to join in supporting House bill 8002 in its present form. In the Appropriations Committee we worked very hard on the bill as it came from the House.

Like other Senators, I would prefer the so-called contract authority to the accrued expenditure system. However, we know that the House will not accept the contract authority method. Therefore, the accrued expenditure system is the best we can get, and it will be helpful.

The Appropriations Committee of the Senate amended the bill so that it would not interfere with the present rules of the Senate, requiring a two-thirds vote on what amounts to rescissions, reappropriations, and transfers of appropriations. So if such amendments were made, a two-thirds vote would first be required.

Flexibility is provided in the bill, because the Secretary of Defense, the Department of Defense, and the President desire a certain amount of flexibility. Under the terms of the bill as reported from the committee, the President can offer a certain amount of flexibility. So that aspect of the matter is also covered.

I hope the bill may be accepted in its present form. If it is, I am hopeful that it will also be approved by the House.

I commend the Committee on Government Operations for what it did in stimulating interest in the original bill, which went to the House. I know that our colleague, the distinguished Senator from Maine [Mr. PAYNE], worked very hard on the bill, as did my colleague from Massachusetts [Mr. KENNEDY]. They are to be commended for stimulating action on the bill. Their bill would be more acceptable to me than the bill now pending, but this bill has been passed by the House. I am hopeful that the amendments we are recommending will be accepted by the House, and that we can give the proposed system of accrued expenditures and limitation on expenditures a trial.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. SMITH of New Jersey. Can the Senator tell me, briefly, how the bill as reported differs from the original recommendation of the Hoover Commission?

Mr. SALTONSTALL. The bill which was reported by the Senate Committee on Government Operations provided a limitation, as I understand, on contract authority. In other words, the appropriation would be passed in the amount necessary for the current year, and would provide contract authority for future years in cases of no year limitations. In other words, if we were building an aircraft carrier, which would require 5 years to build, we would authorize the building of the aircraft carrier, but provide only as much money as could be used in the current fiscal year. Then the Department would come back the next year, and so forth, until the ship was completed.

The House prefers to have the entire amount in the original appropriation. Under this bill, the full amount would be appropriated for the aircraft carrier in the current fiscal year, but the expenditures would be limited to the amount which could be spent during the current fiscal year. There would be a similar limitation the following year, and so forth.

That, as I understand, is the difference between the two bills. I see the chairman of the committee nodding his head; also the senior minority member.

Under this method, there would be an annual review of the expenditures, so that the Congress and the Committees on Appropriations would have an opportunity to observe, each year, how the ship was being built, and whether there had been any wasteful expenditures. That is the purpose of the proposed limitation of expenditures.

Mr. SMITH of New Jersey. That purpose is in the spirit of the recommendation of the Hoover Commission.

Mr. SALTONSTALL. It is in the spirit of the original recommendation of the Hoover Commission. The important question is whether this method is practical in the case of a great number of accounts in the Department of Defense. However, we believe that we have provided sufficient flexibility in the method of accounting so that the situation can be taken care of.

Mr. SMITH of New Jersey. In other words, this bill "covers the waterfront"?

Mr. SALTONSTALL. It "covers the waterfront" for the next 5 years.

While the distinguished chairman of the committee, the Senator from Arizona [Mr. HAYDEN], worked with us on the bill, he felt that it should be limited to the Department of Defense, as the Department most involved, to see how the system would work. He is present, and can discuss that question himself.

Mr. COTTON. Mr. President, I join other Senators in expressing my appreciation to the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachusetts [Mr. SALTONSTALL], and other members of the Appropriations Committee, for bringing this bill before us.

I was a member of the Committee on Government Operations in the 84th Congress, where I served with the junior Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. HUMPHREY] and other Senators. We fought hard for this recommendation of the Hoover Commission at that time. Both the senior Senator from New Hampshire and the senior Senator from Massachusetts were for a long time sponsors of the measure and worked equally hard. We were confronted, in both sessions of the 84th Congress, with the completely immovable opposition of the other body, and we did not succeed in obtaining final enactment of the proposed statute in the form I thought desirable.

I feel that the Senators I have named are rendering a very fine and far-reaching service in connection with the bill, saving as much of the principles and recommendations of the Hoover Commission as could possibly be saved under the circumstances. They are to be highly commended for their efforts.

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

I think the briefest way to explain the nature of the amendment is to read the last few paragraphs of my individual views on the bill as contained in the committee report:

> It is my best judgment that the bill should be further amended by limiting the accrual expenditures system of bookkeeping to only such appropriations as are available for obligation for more than 1 full fiscal year. If there is any substantial advantage to be gained from the imposition of annual accrual expenditures limitation it is with respect to large appropriations for procurement and construction which require a number of years to complete and which are therefore made available until the objective has been accomplished, since the concept of annual accrued expenditures is neither applicable, adaptable, nor desirable with respect to the numerous appropriations, such as appropriations for "Salaries and expenses."

It seems to me that if we make an appropriation which expires at the end of a fiscal year, there is no possible advantage to be derived from the accrued expenditures system.

Mr. BRIDGES. Mr. President, may we have the amendment stated, so that we may know what it encompasses?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the committee amendments must first be considered. Is there objection to the consideration, en bloc, of the committee amendments? The Chair hears none.

Mr. DIRKSEN. Mr. President, has the question been put on the committee amendments?

The PRESIDING OFFICER. The Chair is endeavoring to do so now.

Mr. DIRKSEN. I shall ask for recognition for only a minute.

Mr. HAYDEN. Mr. President, is my amendment before the Senate?

The PRESIDING OFFICER. The committee amendments are before the Senate, and they must be disposed of first. The question is on agreeing, en bloc, to the committee amendments.

Mr. DIRKSEN. Mr. President, I wish to join the distinguished junior Senator from New Hampshire [Mr. COTTON] in paying testimony not only to the senior Senator from New Hampshire [Mr. BRIDGES], but also to the distinguished chairman of the Committee on Appropriations [Mr. HAYDEN] for the diligent way in which this matter has been pursued.

When the House had worked its will and adopted what has been referred to as the Wigglesworth amendment, it was clear that it would require some changes in Senate rules. To obtain changes in Senate rules is never an easy thing to accomplish. Ofttimes it is indeed a tortuous undertaking. Therefore, for all the world, for a time it looked as though a stalemate had been reached and that nothing would be accomplished with respect to the pending measure.

Therefore, I salute the chairman of the Committee on Appropriations and the Senator from New Hampshire for giving this matter their very real attention and bringing it to the floor of the Senate.

I believe there is a very healthy aspect about this. I must commend the persons all over the country who have taken an interest in it. I was literally surprised by the number of delegations of unselfish people who came to Washington at their own expense, particularly businessmen, to assert their own interest in the matter and to utter the hope that the proposal might be adopted.

They did not stop with 1 visit or with 2 visits. They kept coming constantly. Therefore, in considerable part what will be accomplished today can only be said to be the fruit of that widespread interest throughout the country.

I do not believe the bill will accomplish all they anticipated it would. Normally, that is the case. The sights are set very high. Some have expressed the hope that the economies might run into several billions of dollars. I am not quite so sanguine about the amount of money to be saved. However, the bill is a step in the right direction. Our bookkeeping has been on the inefficient side, notwithstanding the recitals contained in the Budget and Accounting Act of 1921. In it there are set forth in detail all the data and the statistical information which must be submitted to the Congress by the President and the Bureau of the Budget in connection with appropriations. Therefore, every year we get a wagon load of pages with the requested appropriations. Sometimes it all becomes rather confusing and bewildering.

I must say that, in my judgment, no man has the physical vitality to quite get "over the waterfront," as my distinguished friend from New Jersey likes to refer to it, and undertake to study all the data which are submitted.

I have always nurtured the hope that we would some day have some simplification of appropriation procedures, because, at best, the task of appropriating money from the Treasury and at the same time meeting all the limitations and imposing all the needed safeguards, allotting the money to the agencies, and then making it just as hard as possible

for the agencies to spend the money becomes a confusing undertaking, to say the least.

Therefore, putting the procedure on an accrual basis, with the provision that the funds will not lapse at the end of the year, and providing proper safeguards, so that the indebtednesses and obligations which have been incurred in a given year may be properly charged to the proper appropriation, while at the same time giving assurances to those who deal with the Government that their bills will be paid, and that they will not encounter some mysterious limitation of some kind, is all to the good. There is, of course, the preservation of the transfer authority.

This, then, becomes an amendment of the Budget and Accounting Act, by providing that whenever the President determines that a satisfactory and adequate system has been established for an agency of the Government, the appropriations which are asked of Congress for such agency shall contain necessary limitations to put them on an annual accrual basis. As I have said, the transfer authority is also preserved. Therefore, there will be no undue restrictions of any kind.

Within that framework I am confident every agency of the Government will be able to comply; we should be the beneficiaries of some economies, and will have a better system than we have at the present time.

Mr. SMITH of New Jersey. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SMITH of New Jersey. I should like to ask the Senator a question. I assume he is aware that one person who has maintained a constant interest in this matter, who has been working on it ever since the Hoover Commission was established, and who has done an outstanding job in connection with it, is a gentleman who comes from Chicago. I refer, of course, to Mr. John Stewart.

Mr. DIRKSEN. The distinguished Senator from New Jersey gives me abundant opportunity now to pay testimony to Mr. John Stewart, of Quaker Oats. I doubt whether a week has gone by in the last 6 months when he has not sent me a letter or directed a delegation to Washington for no other purpose than to expedite, if he could, action on the bill which is now before the Senate. The motives of these persons have been entirely unselfish. They are interested only in good, sound governmental bookkeeping procedures. Therefore I salute them for their unselfish and abiding interest.

Mr. SMITH of New Jersey. I thank the Senator. I am glad to identify myself with those who are giving praise to both Senators from New Hampshire and to both Senators from Massachusetts. The junior Senator from Massachusetts carried the ball when the matter was first brought up. I am glad to identify myself with those who are giving praise to these Senators.

Mr. KENNEDY. Mr. President, a bill similar to the pending bill was passed by the Senate 2 years ago. It died at the end of the session. It was passed again last year. That was due in substantial part to the devoted efforts, among others, of the Senator from Maine [Mr. PAYNE], who gave this matter first priority in his efforts before the subcommittee of which I was chairman; the Senator from Virginia [Mr. BYRD], who has been extremely interested in the problem of large carryovers of unobligated balances; both Senators from New Hampshire—Senator COTTON, who was a member of the subcommittee, and Senator BRIDGES, who was the sponsor of the bill, and, as a member of the Committee on Appropriations, helped gain for it Senate acceptance; Senator HUMPHREY, who was chairman of the subcommittee which considered the bill—as well as my senior colleague from Massachusetts [Mr. SALTONSTALL].

Therefore, we have before us today the result of those efforts, as well as those of former President Hoover, who made this item the first one on his list of important activities of the Hoover Commission. It is due also to the devoted efforts of Mr. John Stewart, who was the head of the task force; as well as of Mr. Clarence Francis, of the group which had been attempting to carry through the recommendations of the second Hoover Commission.

It seems to me that, while the bill is not so satisfactory as perhaps it once was, nevertheless the change of substituting obligational authority for contract authority is not a basic one, and I do not believe will affect adversely the advantages which the bill will carry with it. I am hopeful the House will accept the bill in the form in which it passes the Senate.

I believe if the bill is finally enacted, instead of $143 billion in unexpended balances hanging over us, as is the case today, which can be spent either this year or next year, depending really on the determination which the Executive makes, the Appropriations Committees of Congress and Congress itself will be able to determine with much more precision how much shall be expended each year, which is in accordance with our constitutional responsibility.

Today a 1959 budget of $73 billion is hanging over us. That does not mean $73 billion is available. It means that $143 billion in appropriations is available.

Under the bill, all the numerous, unobligated appropriations which have disturbed Congress for many years, in a whole variety of fields, will be ended. I think we will be better able to meet our constitutional responsibilities.

I support the action of the Senator from Arizona [Mr. HAYDEN] and the Senator from New Hampshire [Mr. BRIDGES] to push the bill through to action in the last days of Congress. I hope Congress will act on the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the committee amendments en bloc? The Chair hears none, and the committee amendments are agreed to en bloc.

The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. On page 1, line 8, after "account" it is proposed to insert: "which is available for obligation for more than 1 full fiscal year."

On page 3, line 20, after "years," to insert "against appropriations or funds which are to be available for obligation for more than 1 full fiscal year."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

Mr. BRIDGES. Mr. President, I do not see what can be gained by accepting the amendment of the Senator from Arizona. On the surface, it is an innocuous amendment, but in practice we should look at the whole picture of appropriations, rather than simply as segregated segments. I think we should consider closely the whole picture of the making of appropriations.

I should like to ask the Senator from Arizona what can be gained by his amendment.

Mr. HAYDEN. It is a perfect waste of time, in my opinion, to ask the Bureau of the Budget to prepare estimates of accrued expenditures on a budget estimate which will lapse on June 30. We will waste our time on it, if there is to be no substantial carryover.

For instance, we appropriate for 1 year for the fixed salaries and expenses of the various departments. Where does the accrued expenditure principle come in. If the money appropriated is not obligated by June 30, it lapses. Only a very small percentage of the total appropriation would be unexpended at the close of the year.

Mr. BRIDGES. Does the Senator contend that if the bill is not amended as he proposes, it will cause the Bureau of the Budget to go into all the current expenditures? Will that not be a past issue, except as it refers to future expenditures?

Mr. HAYDEN. Practically, that would be the result. I was simply trying to state the matter so that it will be crystal clear that if money is appropriated for salaries and expenses for 1 year, and the money is not obligated by June 30, the unobligated funds will lapse. Why do any more about them?

Mr. KENNEDY. As to the accrued expenditures for 1 year, if any part of the cash expenditures for the year, and, perhaps, any additional expenditures which could be called accrued, they then could be considered next year by the Appropriations Committee. It seems to me the amendment provides for that. The Appropriations Committee receives requests for appropriations throughout the year. If there are carryovers, and the Appropriations Committee cuts them off, it will cause a large amount of bookkeeping. The practice is very much abused.

Mr. SALTONSTALL. Mr. President, do I understand correctly that the amendment of the Senator from Arizona would limit the procedures to the Department of Defense?

Mr. KENNEDY. No; the amendment is not limited to that department.

Mr. HAYDEN. No; the amendment would apply to appropriations which are available for more than 1 fiscal year. If appropriations are made for a single fiscal year, and they expire, what is the use of bothering further with them?

Mr. SALTONSTALL. I thought the Senator's amendment was the same as as one he offered in the Committee on Appropriations.

Mr. HAYDEN. Oh, no.

Mr. SALTONSTALL. As I see it, then, the Senator's amendment provides that on 1-year accounts, the proposed law shall not apply.

Mr. HAYDEN. Yes.

Mr. SALTONSTALL. On no-year accounts, whether they be in the Department of the Interior, the Department of Defense, for mutual security, or for public works, it would apply.

Mr. HAYDEN. It would apply to all of them.

Mr. SALTONSTALL. I thank the Senator for clarifying that point.

Mr. BRIDGES. As I understand the method of making appropriations, it is necessary to obligate the money which is appropriated for a given fiscal year—let us say fiscal year 1959—before June 30, 1959. But the money does not have to be spent within that time.

Therefore, all the obligated funds, even though the expenditures may trail over the next 2 years, have a very definite influence on whether new money is or is not appropriated.

To my mind, that is a very important factor. The fact that the money is obligated and the department may continue the expenditure for the next 2 years after the end of the fiscal year for which the money was appropriated, may play a very important part in determining whether new money is to be appropriated.

I know the distinguished Senator from Arizona is very sincere in what he is proposing, but I think he is providing a loophole and inviting trouble. I think we would be much better off not to adopt the Senator's amendment.

Mr. HAYDEN. I can only say that I see no logical reason for an accrued expenditure limitation on an annual appropriation.

Mr. WILLIAMS. Mr. President, if the amendment were adopted, would it be possible for the agencies, in the last day or two prior to the end of the fiscal year, to obligate all their funds for expenditure during the next year or two?

Mr. BRIDGES. They would have up until June 30 to obligate, and then have 2 years more in which to spend the money which was obligated. Thus, while they could not obligate any more money under the amendment, yet, if it were adopted, certainly Congress would lose any semblance of control over the expenditures of the next 2 years.

Mr. COTTON. Mr. President, it has been several years since I served on the House Committee on Appropriations, but is it not true that in some instances what appear to be obligations are not irrevocable obligations? At least, is not that true in practice? The departments can deobligate and hold the money, and then it is used for similar purposes, but in a somewhat altered manner.

Would not the adoption of the amendment prevent the Committee on Appropriations from scrutinizing the 1-year appropriations, so as to make certain that the obligations were actually bona fide obligations, meaning obligations to spend in the field and in the manner for which they were intended?

Mr. BRIDGES. I think my distinguished colleague from New Hampshire has highlighted a very important point. Certainly, I think the answer is "Yes." I know the Senator from Arizona has given this matter great thought. But I also think he is opening a door which I believe should be kept completely closed. It should not be left even partially ajar. For that reason, I think his amendment should be rejected.

The PRESIDING OFFICER (Mr. MORTON in the chair). The question is on agreeing to the amendment of the Senator from Arizona [Mr. HAYDEN].

Mr. BRIDGES. On this question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were not ordered.

Mr. BRIDGES. 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. BRIDGES. 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. BRIDGES. Mr. President, on the question of agreeing to the amendment of the Senator from Arizona, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BRIDGES. Mr. President, I now ask for the yeas and nays on the question of the final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BUSH. Mr. President, I have been very much interested in the bill; and I wish to thank the majority leader for having brought the bill to the attention of the Senate this afternoon.

Some question was raised, earlier in the week, about when the Senate would consider the bill. The majority leader gave us the assurance we wished, and I am grateful to him for having done so.

Mr. President, I have had considerable correspondence about the bill with various members of the Hoover Commission. Only this week, I received a telegram from Clarence Francis, chairman of the Citizens Committee for the Hoover Report. I ask unanimous consent that the telegram be printed at this point in the RECORD, in connection with my remarks.

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

WASHINGTON, D. C., *July 28, 1958.*

Hon. PRESCOTT BUSH,
United States Senate,
Washington, D. C.:

As Senate sponsor S. 434 you have long shown interest in vitally needed modernization of Federal budgeting. Now on Senate calendar is H. R. 8002 approved by Senate Appropriations Committee majority and purged of any conflict with Senate rules. This bill as well as S. 434 does job visualized by bipartisan Hoover Commission in providing annual review of appropriations and curbing costly carryovers. Repeated attempts are now being made to depict H. R. 8002 as new and different bill. Arguments raised against S. 434 and answered in hearings months and even years ago are again being raised as though never heard before. Delay is one weapon left to opponents of modern budgeting. Despite fact their arguments were fully heard on House floor and rejected 311 to 87 on March 6, 1957, they still hope to postpone action until end of session and have openly predicted that bill will "die on vine" in Senate. I now respectfully urge you to exert all possible leadership to obtain Senate approval of H. R. 8002 without further amendment, committee referral, or delay. Time is short. Thousands of citizens will be grateful to you if you help to finalize an important governmental improvement and avert a tragic miscarriage of the legislative process. Will appreciate reply.

CLARENCE FRANCIS,
Chairman, Citizens Committee for the Hoover Report.

Mr. BUSH. Mr. President, I certainly join the distinguished senior Senator from New Hampshire [Mr. BRIDGES] in hoping that the pending amendment will be rejected, and that then the bill will be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. HAYDEN].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

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

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

Mr. HAYDEN. Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HAYDEN. Then, Mr. President, I now withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

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

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

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL (when his name was called). On this vote I have a pair with the junior Senator from Ohio [Mr. LAUSCHE]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Oklahoma [Mr. MONRONEY] is absent by leave of the Senate attending the 49th Congress of the Interparliamentary Union at Rio de Janeiro, Brazil.

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Florida would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from New York [Mr. JAVITS], the Senator from California [Mr. KNOWLAND], the Senator from Maine [Mr. PAYNE], and the Senator from Utah [Mr. WATKINS] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] and the Senator from Minnesota [Mr. THYE] are absent on official business.

The Senator from Connecticut [Mr. PURTELL] is absent by leave of the Senate because of death in his family.

The Senator from Ohio [Mr. BRICKER], the Senator from Maryland [Mr. BUTLER], and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

If present and voting, the Senator from Ohio [Mr. BRICKER], the Senator from Maryland [Mr. BUTLER], the Senator from Arizona [Mr. GOLDWATER], the Senator from West Virginia [Mr. HOBLITZELL], the Senator from New York [Mr. JAVITS], the Senator from California, [Mr. KNOWLAND], the Senator from South Dakota [Mr. MUNDT], the Senator from Maine [Mr. PAYNE], the Senator from Minnesota [Mr. THYE], and the Senator from Utah [Mr. WATKINS] would each vote "yea."

The result was announced—yeas 68, nays 6, as follows:

YEAS—68

Aiken	Carlson	Dworshak
Allott	Carroll	Eastland
Anderson	Case, N. J.	Ervin
Barrett	Chavez	Flanders
Beall	Church	Frear
Bennett	Clark	Fulbright
Bible	Cooper	Green
Bridges	Cotton	Hickenlooper
Bush	Curtis	Hruska
Byrd	Dirksen	Humphrey
Capehart	Douglas	Ives
Jackson	Martin, Pa.	Schoeppel
Jenner	McClellan	Smathers
Johnson, Tex.	McNamara	Smith, Maine
Jordan	Morton	Smith, N. J.
Kefauver	Murray	Symington
Kennedy	Neuberger	Talmadge
Kuchel	Pastore	Thurmond
Long	Potter	Wiley
Magnuson	Proxmire	Williams
Malone	Revercomb	Yarborough
Mansfield	Robertson	Young
Martin, Iowa	Saltonstall	

NAYS—6

Ellender	Johnston, S. C.	Langer
Hill	Kerr	Stennis

NOT VOTING—22

Bricker	Holland	Payne
Butler	Javits	Purtell
Case, S. Dak.	Knowland	Russell
Goldwater	Lausche	Sparkman
Gore	Monroney	Thye
Hayden	Morse	Watkins
Hennings	Mundt	
Hoblitzell	O'Mahoney	

So the bill (H. R. 8002), as amended, was passed.

RETIREMENT BENEFITS FOR FORMER PRESIDENTS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 607) to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes, which were, on page 1, line 3, after "That" insert "(a)"; on page 1, strike out line 7 over through and including line 22 on page 2; on page 2, line 23, strike out "(e)" and insert "(b)"; on page 3, line 3, strike out all after "Treasury" down through and including "Congress" in line 4; on page 3, line 5, strike out "(f)" and insert "(c)"; on page 3, after line 9, insert:

(d) The act of February 28, 1929 (~~45~~ Stat. 2338), is hereby repealed.

And to amend the title so as to read: "An act to provide retirement benefits to former Presidents of the United States and their widows."

Mr. JOHNSTON of South Carolina. Mr. President, I move that the Senate disagree to the amendments of the House, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON of South Carolina, Mr. MONRONEY, Mr. NEUBERGER, Mr. CARLSON, and Mr. MORTON conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, the space agency construction authorization bill, S. 4208, is the pending business. I am not prepared to discuss the bill today. I should like to inform the Senate that we also plan tomorrow to consider Calendar No. 2086, S. 3185, to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Permit Act; and Calendar No. 1669, S. 3493, to amend the District of Columbia Unemployment Compensation Act of 1935, as amended. Calendar No. 1971, S. 3953, to revise, codify, and enact into law title 23 of the United States Code, entitled "Highways," will be considered on Monday.

I should like to remind all Senators that we expect to have memorial services for the late Senator Scott and the late Senator Neely after the morning hour on Monday. I should like all Senators to know that following the memorial services we expect to have a call of the calendar.

We have many bills in conference, and, of course, conference reports are privileged and will receive the highest priority.

We are now working on the supplemental appropriation bill. We expect to mark up the mutual security appropriation bill on Tuesday next. If the bill is marked up, the report printed, and the hearings available, it can be taken up, under the rule, 3 days later.

I have no other plans which I can announce at this time for the Senate, but as soon as the committee clears additional bills I will bring them to the attention of the Senate.

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

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

Mr. WILLIAMS. When is the majority leader planning to bring up for consideration H. R. 8381, the bill to amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments?

Mr. JOHNSON of Texas. There are three tax bills which will probably come before the Senate before we adjourn. The question of the order in which those bills will be taken up and the time at which they will be considered has not yet been determined by the scheduling committee.

I may say I had a conference with the Senator from California just before he left, and we have those matters under consideration. A specific time has not been mutually agreed upon.

Mr. WILLIAMS. I was not trying to set the schedule, but I recognize there is not too much proposed legislation of importance to be considered in the next few days, and I thought perhaps we might consider some of the tax bills. The bill to which I refer is a rather lengthy bill.

Mr. JOHNSON of Texas. I appreciate the Senator's suggestion.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. Do I correctly understand that S. 4208, the Space Agency bill, is the pending business?

Mr. JOHNSON of Texas. The Senator is correct, but we do not plan to discuss that bill today.

Mr. DIRKSEN. It is the pending business; and it is the authorization bill?

Mr. JOHNSON of Texas. The Senator is correct.

Mr. DIRKSEN. The bill authorizing new funds for the Space Agency?

Mr. JOHNSON of Texas. It is the construction and equipment authorization bill for the funds being asked for

in the supplemental appropriation bill. It is very important we get it to the President by the time the appropriation bill is finished.

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

Mr. JOHNSON of Texas. I yield to my friend from North Dakota.

Mr. LANGER. Will there be a night session tonight?

Mr. JOHNSON of Texas. No.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 31, 1958, he presented to the President of the United States the following enrolled bills:

S. 488. An act for the relief of Eva S. Winder;

S. 616. An act for the relief of Blanca G. Hidalgo;

S. 1879. An act for the relief of Casey Jimenez;

S. 1987. An act for the relief of Richard K. Lim and Margaret K. Lim;

S. 2511. An act for the relief of Maria Garcia Aliaga;

S. 2691. An act for the relief of Hiroko Ozaki;

S. 2860. An act for the relief of Miss Susana Magalona;

S. 2933. An act to extend the life of the Alaska International Rail and Highway Commission and to increase its authorization;

S. 3007. An act for the relief of Katina Leckas and Argery Leckas;

S. 3053. An act to authorize the Secretary of the Army to convey certain real property at Demopolis lock and dam project, Ala., to the heirs of the former owner;

S. 3060. An act for the relief of Romulo A. Manriquez;

S. 3129. An act for the relief of Natividade Agrela Dos Santos;

S. 3136. An act for the relief of Fouad (Fred) Kassis;

S. 3186. An act to extend for 1 year certain programs established under the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956;

S. 3557. An act to amend the International Claims Settlement Act of 1949, as amended (64 Stat. 12); and

S. 4165. An act to amend the Atomic Energy Act of 1954, as amended.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until tomorrow, Friday, August 1, 1958, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 31, 1958:

IN THE NAVY

The following-named officers of the staff corps of the Navy, as indicated, for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

MEDICAL CORPS

Allan S. Chrisman
Calvin B. Galloway
Frank P. Kreuz, Jr.

SUPPLY CORPS

Edward F. Metzger
Howard F. Kuehl
Joseph M. Lyle

CIVIL ENGINEER CORPS

Eugene J. Peltier
Henry G. Clark

DENTAL CORPS

Curtiss W. Schantz

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1958:

INTERSTATE COMMERCE COMMISSION

Robert W. Minor, of Ohio, to be Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1965.

COMPTROLLER OF CUSTOMS

Russell E. Atkinson, of New Jersey, to be Comptroller of Customs at Philadelphia, Pa.

COLLECTOR OF CUSTOMS

Emile A. Pepin, of Rhode Island, to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I.

COAST AND GEODETIC SURVEY

The following-named persons for permanent appointment to the grade of ensign in the Coast and Geodetic Survey, subject to qualifications provided by law:

Will Consell
Robert P. Michaud

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 31, 1958

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

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Isaiah 43: 5: *Fear not, for I am with thee.*

Most merciful and gracious God, we beseech Thee to be patient and favorable unto these Thy servants.

Give them grace to discharge their duties and responsibilities with a pure and steadfast devotion.

In all humility we are asking Thee to gird us with a faith which never fails and a courage that never falters.

May Thy righteous will have the place of preeminence in all our plans and purposes, our deliberations and decisions.

Temper our minds with patience and perseverance, and with a deep sympathy and concern for all who are seeking the blessings of the more abundant life.

In Christ's name we offer our petition. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 12738. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHAVEZ, Mr. HAYDEN, Mr. RUSSELL, Mr. HILL, Mr. ELLENDER, Mr. BYRD, Mr. SALTONSTALL, Mr. BRIDGES, Mr. YOUNG, Mr. KNOWLAND, and Mr. FLANDERS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 13015. An act to authorize certain construction at military installations, and for other purposes.

The message also announced that the Senate insists on its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. STENNIS, Mr. JACKSON, Mr. SALTONSTALL, and Mr. CASE of South Dakota to be the conferees on the part of the Senate.

CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. VINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13015) to authorize certain construction at military installations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. VINSON, BROOKS of Louisiana, KILDAY, DURHAM, RIVERS, ARENDS, GAVIN, WILSON of Indiana, and Mrs. ST. GEORGE.

COMMITTEE ON BANKING AND CURRENCY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate while the House is in session today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate while the House is in session today.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1959

Mr. RABAUT. Mr. Speaker, I call up the conference report on the bill (H. R. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 2325)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 26, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, 10, 11, 14, 15, 17, 18, 20, and 30 and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$399,500"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,720,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,948,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$30,730,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,017,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,832,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$841,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 13, 16, 19, 21, 22, 29, and 31.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
EARL WILSON,
JOHN TABER,
Managers on the Part of the House.

JOHN O. PASTORE,
JOHN L. MCCLELLAN,
LYNDON B. JOHNSON,
ALAN BIBLE,
J. ALLEN FREAR, Jr.,
EVERETT M. DIRKSEN,
IRVING M. IVES,
J. GLENN BEALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12948) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

Amendment No. 1: Reported in disagreement.

Amendments Nos. 2 and 3: Delete language proposed by the House authorizing a Federal loan of $3,100,000 to the water fund.

OPERATING EXPENSES

Amendment No. 4—Executive Office: Appropriates $399,500 instead of $382,000 as proposed by the House and $435,000 as proposed by the Senate. The increase provided is to finance the activities of the Commissioners' Youth Council.

Amendment No. 5—Department of General Administration: Appropriates $4,720,000 instead of $4,700,000 as proposed by the House and $4,725,000 as proposed by the Senate.

Amendment No. 6—Office of Corporation Counsel: Appropriates $660,060 as proposed by the Senate instead of $650,000 as proposed by the House.

Amendment No. 7—Public schools: Appropriates $39,948,000 instead of $39,758,000 as proposed by the House and $39,965,900 as proposed by the Senate.

Amendment No. 8—Department of Vocational Rehabilitation: Appropriates $224,800 as proposed by the Senate instead of $215,000 as proposed by the House.

Amendments Nos. 9 and 10—Department of Public Health: Appropriate $30,730,000 instead of $30,505,000 as proposed by the House and $30,877,954 as proposed by the Senate; and authorize a payment of $3.50 per outpatient clinic visit to private hospitals participating in the Medical Charities program as proposed by the Senate instead of $3.00 per visit as proposed by the House.

Amendment No. 11—Public welfare: Appropriates $15,140,000 as proposed by the Senate instead of $15,000,000 as proposed by the House.

Amendment No. 12—Department of Licenses and Inspections: Appropriates $2,017,000 instead of $2,000,000 as proposed by the House and $2,022,000 as proposed by the Senate. Of the increase allowed, $10,000 is for the District of Columbia Charitable Solicitation Act and $7,000 is for the zoning regulations enforcement program.

Amendment No. 13—Department of Highways: Reported in disagreement.

Amendments Nos. 14 and 15—Department of Highways: Appropriate $7,907,000 as proposed by the Senate instead of $7,484,000 as proposed by the House; and provide that of the sum appropriated $5,093,623 shall be payable from the highway fund as proposed by the Senate instead of $4,670,623 as proposed by the House.

Amendment No. 16—Department of Highways: Reported in disagreement.

Amendments Nos. 17 and 18—Department of Motor Vehicles: Change paragraph headings as proposed by the Senate.

Amendment No. 19—Department of Motor Vehicles: Reported in disagreement.

Amendment No. 20—Department of Motor Vehicles: Appropriates $1,042,000 as proposed by the Senate instead of $1,465,000 as proposed by the House.

Amendments Nos. 21 and 22—Department of Motor Vehicles: Reported in disagreement.

CAPITAL OUTLAY

Amendments Nos. 23 through 28—Capital outlay, Public Building Construction: Delete language proposed by the Senate authorizing the construction of a warehouse and an additional amount for a motor vehicle safety inspection station; appropriate $15,832,000 for construction instead of $15,704,000 as proposed by the House and $17,799,000 as proposed by the Senate; authorize the expenditure on July 1, 1959, of $7,350,000 as proposed by the House instead of $7,850,000 as proposed by the Senate; delete Senate language proposing the financing of $81,000 from the highway fund; and authorize $841,000 for construction services instead of $836,250 as proposed by the House and $862,000 as proposed by the Senate.

Amendment No. 29—Capital outlay, Department of Highways: Reported in disagreement.

GENERAL PROVISIONS

Amendment No. 30—Section 5: Limits the expenditure of funds for the payment of dues and expenses of attendance of meetings to not to exceed $40,000 as proposed by the Senate instead of $25,000 as proposed by the House.

Amendment No. 31—Section 12: Reported in disagreement.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
EARL WILSON,
JOHN TABER,
Managers on the Part of the House.

Mr. RABAUT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 2, strike out "$20,000,000" and insert "$21,500,000."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House insist on its disagreement to the amendment of the Senate No. 1.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: On page 18, line 7, after the semicolon, insert "expenses of attendance of one person, without loss of pay or time, at specialized traffic engineering classes, including tuition and entrance fees."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the Senate amendment No. 13 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 18, line 18, after "appropriation", insert "*Provided further*, That the Commissioners are authorized and empowered to pay the purchase price and the cost of installation of new parking meters or devices from fees collected from such new meters or devices, which fees are hereby appropriated for such purposes."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 16, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 19, line 4, after the word "including", strike out "expenses of attendance of one person, without loss of pay or time, at specialized traffic engineering classes, including tuition and entrance fees."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 19, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 19, line 13, strike out "That no part of this or any other appropriation contained in this act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this act for street improvements when plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic and the street railway company shall after construction maintain, mark, and light the same at its expense."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 21, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 19, line 22, strike out "*Provided further*, That the Commissioners are authorized and empowered to pay the purchase price and the cost of installation of new parking meters or devices from fees collected from such new meters or devices, which fees are hereby appropriated for such purpose: *Provided further*."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 22, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29. Page 32, line 25, after the word "adjustment", insert "*Provided further*, That no part of this or any other appropriation contained in this act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this act for street improvements when plans and locations thereof are approved by the Public Utilities Commisison and the Department of Highways and the street-railway company shall after construction maintain, mark, and light the same at its expense."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 29, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31. Page 38, line 6, after "1945", insert "*Provided*, That leases for rentals shall be on terms and periods not in excess of 5 years."

Mr. RABAUT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RABAUT moves that the House recede from its disagreement to the amendment of the Senate No. 31, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert "*Provided*, That hereafter leases for rentals shall not be on terms and periods in excess of 5 years."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the special subcommittee of the Committee on Government Operations may have permission to sit tomorrow during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 147]

Andersen, H. Carl.	Horan	Moulder
Bass, Tenn.	Jackson	Poage
Boggs	Jenkins	Powell
Bonner	Jones, Mo.	Preston
Burdick	Kearney	Radwan
Carnahan	Keating	Sadlak
Christopher	Krueger	St. George
Clark	Landrum	Scherer
Dies	Lesinski	Scrivner
Diggs	Loser	Shuford
Eberharter	McCarthy	Sieminski
Feighan	McIntire	Smith, Kans.
Friedel	McMillan	Talle
Gordon	Machrowicz	Taylor
Gregory	Magnuson	Tollefson
Hays, Ark.	Marshall	Trimble
Hoffman	Michel	Tuck
	Morris	Willis

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1959

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1959, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MAHON, SHEPPARD, SIKES, NORRELL, WHITTEN, CANNON, WIGGLESWORTH, SCRIVNER, FORD, and TABER.

SOCIAL SECURITY AMENDMENTS OF 1958

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 653 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 13549) to increase benefits under the Federal Old-Age, Survivors, and Disability Insurance System, to improve the actuarial status of the trust funds of such System, and otherwise improve such System; to amend the public assistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes, and all points of order against said bill are hereby waived.

That after general debate, which shall be confined to the bill, and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, House Resolution 653 makes in order the consideration of H. R. 13549, the Social Security Amendments of 1958. The resolution provides for a closed rule, 4 hours of general debate, and waives points of order against the bill.

The bill will increase benefits to approximately 12 million people now on the benefit rolls, and all future beneficiaries, about 7 percent, with a minimum increase of $3 in the benefits payable to retired workers who came on the rolls at or after 65 years of age. For retired workers now on the rolls monthly payments would range from $33 to $118 as compared with $30 to $108.50 under present law. The bill would also raise the present $200 limitation on family benefits to $254 in the amount of monthly benefits payable to a family on the basis of an insured worker's earnings record.

The law would also be changed to provide that a person will not lose a benefit under the retirement test for any month in which he has earned wages of $100 or less, rather than $80 or less as under present law.

The work requirements that a disabled worker must meet would be changed to make it easier for a disabled worker whose disability has a gradual onset to qualify. Changes are also made in the coverage provisions of the program, as well as easing some of the requirements to qualify for dependents benefits.

The tax rates now scheduled in the law would be increased by one-quarter of 1 percent for employees and employers and three-eighths of 1 percent for the self-employed. The total annual earnings on which contributions would be paid, and on which benefits would be computed, would be raised from $4,200 to $4,800, effective January 1, 1959. The scheduled increases in the rates would take place every 3 years instead of every 5 years.

The bill provides a new formula for Federal participation in public assistance providing additional funds to all States and maximum flexibility in meeting medical-care needs and other special needs. Also, the Federal share would be determined in part by the relative fiscal ability of the State as measured by average State per capita income.

Authorizations are increased for maternal and child health programs from $16,500,000 to $21,500,000; for crippled children's services from $15 million to $20 million, and child welfare services from $12 million to $17 million.

The chairman of the Committee on Ways and Means, Mr. MILLS, while testifying before the Committee on Rules, pointed out that this bill will bring about a substantial improvement in the financial basis of the program, the actuarial deficit will be reduced, and the program will be more adequately financed.

I urge the adoption of House Resolution 653.

Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this bill came out of the Committee on Ways and Means by a vote of 24 to 1. It represents the usual, careful, earnest and bipartisan consideration given by the Committee on Ways and Means to an extremely complex matter. This bill commits this Government and the employees and employers and the self-employed of this Nation to disbursements for the welfare of the people of this country of billions of dollars. The bill will be explained in detail during the 4 hours of debate. Therefore, I would like to refer only to 2 or 3 points. First, the committee states it has not been able to recommend benefits at as high a level in its opinion as would be justified if one considered solely the level for this protection. The increase of approximately 7 percent provided by the bill is actually somewhat short of the rise in the cost of living that has taken place since 1954. The committee states it believes it is essential that a significant part of the initial contributions to the system they are recommending be used to strengthen the financing of the system rather than to improve benefit protection.

The principal features of the bill will be found beginning on page 8 of the committee report. The dollar ceiling on the total of benefits payable to a family would be raised from $200 to $254, which is equivalent to twice the maximum retirement benefit payable. And the total annual earnings on which benefits could be computed and on which contributions would be paid would be raised from $4,200 to $4,800 effective January 1, 1959.

Further, benefits would be provided for the dependents of disabled workers as is now provided for dependents of retired workers.

The provision that now requires payments under certain other disability benefit systems to be offset against social-security disability benefits would be repealed, so that a person eligible for a social-security disability benefit and also for disability benefit under another system would receive the full amount of his social-security benefit.

An important change in the law, as you will see on page 9 of the committee report, provides that a person will not lose a benefit under the retirement test for any month in which he has earned wages of $100 or less, rather than $80 or less under the present law.

A table of tax rate increases is to be found on page 10.

As I said, in view of the adequate time allowed for debate, I will not undertake to explain that which can be better explained by the very well-informed members of the Ways and Means Committee.

I now yield to my colleague from Connecticut.

Mr. SEELY-BROWN. Mr. Speaker, I support the rule, and I expect to support the legislation.

Mr. Speaker, I take this opportunity to commend the committee for including a provision in the pending bill which will extend coverage for employees of certain nonprofit organizations which under present law cannot secure the necessary concurrence of two-thirds of their employees because some of their employees are covered by a public retirement system and do not desire social-security coverage.

School officials in my district have been extremely upset over the fact that the nonteaching members on their rolls are denied coverage in the State Teachers Retirement Association and also are not permitted to participate in social security. This amendment to the law will, in my opinion, correct an inequity and will allow participation in the program of a group not otherwise eligible for coverage under any retirement system.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I support the rule and the legislation. I have no further requests for time, and I therefore yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the gentleman from Massachusetts [Mr. O'NEILL] and the gentleman from Pennsylvania [Mr. SCOTT] have explained the general provisions of the bill.

I want to congratulate the members of the Ways and Means Committee for acting favorably on this bill which will not only extend needed increases in social security payments to millions of beneficiaries but the legislation will also strengthen the social security system. Approximately 12 million are now receiving social security benefits. Seventy-five million additional people who are now covered will some day be drawing social security benefits. Under the system this bill gives approximately 7 percent across-the-board increase to all social security beneficiaries and in some cases which come under the lower wage bracket, the increase will be as high as 10 percent. If this bill is passed by the House and enacted into law, it will be the first increase in social security benefits since 1954.

In addition to the increases, the Ways and Means Committee is to be commended for recommending improvements in the public welfare, maternal, and child welfare programs. Also the strengthening of the financial basis of the old-age, survivors, and disability insurance programs to make certain that

they are sound. Also old-age, survivors, and disability insurance benefits amounts will be increased.

The maximum limitation on the annual amount of earnings that can be credited toward benefits and taxed for old-age, survivors, and disability insurance provisions will be increased. The disability insurance provisions of the program will be improved by making provisions of benefits for dependents of disabled workers.

Under the provisions of this bill, the dollar ceiling on the total of benefits payable to a family would be raised from approximately $200 to $250 which is equivalent to twice the maximum retirement benefit payable. This bill also provides that the total annual earnings on which benefits could be computed would be raised from $4,200 to $4,800 effective, January 1, 1959. Benefits would also be provided for the dependents of disabled workers like those now provided for retired workers.

The provision in the present law requiring that payments under certain other disability benefits systems be offset against social-security disability benefits would be repealed so that a person eligible for social-security benefits and also disability benefits under another system would reeceive the full amount of his social-security benefits.

Benefits would also be provided for the dependent parent of a deceased worker even though there is a widow or child of the worker who is or may become eligible for benefits. Under the present law a parent can qualify only if there is no such widow or child.

This bill also makes additional changes in liberalizing payment to other members of a family under certain disability conditions. A number of changes are also set out in this bill concerning the technical provisions pertaining to better management of the social-security program. The bill also extends the period for filing disability freeze applications that are made fully retroactive.

This legislation in general will be a great help to millions of families and dependents who are at present having financial difficulty by reason of the long and rapid rise in the cost of living and the general unemployment throughout the country. I firmly believe it will be a constructive step in contributing to the economic welfare of the Nation during this period of recession and unemployment. The Ways and Means Committee heard numerous witnesses and actuary experts before deliberating on the drawing up of this 109-page bill. It is constructive legislation and will greatly contribute to the economic welfare of all sections of our country.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 13549) to increase benefits under the Federal old-age, survivors, and disability insurance system, to improve the actuarial status of the trust funds of such system, and otherwise improve such system; to amend the public asistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 13549, with Mr. ELLIOTT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. MILLS] will be recognized for 2 hours and the gentleman from New York [Mr. REED] for 2 hours.

The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Chairman, I yield myself 25 minutes.

The pending bill, H. R. 13549, the Social Security Amendments of 1958, is the result of careful and concerned study by your committee. The Committee on Ways and Means took no decision lightly in formulating this bill to improve our social-security system. Rather, we were ever conscious that the committee was treating with questions of great importance to virtually every family in the Nation. In the process of developing this bill the committee proceeded in its usual nonpolitical and bipartisan manner as evidenced in this instance by the fact that the bill which the committee developed is not just the chairman's bill but a committee bill as demonstrated by the fact that the distinguished ranking minority member of the committee, the gentleman from New York [Mr. REED], joined in the introduction of the bill.

At this point, Mr. Chairman, I want to say a few words about the history of and the magnitude of the social-security program. As Members of the House know, this program as enacted in 1935 was limited in many ways. Its coverage was limited to employment in industry and commerce. It provided very small benefits for those who qualified in the early years and provided more sizable benefits only after many years of contributions. It included no benefits for the dependents of the retired beneficiary, no monthly benefits for survivors, and no benefits for those becoming disabled. As the soundness of the basic idea of contributory social insurance was demonstrated in the operation of the program and as experience brought out its administrative feasibility and the stability of its financing arrangements, the Congress, after full and careful consideration, has gradually extended its scope. Coverage has been broadened to practically every type of employment and self-employment. The eligibility provisions have been liberalized for those already near or past age 65 when the program was enacted. Benefits have been periodically adjusted to changes in the economy, and they have been made effective as a means of providing security promptly to those whom the system is designed to protect. New types of protection and classes of benefits have been added. All of this has been done with scrupulous care for the maintenance of financial and actuarial soundness. As the program now stands, regular monthly benefits are being paid to 12 million Americans in every town and community of every State. The total monthly benefits paid in the fiscal year just closed amounted to $8 billion. More than 9 out of every 10 of the Nation's mothers and children can look forward to regular income from the program in the event of death of the family earner. The millions of Americans who are now largely or wholly dependent upon their regular monthly old-age and survivors insurance checks for their living include retired people, disabled people, widows, and orphaned children. This is a tremendous program that we are talking about today and it has grown rapidly in size and in effectiveness, because the need was there and because past Congresses have wisely recognized that need and were willing to do something about it.

Very obviously, Mr. Chairman, a program of this magnitude and of this impact on the welfare of the American people demands our best thought and effort. It must be appraised carefully to assure that it is adequate to the times. Because it is a wage-related benefit system—that is, its benefits vary according to the previous earnings of the insured person—rising levels of wages and prices require examination of the benefit structure and financing at frequent intervals to see whether they are realistic and sound. Moreover, our committee knows, and has been guided by the knowledge in all its deliberations, that it has a serious responsibility to assure the continued financial soundness of the system so that the protection of the American people for whom the system was designed will be what we intended.

The pending bill takes careful account of these considerations. It would improve the protection of the program, make its benefits more equitable, facilitate its administration, and—we think, most importantly—insure that the system is financially sound.

We conducted some 2 weeks of hearings, Mr. Chairman, during which time we heard many Members of Congress, the Secretary of HEW, many representatives of organizations and groups interested in the program of social security, as well as many individual witnesses.

Following the conclusion of the hearings we spent several days in executive sessions not only considering the recommendations made in the hearings but also obtaining additional information that we had not obtained during the course of the hearings.

In the beginning I made it quite clear in announcing the hearings that it might be that the committee would not have sufficient time and opportunity to report to the House a full and complete program of social-security amendments. I did that because I wanted to be eminently fair to the public that was interested in improvements being made this year. I stated in the notice of the hearings that those subject matters that might be

heard but which could not be acted upon this year could be considered at a future date and that the hearings would serve as the basis for further study and consideration of those points. But in the course of the executive sessions, Mr. Chairman, following the recommendations in the hearings from the Secretary of HEW that we not act this year, that we delay our action until we could get a full report from the advisory committee on financing the program—take action some time next year—we were given such information that we thought we should not longer delay reporting to the House a program that would further strengthen the social-security system.

Let me digress a moment here, Mr. Chairman, to explain that under legislation enacted by the Congress in 1956 an Advisory Council on Social Security Financing was set up and is now studying and preparing recommendations on the financing of the old-age and survivors insurance and the disability insurance program. The council's report is not due until the end of this year. The Committee on Ways and Means looks forward to receiving this report and expects that the report will be helpful in its evaluation of cost-estimating methods, procedures, and policies connected with the investment of the assets of the old-age, survivors and disability insurance trust funds, and the principles underlying the financing of the program. In our committee's opinion, however, the degree to which the old-age and survivors insurance trust fund is out of balance over the long range and the excess of outgo over income during the next 7 years are matters that demand immediate action. We believe that the financial soundness of the social-security program is too vitally important to the American people for us to delay until another year the action that is clearly needed to reduce the present actuarial insufficiency.

Mr. Chairman, we were concerned in the committee with information that came to us to the effect that if we did not collect any more money for the system and did not permit anyone in addition to those presently drawing benefits to be added to the rolls, and only paid benefits to those presently drawing in accordance with the provisions of existing law, that the fund, even though it is now $22 billion, would lack $65 billion of meeting these present obligations to those now drawing benefits.

In addition, Mr. Chairman, we were told that under the provisions of existing law, despite a scheduled increase in taxes in 1960 and again in 1965, for a period of the next 7 years, including this present calendar year, we would pay out of the social security trust fund more in each year than we would take into the fund—to the total of some $4 billion more paid out than taken in in these 7 years. Up to 1958, Mr. Chairman, as all Members know, we have succeeded in taking into the social security trust fund more each year than we have paid out. We were also reminded, Mr. Chairman, of the fact that over the course of several years prior to 1950 we had not permitted the tax-rate increases that had originally been levied for this purpose to go into effect and to rise in accordance with the original legislation. We were told that had we permitted those original tax increases to go into effect the combined total payroll tax for this purpose today would be 6 percent tax instead of the present rate of 4½ percent, and that we would not be in the position we are in under existing law of paying out of the fund more than we take in for an immediate period of 7 years.

There is a difference of opinion, Mr. Chairman, as to the size that we should permit this fund to attain, but we thought that during periods of prosperity it is incumbent upon those who at some future time will be eligible for benefits to pay for a greater proportion of their benefits and to see to it that this fund is not decreased and the burden be placed on workers in future generations. It will be decreased by the very nature of things in periods of extreme depression or downturns in economic activity. It is for that reason that we accumulate reserves in times of high-level economic activity to take care of the situation in periods of recession or depression.

The committee felt, in view of this, that for several reasons the estimates given to us by the actuaries in 1954 and in 1956 that the fund was close to being in balance no longer held and that today the fund is .57 percent out of balance, that whenever we reach a level in perpetuity of actuarial imbalance of that magnitude it behooves us to bring it nearer into balance.

When we first enacted this program, Mr. Chairman, it was anticipated it would be completely in balance and there would be some on the plus side; but in view of all I have discussed, the failure on the part of the Congress earlier to permit the tax rates to rise in accordance with the original intention, irrespective of the fact that from time to time we have increased the benefits, we find ourselves now in the position where if we do not take action we can look forward to the time when we will not take into the fund the amounts of money that will be required to pay the benefits that are presently contemplated under existing law. Under these circumstances, unless something is done, there will be no other recourse than to dip into the general funds of the Treasury for those amounts.

Think of what that may mean. There are only 12 million today who are drawing benefits, but there are 75 million additional people who are now covered by social security who at some time or other in the future will be eligible for these benefits.

So, I think in periods such as we now experience economically, it behooves us to get this program back on a sounder basis than it is. We have been told by the actuaries that we can tell you that the bill that we present to you can be described as actuarily sound today if this program is enacted, even though there will still be a discrepancy on the minus side of around one-quarter of 1 percent of payroll. Now, that is back to the level that we thought we had it when we enacted the increases in 1954 in benefits and when we adopted the three changes with respect to social security not involving benefit increases in 1956. The amendments added by the other body then raised the figure somewhat. Now, we are improving the program, therefore, from the point of view of financial soundness, and that is the primary reason, Mr. Chairman, that we have this bill before the House today.

We recognized on the benefit side, as indicated by the distinguished gentleman from Pennsylvania [Mr. SCOTT] that there had been a cost-of-living increase since 1954 of around 8 percent and that there had been an increase in wages of 12 percent. The Congress has meticulously seen to it that with respect to those over whom we have anything to do, many others have been protected by action of the Congress this year against a decrease in their standard of living because of these rises in cost of living. Now, we could not justify, Mr. Chairman, on the basis of our consideration of social security, going any higher than the 7 percent increase contained in the bill at this time, even though that amount does not fully compensate for the increase in the cost of living of 8 percent, because to have gone to 8 percent or to have gone to 10 percent at this time would not have allowed us some of the additional income to the fund provided in the bill to be dedicated to the purpose of bringing it nearer into actuarial balance. As I said, that was the primary thing that the committee was concerned about.

So, we have devoted a large part of these tax increases that will face the American people under the system now and in the future on a stepped-up basis from that in existing law to the establishment of the actuarial soundness, and we were able to provide only a 7 percent increase across the board in the benefits of those now receiving them and those who will receive them in the future.

WAGE BASE

Mr. Chairman, on the wage side we looked to the situation of what percentage of wages are presently being covered by the $4,200 wage base. The bill before you increases the amount of earnings that can be credited toward benefits and the amount that is taxed for social security purposes from $4,200 a year to $4,800, so as to take into account the increases in wage levels that have taken place since 1954. Unless such adjustments are made from time to time as wage levels go up, the social security program ceases to provide meaningful benefits and effective protection for workers above the lower wage brackets. The maximum earnings taxed and credited under the program was increased by the Congress in both 1950 and 1954. In each case, however, the increase was not fully proportionate, based on the original wage base of $3,000, to the increase that had taken place in wages. If the degree of protection were to be comparable to that provided when the program began, the maximum earnings base would now have to be raised to a considerably higher amount than that called for in the bill. However, we felt that it is essential to insure that the system is on an actuarially sound basis and that the present generation should

pay more adequately for the benefits it will receive rather than to shift the burden to future generations.

If there had been a $4,800 wage base in 1957, about 56 percent of the men who are regularly employed under the program would have had their earnings covered. This is about the same percentage as did have all their earnings covered in 1954 under the $4,200 base that was adopted in that year. In 1950, when we increased the base from $3,000 to $3,600, about 64 percent of the men who were regularly employed in covered work had all their earnings covered under the $3,600 base. The change from $4,200 to $4,800 will mean that the true earnings and standards of living of more of our regular workers will be reflected in the taxes they are paying and in the credit they are getting toward benefits. It will also help to assure that the system will continue to provide benefits bearing a reasonable relationship to the individual's earnings. Without it, the benefits would tend more and more to be at a flat rate since the upward trend in average earnings—which has continued for over a century and a half—would soon mean that most workers' benefit rights would be based on the same earnings figure of $4,200. We believe that the increase in wage base is needed and that it will constitute a very significant improvement in the protection of the system.

Now, Mr. Chairman, in the process of raising the wage base we must remember that benefits under this program, as distinguished from coverage generally, are geared to the average earnings generally speaking, during the period from the time of first coverage of each individual under the program until his retirement, disability, or death. So, if you raise the wage base to $4,800, you establish a new level of maximum individual benefits.

At this point I will discuss the provisions of the bill which will increase benefits.

BENEFIT INCREASES

We all know that prices have gone up over the last 4 years, and we know that as this has happened the purchasing power of the 12 million social security beneficiaries has been cut. For the great majority of the beneficiaries this has meant that the protection which we intended to provide has fallen short of our goals and that many have had to request public assistance to take care of their needs. The Members of this House know that even in 1954—when benefits were increased to their present scale—they were geared to providing a floor of protection only. It is necessary that we raise benefit amounts now so that beneficiaries will not be exposed to hardship and to maintain this floor of protection.

Our committee found that the benefit side needs to be strengthened. As I have said, since the last benefit increase was put into effect in 1954, wages have increased by about 12 percent and prices by about 8 percent. Our committee weighed these facts and the present deficiency in the system and decided that we should recommend an increase of about 7 percent, with a minimum increase of $3 for the worker who retired at age 65 or later. We believe that this benefit increase will be a real help to beneficiaries in meeting their needs. At the same time we felt it essential that we apply some of the increased income under the bill to the present deficiency in the system so as to strengthen its financial base. Mr. Chairman, without the 7 percent increase the maximum under the bill would be $118.50. That $118.50 raised by the same 7 percent that applies to all other benefits brings it to a total maximum primary benefit of $127. But I should point out that the man in the future will not draw the $127 primary benefit except where all of his taxes have been paid on $4,800. This means that in the future, if we raise the wage base today that the benefits of those in those upper levels of income will rise, but so long as they have some period of time during which they paid a tax on less than $4,800 they cannot attain the full maximum of $127.

Those who come on after the enactment of this program at $4,800 and remain there throughout their working years at that level would, of course, draw the $127.

FAMILY MAXIMUM

We have restored the theory we had earlier in the program with respect to survivorship benefits so that we are paying the family, the widow and the children of the man who is deceased, who is covered by the program, twice the primary benefits as a family maximum. So the ceiling on family benefits in the bill is raised from $200 to $254, twice $127. That makes it possible for the widow to draw three-fourth of the primary-benefit; the first child three-fourth of the primary benefit and the next child and additional ones one-half of the primary benefit up to the maximum.

Certainly those are the types of situations that bear most heavily upon our heart. Those are the situations that we want to give primary attention to in the program of improving social security as well as with respect to the primary benefit.

DISABILITY PROVISIONS

The fourth major area of improvement has to do with the disability protection provided under the program. In 1955, when your committee recommended the payment of cash benefits to disabled workers it purposely offered a conservative bill. These provisions were enacted in 1956. In the past 12 months disability insurance benefits have come to play an important part in the lives of many Americans. We believe that the disability program is established on a firm and sound basis and that some improvements can now be made.

A major improvement provided by the bill is benefits for the dependents of disabled workers. The social-security program since 1940 has provided for the wives and children of retired workers and for the widows, children, and parents of deceased workers. There is frequently greater need for dependents' benefits in the case of the disabled than in the case of persons retired or deceased. In addition to the fact that disabled workers are prevented from earning income which able-bodied workers can earn until they choose to retire, their household is generally burdened by heavy medical expenses, and the wife can seldom seek employment because she is needed at home to care for her husband and children. This is a serious gap in the protection provided by the program, and your committee is recommending that it be closed by paying benefits to the dependents of disabled workers who are eligible for disability benefits. These benefits would be paid under the same general rules as are now provided in the case of dependents of a retired person. For example, when a person entitled to disability insurance benefits has a wife and 1 or more children under 18 or disabled children in the household, they would get benefits as if the worker had reached retirement age instead of becoming disabled. The cost of the proposed change is five one-hundredths of 1 percent of payroll. This cost would fall upon the disability insurance trust fund, which, unlike the old-age and survivors insurance trust fund, presently has a sizable actuarial surplus. Even with the addition of this cost and the other small costs involved in the bill, the fund would still have both a long-range and a short-range excess of income over outgo.

Your committee believes that in the light of the successful experience since 1955 in the administration of the disability freeze and disability benefits provisions of the social-security program, the payment of benefits to dependents of disability beneficiaries would be not only a constructive but an entirely prudent step for the Congress to take at this time.

We are also recommending elimination of the provision under which an individual's disability insurance benefits are offset by the amount of disability payments he receives from certain other Federal programs and State workmen's compensation laws. Last year the Congress eliminated the offset for veterans receiving payments from the Veterans' Administration for service-connected disabilities. The group still affected by the offset numbers fewer than 20 percent of the disability insurance beneficiaries. The great majority of these suffer reduction or outright cancellation of their benefits because they are receiving veterans' pensions. These pensions, besides being limited in amount, are paid only to veterans who have restricted income otherwise. The committee deems it unnecessary and undesirable to deprive a severely disabled veteran of disability benefits he has earned under social security because he is eligible for a modest pension based on his service in the Armed Forces. Only a very small percentage of the total number of persons eligible for disability insurance benefits fall under other systems to which the offset applies. We recommend that the offset provision be repealed.

H. R. 13549 contains another significant improvement in the disability provisions. Under existing law, disabled workers are penalized for not filing timely applications for benefits. Applicants for all other types of social-security benefits may file their claims as much as a year after they become eligible without loss of monthly benefits; yet the dis-

abled person must file no later than the month of first eligibility or suffer loss of benefits. A few years' delay in making application after he becomes too ill to work may result in total loss of eligibility for him and his family for all benefits under the program—old-age and survivors benefits as well as those for disability. There is no reason for greater strictness in requiring immediate action by the severely impaired individual than by the generally able-bodied applicants for other benefits. At present, due to the newness of the program, a great many disabled persons do not learn until long after they have become disabled that disability benefits and the disability "freeze" are available under our social-security program. Your committee recommends, therefore, that disability benefits, like the long-established old-age and survivors insurance benefits, be payable retroactively for as many as 12 months before application is filed, if the applicant is qualified otherwise. We also recommend that applications for the disability "freeze" made at any time in the next 3 years be fully retroactive to the time the disability began. There is no valid reason for failing to provide this consideration to men and women suffering from mental or physical impairments.

Still another improvement recommended concerns workers whose disabilities are of a progressive nature. At present, many disabled workers who have suffered from progressive diseases are unable to qualify for either disability benefits or the disability "freeze." Because the disabled workers have been forced by illness to withdraw from employment before the disability could be considered severe enough to meet the law's definition, they are unable to meet the present requirement that a person have at least a year and a half of covered employment in the 3-year period just before he becomes disabled. This requirement was adopted to help assure that the benefits would go only to persons who had recently been in the labor market and who, were it not for disablement, could be expected to have remained at work. We were convinced, from examination of the question, that the requirement—which would still remain—that the disabled individual have worked at least 5 years out of the 10 years before becoming disabled will adequately protect the program. Elimination of the present additional requirement of 1½ years of work out of the 3 years just before disablement will enable a number of workers whose impairments have progressed to a point of great severity, but who have had to be denied eligibility, to qualify. In the committee's bill the work requirements for the disability freeze and for disability benefits would be made identical. To qualify for either, the worker would be required to be fully insured and have at least 5 years of covered work in the last 10 years before his disability began.

RETIREMENT TEST

One of the provisions of the old-age and survivors insurance system which has been widely discussed, and often misunderstood, is the retirement test. This is the provision which, in general, requires the withholding of benefit checks when a beneficiary under age 72 has substantial earnings. It has sometimes been urged that there should be no such limitation. The Committee on Ways and Means is strongly of the opinion that the test of retirement is a necessary and desirable part of the program. To pay benefits without any restriction to people who keep on working after retirement age and have substantial earnings from work would not comport with the basic purpose of the program as a system of insurance against loss of earnings due to the retirement of workers, and would be very costly. For these reasons, the law has always contained a test of retirement to distinguish between people who are able to have substantial earnings after reaching retirement age and those who cannot.

Your committee believes that it is very important to preserve the basic principle that old-age and survivors insurance benefits are paid to replace earnings lost through retirement or death. If the retirement test were eliminated or substantially liberalized further increases in social-security taxes would be necessary. The increased taxes would not go to help the great majority of the aged who usually cannot work or cannot find work. The added cost would therefore provide benefits largely for people who already have substantial income from work. We believe it would be inadvisable to further increase the social-security taxes for this purpose.

We believe that certain improvements can be made in the retirement test provisions in the law. The bill includes several minor improvements that we believe should be enacted to increase the equity of the test and to improve public understanding and administration. In addition, we have asked the Department of Health, Education, and Welfare to devote further study to special problems of the retirement test area and to make recommendations to the committee next year.

MISCELLANEOUS AMENDMENTS

Your committee has also included in the bill a number of provisions for changes which, though less important than those I have described, would add significantly to the effectiveness and equity of the program. Your committee found, for example, that there are ways in which the family protection of the program, especially the protection for children, can be improved at a very small cost. Since these provisions are described in detail in the committee report I will not take the time of the committee to describe them in detail here.

PUBLIC ASSISTANCE

We are also recommending amendments in the public assistance programs for the aged, the blind, the disabled, and the dependent children. I should like to mention briefly the principal provisions of the bill relating to these programs.

Title V of the bill makes a number of fundamental changes in the provisions for public assistance. These programs—old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled are joint Federal-State activities with the States carrying detailed responsibility for operation and the Federal Government participating financially.

Originally, the Federal Government paid one-half of the cost up to a maximum payment of $30 that could be made to any individual. We have progressively raised both the share which the Federal Government pays and the individual maximum, through amendments beginning in 1946, 1948, 1952, and 1956, with the result that the Federal cost has risen from about 45 percent to 57 percent of the total. The bill before you now proposes to increase Federal funds further at this time. However, and this is quite important, the route by which it would do this is quite different from the kind of increases that we have made in the past and which, if continued indefinitely, could jeopardize the joint Federal-State character of the programs.

The cost of the new formulas provided in the bill will be $288 million assuming that the States continue to spend the same amount they are spending at the present time.

Every State would receive additional funds under the new formula. Many of the higher income States are at this time making payments which go well beyond the individual maximums which are now $60. These same States are also making many smaller payments where recipients have other income. The bill provides for an average maximum under which there would be substantial gains for States in this situation.

Suppose a State at the present time pays to a needy recipient, without other resources, $90. The Federal Government participates only in the first $60 and the State receives today, $39. For another recipient, with other income, the payment is $30 of which the Federal Government pays $24. Under the bill these two payments could be averaged at $60 each and the Federal Government would participate in the whole total. The Federal share would be at least $39 each and might run in certain States as high as $45 each. Under the present program any payments for medical care made directly to doctors or hospitals would be matched separately up to an average of $6 per recipient. Under the bill these payments, along with the money payments, could be averaged up to a maximum of $66 for both.

In 1956 we made provision for the separate matching of payments for the cost of medical care for public assistance recipients. While the 1956 provisions have been beneficial in spreading medical care in additional States which were doing little or nothing, they have created administrative problems in some of the States that are doing most. We passed a bill last year to help remedy these problems but in the judgment of many of us it did not do nearly enough. These problems are fully taken care of under the present bill which makes no distinction between money payments and vendor payments, and which permits each State to choose for itself how it will spend the amounts provided for assistance recipients. The advantages of the averaging and medical care provisions should

substantially promote the meeting of individual need and the flexibility and simplicity of administration in the States that make substantial payments and spend substantial amounts for medical care.

Although some of the lowest income States in the country will not benefit from the particular provisions I have just discussed, they do stand to benefit in other ways materially from the pending bill. The fiscal capacities of low-income States are limited, the number of needy people is large and even with very substantial effort in relation to their resources payments have remained low. Medical-care costs are not sufficiently large to create the problems I have been discussing. The bill would for the first time relate a part of the Federal payment to the fiscal capacities of the States as measured by per capita income. This would not operate to the detriment of the higher income States all of which would receive matching on a no less generous basis than they do today but would provide increased funds for the low-income States in many of which payments are pitifully small.

Under the present formula the Federal Government pays four-fifth of the first $30 of the aged, blind, and disabled. This would not be changed. The aid-to-dependent children program in which the Federal Government pays $14 out of the first $17 would be changed to $15 out of the first $18. Above these points the Federal Government now matches dollar for dollar. Under the bill no State would receive less than a Federal dollar for each State dollar within the new limits but the lowest income States might receive up to $7 for each $3 of State money. The increases under these provisions should put the additional funds where they are most needed and should serve the national interest by reducing differences in the size of payments to needy people among States and to help to assure that no needy person will go without the bare necessities of life.

MATERNAL AND CHILD WELFARE

Title VI of the bill includes a number of meritorious improvements in the maternal and child welfare programs. It increases the maximum for maternal and child health activities from the present $16.5 million to $21.5 million. It increases the maximum for crippled children services from $15 million to $20 million, and the maximum for child welfare services from $12 million to $17 million. The first two of these maximums were established in 1950 when the child population was substantially smaller. The maximum for child welfare services was increased slightly in 1956. Many witnesses who came before your committee in public hearings left no doubt as to the need for these increases.

This title of the bill also would make child welfare services available to all children in need of these services wherever they may live. Allotment and matching provisions are included for the child welfare services program which will not work a hardship on any State but which will make the program more nearly comparable with other grant-in-aid programs of services.

Mr. Chairman, in addition to the matters which I have discussed above, the pending bill also includes certain other provisions which should be mentioned. Federal payments to Puerto Rico and the Virgin Islands for public assistance payments which have been limited to $5,312,500 and $200,000 respectively are increased to $8,500,000 and $300,000. Guam is included for the first time with a $400,000 maximum authorization.

Special provisions regarding State blind programs in Pennsylvania and Missouri would be extended from June 30, 1959, to June 30, 1961.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, the gentleman from Arkansas [Mr. MILLS] will recall that I appeared before the Committee on Ways and Means in behalf of my bill H. R. 4196. That was a bill which would amend title II of the act so as to provide that an individual may qualify for the disability freeze if such individual has 40 quarters of coverage regardless of when such coverage was obtained. As I understand it, that provision is not included in the bill which is before us today.

Mr. MILLS. That provision is not in the bill.

You remember when we enacted the program in 1956 we said that in order to qualify for the benefit—that is, the freeze was enacted in 1954, and the benefits in 1956—it would be necessary for persons to be engaged in covered employment during 6 quarters of the last 13 quarters just prior to the time of the disability. We have stricken that requirement from the law. We have said that as long as this individual is fully insured and as long as he has 20 quarters of the last 40 quarters, that is, he has worked the last 5 years of a 10-year period before he becomes disabled, we will not only freeze his wage record, we will pay him a benefit at age 50 if he otherwise qualifies. So that is a liberalization.

We could not, however, go to the extent the gentleman proposed in his bill to take care of a very meritorious case which the gentleman and I have discussed, and for which we both feel there should be some adjustment made. We could not do it within the time we were working and safeguard against the inclusion of some other situations that we feel should not be included, and impose upon the fund a tremendous additional cost in the process.

Mr. DAVIS of Georgia. Does the gentleman from Arkansas feel that next year the committee may be able to take this question up again and give some relief in that situation?

Mr. MILLS. In all seriousness, my friend from Georgia will recognize that between now and next year there is an election. I hope my friend and I are back here. If we are, I am certain that he will maintain the same diligent interest in this matter that he has manifested in this Congress, and that our committee will continue its interest in trying to work something out.

Mr. DAVIS of Georgia. I thank the gentleman.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. COAD. Under the provisions of this bill, then, someone who in 1956 was included in this program but who upon the attainment of the age of 50 was disabled, having not qualified with a sufficient number of quarters, and who remained unable to go back to work, would have lost not only any right to the disability claim but eventually he never would make good any claim whatever on social security.

Mr. MILLS. He would not meet the 20–40 quarter test possibly and he would not be eligible. The reason we make this change, and I want to be frank with the gentleman, in eliminating 6 out of the last 13 quarters requirement, we take care of the situation that often arises just prior to a man's becoming totally disabled. In many instances becoming disabled is a gradual process. There is a deterioration, physical or mental, that finally leads up to total disability. We found we were excluding such cases in requiring that the individual be under covered employment for 6 of the last 13 quarters just prior to the total disability. Now we will be able to include people under disability who become progressively worse but who are able to work some but not all of the time just prior to being declared totally disabled. It is a very humane improvement in the program.

Let me say to those who want further improvement that I think it is well for us to continue to proceed as we did initially, with a degree of caution about these total programs, because the primary thing we must keep in mind is the continuance of an ability on the part of this fund to discharge the responsibilities under law to which we commit it. I hope the gentleman agrees with that.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. ROGERS of Texas. As I understand the present law, if there is a disabled child above 18 years of age, the child of an eligible individual, and if the eligible individual dies after having been sick we will say for a year, bedridden and unable to work, that child above 18 years of age, dependent upon that individual but who has not been supported by that individual because he was bedridden and could not work, cannot be brought in under the present law and receive payment under the social security fund. Is that right?

Mr. MILLS. Under existing law, a child disabled prior to 18, drawing a benefit under social security, can continue to draw that benefit after attaining the age of 18 when that child continues to be disabled. We did that in 1956. We are further amending the law in this bill to create a presumption under those circumstances that the child living in the household of the parent, eligible to draw social security benefit, is dependent

upon the parent just as is the case of children now under 18.

Mr. ROGERS of Texas. Is that the only change being made in regard to that particular problem?

Mr. MILLS. I yield to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. As I understand, the change that was made was in the elimination of 6 quarters out of the 13 quarters may also affect that situation.

Mr. MILLS. That is true; however, here we are talking about the situation wherein the child is disabled and the father draws, and the child can draw under the social-security-benefit program as a dependent if it is disabled without proof of dependency as now required where the child is over 18. We amended the law in 1956 to permit the child in this situation to continue to draw beyond 18. I described to the gentleman from Texas the situation wherein in the bill we provide for a presumption of dependency for that child so that there is no question but what the child will continue even though the father cannot prove that he makes more than 50 percent contribution to its support.

Mr. ROGERS of Texas. But that is a rebuttable presumption by the Social Security Administration?

Mr. MILLS. No; under the bill it would be a conclusive presumption.

Mr. ROGERS of Texas. I thank the gentleman.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. PERKINS. Mr. Chairman, I wish first to congratulate the gentleman from Arkansas and the members of the Committee on Ways and Means for bringing this important piece of legislation to the floor.

Mr. MILLS. The gentleman from Kentucky is and has always been greatly interested in this matter and he again appeared before the committee and we appreciate the fact that he gave us the benefit of his study and recommendations. I would also like to say that he was one of the first to bring the inequities of the disability offset provision to our attention.

Mr. PERKINS. I would like to ask a question concerning the disability provision. As I view the disability provision, when the provision was first enacted in 1956, it was contemplated at that time that the disability fund would take care of some 400,000 people.

Mr. MILLS. That may have been a figure that was used by some, however, the figures given to us during the course of our consideration was 250,000 as I recall.

Mr. PERKINS. That was the figure used by the social security commissioner at that time in his testimony?

Mr. MILLS. No; as I recall, the figure was much less than that.

Mr. PERKINS. As I recall, that was the figure and the President later in his message used the figure 380,000.

Mr. MILLS. I will depend on the gentleman's recollection as to the figures the President used. I do not recall them.

Mr. PERKINS. My point is that this program has only been taking care of about 200,000 people in a year's operation.

Mr. MILLS. That is because it is a very strict program. I have pointed out that we intended it to be a conservative program and I am convinced that it is wise to keep it on a very conservative basis until we have some years of operation that we can look to as a better test of how it is going to operate and what it is going to cost.

Mr. PERKINS. Here is my point. I notice you recommend certain points of study in the report.

Mr. MILLS. That is right.

Mr. PERKINS. I feel if there is any program which needs to be studied, it is the way the disability provision is being administered at the present time.

Mr. MILLS. I do not want at this time to criticise these people who are administering this program. As the gentleman knows, we gave authority to make the original determination with respect to the question of disability to a State agency.

A State agency must decide that a man is disabled and that he is not capable of engaging in some active, gainful occupation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

The agency here in Washington may decide that, in spite of the recommendation of the State agency with respect to the man's disability, he is in fact not disabled. But the Federal agency cannot say, and we purposely provided that and did not change it in this instance, when a State agency holds a man not to be disabled that he is disabled.

Mr. PERKINS. But the law is not mandatory.

Mr. MILLS. Disability is a question of fact. That is the question, and we have left it to the proper State agencies to make that determination and I hope it will stay there.

Mr. PERKINS. Has the gentleman looked into the peak of about 350,000 applications that were pending under the disability obligation, and the thousands on thousands that have not been approved?

Mr. MILLS. No; I have not looked into all of them. We have not had the time.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. SCHWENGEL. First I want to commend the gentleman for the fine way in which he is handling this proposition and explaining it to us today. I want to commend him also for the very fine leadership he has taken in giving thorough study to this matter in the committee. If we adopt this today, this will be the second time benefits have been increased since I have been a Member of the House.

Mr. MILLS. They have not been increased since 1954, as you know.

Mr. SCHWENGEL. I understand that. I want to commend the gentleman also for going into this question of keeping this actuarially sound. You said in your remarks that this is actuarially sound. My question is, first, who are the actuaries who have told you it was a sound program.

Mr. MILLS. The actuary for the Department of Health, Education, and Welfare, Mr. Robert Myers, a man on whom we have relied for that information. He is as skilled an actuary, in my opinion, as there is in the United States. I could tell this House it is actuarially sound. Under this bill the system is about one-quarter of 1 percent off.

Mr. SCHWENGEL. We are aware of the pension plans that we have, that are supplementary to this plan; private insurance companies who do business. If we applied the same rule to the social security that we force the companies to adopt, would this then be actuarially a sound program?

Mr. MILLS. The gentleman realizes that this is a social-insurance program, of course. To make it fully and completely sound we have to provide for a combined tax rate of about 9 percent. Under existing law we have an 8½-percent rate of tax combined in 1975. Under this program you will get to a 9-percent rate in 1969.

Mr. SCHWENGEL. That is exactly the point I want to learn about. I would be glad to have that information as part of the RECORD.

Mr. ANFUSO. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. ANFUSO. Mr. Chairman, I wish to congratulate the distinguished chairman of the House Ways and Means Committee for the excellent presentation which he has made and for bringing this legislation out. The gentleman will recall that I testified before the committee.

Mr. MILLS. Yes. We appreciated the gentleman's appearance and the helpful information he gave the committee. He brought to us many important matters.

Mr. ANFUSO. I am disturbed about this particular feature of the bill which I do not think adequately takes care of these men who leave the employment field and become retired. By retiring they make room for others to go into the field, thereby alleviating the unemployment situation. I am disturbed by the fact that they will receive only 7 percent whereas in other instances we have provided 10.

Mr. MILLS. The gentleman's point is that their retirement benefits should be increased more than 7 percent. I am sure every member of the committee wishes we could do that, but I am sorry to have to tell the gentleman that to keep this on an actuarily sound basis we could not reach that conclusion.

Mr. ANFUSO. I am satisfied that the gentleman is going to restudy this situation if we are all back here next year.

Mr. MILLS. That is what I would like to do.

Mr. ANFUSO. Mr. Chairman, I ask unanimous consent to extend my remarks following the completion of Mr. MILLS' statement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Minnesota.

Mr. JUDD. I join in complimenting the gentleman and his committee for bringing this fine overall bill before us. Perhaps the greatest criticism I hear of this whole program is the inability of those who have retired at 65 to earn more than $1,200 a year and still receive the benefits for which they have paid their money. Many of them feel they are being cheated.

Mr. MILLS. No; they are not being cheated.

Mr. JUDD. I realize that, but many of them do not and it would be helpful to have the gentleman's explanation.

Mr. MILLS. The system was established to take care of the situation wherein they will lose their earning capacity on retirement, or to provide some degree of security when the breadwinner of the family dies. If we should raise the $1,200 ceiling of disqualification, if we raised that, say, to $2,400, does the gentleman realize that we would have to increase the 9 percent tax rate to about 10 percent, and that the cost, in dollars, to the system would be, over the long term, in the neighborhood of $3 billion per year? Does the gentleman realize what would be the result if just a limited number of people took advantage of such a proposal?

The gentleman must bear in mind that the majority of the people who draw these benefits are not in any way involved in this limitation. Such a proposal, in my opinion, would change this program from a retirement system into a straight annuity system wherein one could be substantially employed in many instances and still receive benefits. To do that adds very materially to the cost of the system without helping the majority of people with respect to their benefits, so much so that our committee has consistently turned it down. I think the committee feels strongly that as these taxes are increased in the future the benefits should be spread around among all people and not just for a limited number who have reached retirement age and who voluntarily continue to work.

Mr. JUDD. I appreciate the gentleman's statement; I wanted to know the reasoning of the committee in not increasing the limitation. Thank you.

Mr. MILLS. I will go into it further in an extension of my remarks.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. JENNINGS. I, too, want to commend the gentleman and his committee for the hard work they have put in on this matter and for bringing this bill before us at this time and also for the very fine manner in which the gentleman has discussed it. I was wondering, however, if the gentleman would comment as to the provisions of H. R. 11754 which would provide for children that are subsequently adopted or in the process of being adopted at the time of a wage earner's death.

Mr. MILLS. Is that the bill the gentleman and I discussed on the floor?

Mr. JENNINGS. It is.

Mr. MILLS. The gentleman will be pleased to know that we have made a change with respect to the provisions of existing law so that a child who was in the process of being adopted at the time of the earner's death will not be denied benefits under the program, provided the child was a member of the worker's household at the time of the worker's death, if the child was not being supported by any other person, and if adoption is subsequently completed by the surviving spouse within 2 years after the worker's death. That will take care of the gentleman's situation, I believe, but it will not go as far as some recommended.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. BECKWORTH. Frequently I have had occasion to hear from a man who is not married but who has supported his sister for a long time. He often has asked me whether or not that situation has ever been considered by the social security authorities.

Mr. MILLS. Yes, we have looked into that carefully. I will advise the gentleman in just a moment when I conclude my remarks as to the considerations involved.

Mr. ZABLOCKI. Mr. Chairman, I want to commend the gentleman from Louisiana [Mr. BOGGS], the gentleman from Rhode Island [Mr. FORAND], and all the members of the Ways and Means Committee for bringing this very vital legislation for consideration at the present session of Congress. Personally, I am very happy that the committee chairman, although earlier in the session dubious about the possibility of having the legislation ready for floor action during this session, has, together with his hard working committee been able to present this very important legislation at this time.

The committee has carefully prepared and promptly reported the Social Security Amendment of 1958. The measure strengthens the Social Security Act and rectifies many of the shortcomings—specifically in the disability provisions of the law.

I am particularly pleased with the improvements to the Social Security Law because they include some of the proposals contained in the bills I have introduced in the 83d and 84th Congresses.

The gentleman from Arkansas did a superb job of explaining the technical and principal provisions of the bill. I wish to add my congratulations for a job well done. I have one question, Mr. Chairman.

The various departments of health and welfare of the 48 States determine whether a person is eligible for total-disability benefits. Is the gentleman satisfied that there is uniformity among the State departments in adjudicating these matters?

Mr. MILLS. I would question that there is complete uniformity. I think the gentleman is, perhaps, right that there may not be.

Mr. ZABLOCKI. Does that not lend itself to inequity as far as the recipients of total-disability compensation are concerned?

Mr. MILLS. The gentleman means that in one State it may be determined a man is totally disabled and in another State he is not?

Mr. ZABLOCKI. Yes.

Mr. MILLS. That is a possibiilty, but I think we have to have some more time for the operation of this program before we can reach any conclusion as to how we are going to fundamentally change it.

Mr. ZABLOCKI. The committee is going to continually study that matter?

Mr. MILLS. The committee continues to study all of these matters.

Mr. ZABLOCKI. I thank the gentleman and join him in urging that the committee approve the bill.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I would like to commend the chairman of the Committee on Ways and Means for his lucid explanation of this bill. May I inquire as to whether there has been any liberalization of the definition of "eligible widow"? I may point out to the gentleman the problem I have in mind is where some woman has in good faith become married to a person who has a prior undissolved marriage and some 30 years later this is ascertained for the first time. Under the present law, they are deprived of those benefits. Has there been any liberalization here?

Mr. MILLS. We have liberalized the program with respect to some situations relating to widow's benefits. We have not gone, however, as far as the gentleman's situation would carry us. We have not gone quite that far.

Mr. FORAND. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Rhode Island.

Mr. FORAND. The matter about which the gentleman inquires is basically a matter of State law. We have made no change in this situation, which relates to validity of marriages; the fact still remains, does it not, that is a consideration for the State. That is a matter of State law?

Mr. MILLS. That is true.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I appreciate the gentleman's remarks regarding the improbability and the impracticability of raising the $1,200 outside earnings limitation. I wonder if the committee gave consideration to the possibility of raising the outside earning limitation for a widow with dependent children?

Mr. MILLS. Let me explain that there is a lot of confusion about that type of situation. One member of the Rules Committee said that a widow had told him she could not seek outside employment because if she took outside employment the family would lose the

survivorship benefit of $200 that they were receiving. The truth of the matter is that a widow can accept outside employment and the children can continue to draw benefits up to the maximum of $200 under existing law or $254 under this program.

Mr. CEDERBERG. I recognize that the youngsters can receive benefit but the widow, if she works, cannot.

Mr. MILLS. If she is fully employed, and is exceeding the earnings limitation, she would not be eligible.

Mr. CEDERBERG. If the widow is going to take care of her children, she can probably be part-time employed; therefore, if she earns over $1,200 she loses her rights.

Mr. MILLS. There are those borderline cases that attract themselves to us.

Let me conclude my remarks. On the whole, Mr. Chairman, we in the committee are convinced that we have reported a sound bill, a meritorious bill, a bill that certainly justifies the support of all members of this committee.

Mr. Chairman, I cannot close without calling your attention to the fact that in order to do these things for our people there is the other side, the side of cost, involved, and we have in this bill a very tough program of tax increases for purposes of social security that will go into effect in 1959, on January 1, again in 1960, again in 1963, again in 1966, again in 1969, until we reach a combined total rate on employer and employee of 9 percent.

This is a 9-percent program, and we thought it advisable to get it to that level as soon as possible so that the people would realize actually what this program costs. Now, compare it with civil service, which is a 20-percent program, compare it with railroad retirement, which is a 15-percent program, and you will realize the difference in the benefits paid under the 3 programs. If we want this to pay as much as civil service, it will be necessary to raise the rate considerably in excess of the 9-percent program. If we want to pay as much as the Railroad Retirement Act, we will have to raise the tax considerably in excess of that which we are proposing. But, we are maintaining a 9-percent rate, getting it into effect as soon as possible in order that it may be fully realized that it is a 9-percent program and any changes made with respect to the program in the future will have to be accommodated by further increases in tax, which will bring the levels in excess of 9 percent at some time in the future.

Mr. Chairman, I should state here that at the proper time I shall offer several clerical, technical, and conforming committee amendments to the pending bill, and I would like to explain these amendments at this point.

First, on page 10, at the end of line 13, there is a clerical amendment.

Second, on page 29, line 23, after "enactment", I will ask that the following language be inserted: "if the applicant has not died prior to such date of enactment and."

This amendment relates to the effective date of the amendments made by section 204 of the bill—insured status for purposes of disability freeze and entitlement to disability insurance benefits. The bill applies not only to future applications but also to applications filed after 1957 and before the date of enactment if the applicant has not been notified of the Secretary's decision on or before the date of enactment. The committee amendment limits this retroactive provision to cases where the applicant is living on the date of enactment.

Third, there will be an amendment on page 45, line 1, to strike out "subsection (d)" and insert "section 223 (a) or subsection (d) of this section"; and on page 45, to strike out lines 5 and 6, and insert "section 223 (a) or subsection (d) of this section unless (i) he ceases to be so entitled by reason of his death or (ii) in the case of an individual who was entitled to benefits under section 223 (a), he is entitled, for the month following such last month, to benefits under subsection (a) of this section."

This is a conforming amendment. The bill provides that mother's insurance benefits shall not terminate by reason of the remarriage of the mother to a person entitled to disability insurance benefits or to child's insurance benefits where the child is over 18 and disabled.

The bill terminates the mother's insurance benefits if the disabled child recovers from his disability but fails to terminate the mother's insurance benefits if the individual entitled to disability insurance benefits recovers from his disability. The committee amendment corrects this error.

Fourth, on page 54, line 1, after "State," I will ask to insert: "or an instrumentality of two or more States."

This is a conforming amendment. The provisions of section 218 of the Social Security Act, providing for voluntary agreements for coverage of State and local employees, apply—in general—also to instrumentalities of two or more States. The committee amendment conforms section 311 of the bill—relating to sick-leave pay of State and local employees—to section 218 of the Social Security Act by including instrumentalities of two or more States.

Fifth, on page 82, line 11, I will ask to strike out "system" and insert "system and (i) are members of such fund or system, or (ii) are not members of such fund or system but are eligible to become members thereof."

This amendment relates to cases where a nonprofit organization employs individuals—for example, teachers—who are covered by a retirement system established by a State and also employs individuals who are not covered by such a system. Under the bill, employees who are not members but are eligible to be members are placed in the group not covered by the State retirement system. The committee amendment would place these employees in the group under the State retirement system. This is consistent with the provisions of section 218 (d) (6) (D) and (E) of the Social Security Act, as amended by the bill.

Sixth, on page 82, after line 22, I will ask to insert:

"(F) An organization which filed a certificate under this subsection after 1955 but prior to the enactment of this subparagraph may file a request at any time before 1960 to have such certificate effective, with respect to the service of individuals who concurred in the filing of such certificate (initially or through the filing of a supplemental list) prior to enactment of this subparagraph and who concur in the filing of such new request, for the period beginning with the first day of any calendar quarter preceding the first calendar quarter for which it was effective and following the last calendar quarter of 1955. Such request shall be filed with such official and in such form and manner as may be prescribed by regulations made under this chapter. If a request is filed pursuant to this subparagraph—

"(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for any calendar quarter resulting from the filing of such request shall be the last day of the calendar month following the calendar quarter in which the request is filed; and

"(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

And on page 82, line 23, strike out "(F)" and insert "(G)."

Under existing law, nonprofit organizations may file certificates certifying that they desire to have the insurance system established by title II of the Social Security Act extended to service performed by their employees. Under section 3121 (k) (1) (B) (ii) of the Internal Revenue Code of 1954, as amended by the bill, a certificate filed after the enactment of the bill but before 1960 may be retroactive—at the election of the organization—to the first day of any calendar quarter beginning on or after January 1, 1956.

The committee amendment would provide the same treatment for organizations which filed their certificates before the enactment of the bill, but only with respect to employees who agree to the retroactive coverage.

Seventh, on page 102, lines 9 and 10, I will ask to strike out "until July 1, 1959" and insert "for each of the 3 fiscal years in the period ending June 30, 1961."

Under the child-welfare services provisions of the bill, the Secretary of Health, Education, and Welfare is required to promulgate the "Federal share" and the "allotment percentage" for each State during the months of July and August in each even-numbered year for each of the 2 fiscal years beginning after the promulgation.

The bill would require the promulgation for the fiscal year ending June 30, 1960, and the fiscal year ending June 30, 1961, to be made before August 31, 1958. The committee amendment would eliminate the requirement that this promulgation be made before August 31, 1958, but would require the Secretary to make the promulgation as soon as possible after the enactment of the bill.

Eighth, on page 106, after line 23, I will ask to insert:

AMENDMENT PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

SEC. 704. Section 1 (q) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "1957" and inserting in lieu thereof "1958."

The effect of this amendment is to preserve the relationship which has existed

between the Railroad Retirement Act and the Social Security Act since 1951. One of the purposes of the amendment is to insure that beneficiaries under the Railroad Retirement Act will in no case receive less than they would have received under the Social Security Act if the worker's railroad service had been employment under the Social Security Act.

A similar provision was included in the Social Security Amendments of 1952, 1954, and 1956.

This amendment will be offered by me at the specific request of the Interstate and Foreign Commerce Committee. As I have stated, it is the usual type of conforming amendment on this subject.

Mr. Chairman, I urge that the Committee approve the bill.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members may extend their remarks in the body of the RECORD during the period of general debate on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANFUSO. Mr. Chairman, I rise in support of the bill, H. R. 13549, to amend the Social Security Act. My only regret is that the increase in benefits amounting to 7 percent, as recommended in the bill, is far from sufficient to cover the rise in the cost of living over the past few years.

As we all know there has been no substantial change in the social security benefits since 1954, but even at that time the increases given to our older citizens were relatively small compared to the needs of the average retired person. Many of them have no savings and must rely for their subsistence entirely on the monthly payments they receive from social security. These elderly people have been victimized by the sharp rise in prices for food, clothing, rent, medical care and other necessities. They are actually undergoing severe mental and physical anguish to keep their heads above the water at a time when the cost of living has reached an all-time high.

Our Nation cannot afford to let those who are forced by advanced age to retire from the labor force to pay a heavy toll in reduced living standards in their declining years. Higher costs of food have shrunk the dollars which they receive from their monthly social security checks. In the past many of them were able to supplement their meager income with outside earnings, but since the economic crisis set in nearly a year ago these opportunities for outside earnings have greatly diminished for the elderly people.

Several months ago I introduced a bill, H. R. 12568, to reduce the retirement age for both men and women to 62 years and to increase the monthly social security payments about 40 perment, the minimum going up from $30 to $50 and the maximum from $108.50 to $150. This would provide greater security for our elderly citizens and would encourage many in their sixties and seventies, who are still working, to retire on a reasonable income and yet maintain a dignified standard of living. They would have greater purchasing power and their retirement would open more jobs for younger people. All of this would provide a boon to the economy and would practically wipe out all unemployment in the country.

While the present bill will be a welcome help to the millions of retired people, it will not serve as a solution to their major economic needs and problems. Those over 65 who are eligible to retire will continue to work simply because they cannot afford to retire on this meager income. A 7-percent increase, I am sure, will prove to be a great disappointment to our senior citizens who have given a lifetime of work and service to their country in helping to build its economy. I believe we should recognize that contribution in more concrete and more generous terms.

Only a few short weeks ago Congress had extended a 10-percent increase in the salaries of all Federal employees and postal workers. A 10-percent increase was also granted in annuities of retired Federal employees to help them cope with the higher cost of living. Similar increases were approved to those serving in our military branches. In many urban areas salary increases are being given to firemen, policemen, teachers, and other municipal employees, as well as retired municipal employees. Why discriminate against those who are dependent on social security? The least we could have done for them is given them a similar 10-percent increase to help them cope with the high cost of living.

I believe that we must take early cognizance of the problems of our aging population, and the sooner it is done the better it will be for them and for the whole Nation. If we continue to ignore this situation, if we do not provide them with a decent standard of living, we shall be committing a grave injustice to the millions of our people who have every right to expect better treatment and greater security at a time when they can no longer be economically productive.

What is needed most of all is an overhaul of the social security system to bring it into step with the times and needs of the people. In other words, we must approach this problem both from a humane and a realistic point of view. We must make it possible for our older citizens to look forward with greater confidence to security in their declining years. The bill under consideration is a step—though a very small step—in that direction. For this reason I am glad to support it. I would be more happy if the increase were at least 10 percent or larger.

Mr. HOLTZMAN. Mr. Chairman, much has been said here by those of us who favor the bill now pending in the House of Representatives, to give a much needed increase in benefits to some of our senior citizens.

In the past I have supported legislation to liberalize the Social Security Act, and I feel that this legisltation now before us deserves our favorable consideration and attention. With the tremendous increase in the cost of living over the past years our elder citizens have, to a great extent, exhausted what little savings they might have had, and have been forced to exist solely on pensions or annuities for which they might have been eligible, on the benefits they have been receiving through the Social Security Act, or on public welfare. When you realize what the maximum benefits payable under the Social Security Act amount to, the very fact that they can exist on such a sum, or even less, is quite remarkable.

During the last Congress, and earlier this year I introduced legislation which would remove the present limitation of $1,200 per annum on outside income that can be earned by those who are recipients of social security; which would make full social security benefits payable to men at the age of 60, and to women at the age of 55; and which would eliminate the requirement that an individual must have attained the age of 50 before he is eligible to receive disability insurance benefits. Unfortunately, none of these provisions has been incorporated in this current bill, but there are certain other benefits and protections now offered to the many citizens for whom the system was originally designed. For that bill. I am hopeful that further consideration will be given these provisions called for in my bill, possibly during the next Congress after the Advisory Commission on Social Security has completed its study of the social security program and has had an opportunity to report to the Congress in 1959.

I have said before, and I shall say it again, the welfare of all our citizens, whether they are young or old, able or disabled, should be of utmost concern to us all. We should continue our efforts to improve and liberalize the existing system, and to correct any inequities which might be revealed.

I shall be happy to pledge myself to work for the continued improvement of the social security system.

Mr. REED. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I support and urge the passage of H. R. 13549, the Social Security Amendments of 1958. This meritorious legislation will improve the adequacy of our social security program and one of its principal points of merit is the fact that it will strengthen the actuarial soundness of the old-age and survivors insurance program.

The legislation would provide many changes in the social security program affecting benefit levels, eligibility requirements, and administrative features of the system. It represents the combined efforts of the membership of the Committee on Ways and Means working in close cooperation with officials of the Department of Health, Education, and Welfare. I do not represent that everything contained in the legislation has the endorsement of the executive branch nor do I represent that I wholeheartedly approve of every change that the bill purports to make. However, I do say with earnest conviction that the bill is a good product of able and diligent work and merits the support of this distinguished body.

I will not undertake to describe all the changes that are provided in the bill.

The committee report accompanying the legislation provides such a description and is available for your consideration. I would, however, like to comment on what I regard as some of the principal features of the Social Security Amendments of 1958.

Benefit levels under the old-age and survivors and disability programs would be increased by 7 percent with the provision that the minimum increase for a primary insured individual would be $3. The maximum benefit payable to a family would be raised from its present level of $200 to a level of $254. Benefits would be payable to dependents of an insured individual who was eligible for disability benefits. Further changes in the benefit side of the program would be made with respect to dependent parents, lump-sum death benefits, children's benefits, and other significant changes.

These benefit liberalizations are not accomplished without added cost. To defray the added expense of the liberalizations provided in H. R. 13549, as well as to strengthen the financing of the existing program the legislation before us today, would make three significant changes in the social security taxes which virtually every American citizen who has earned income will be required to pay. These three changes in tax features of the program will provide, first, the earnings base on income subject to the social security tax would be increased to $4,800 from its present level of $4,200, effective January 1, 1959; second, the existing 2¼ percent tax rate that is imposed on both employer and employee would be increased to 2½ percent in 1959, and to 3 percent in 1960—for the self-employed the comparable rates would be 3¾ percent and 4½ percent; third, the schedule of 4 additional tax increases projected under present law at 5-year intervals up through 1975 would be accelerated so that the contribution schedule would become fully mature in 1969, which means that the increase will be occurring at intervals of every 3 years instead of intervals of every 5 years.

The legislation also revises the public assistance titles of the Social Security Act and the maternal and child welfare title of that act so as to make additional Federal funds available to the States for the purpose of strengthening these programs. I am sure that I speak for the entire membership of the committee when I express the hope that the States will act to pass these augmented amounts on to the genuinely needy in our Nation.

I would call the attention of the House to the fact that in my judgment my colleagues on the Committee on Ways and Means are deserving of your commendation for the diligent effort they have put forth in developing this legislation. We have given careful attention to the matter in thorough public hearings and in arduous executive sessions. Included in this legislation are proposals that many of the Members of the House who do not serve on the committee have sponsored. I therefore would like to congratulate the chairman of my committee, my distinguished friend, the gentleman from Arkansas [Mr. MILLS], and my other committee colleagues who deserve so much credit for the development of this legislation.

In closing I would like to pay special tribute to one of my Republican colleagues on the committee, the gentleman from New Jersey [Mr. KEAN], who next year will not be serving with us in the House but will, I am confident, be serving with great distinction in the other body. Mr. KEAN has consistently been a diligent and constructive worker in behalf of an adequate and a sound social security system. To considerations of benefit levels and benefit entitlement Mr. KEAN has brought a compassionate interest in improvements that would make the program more adequately meet the needs of our citizens. On the other hand, realizing that the program could only endure if it was actuarially sound and properly financed, Mr. KEAN has brought to the committee's consideration of social security improvements over the years a profound understanding of the actuarial aspects of the program and he has stood stanchly and without deviation for a program that was in fact in actuarial balance. I am confident that Mr. KEAN will continue to extend his outstanding talents in behalf of an adequate social security system as a Member of the other body.

I urge my colleagues in the House to support the passage of the social security amendments of 1958, H. R. 13549.

Mr. Chairman, one of the worries I have had over the years is this question of inflation. It is making it very difficult to keep this system actuarially sound. Constantly now, with our expenditures and spending, our debt limits, and all these steps we are taking, inflation seems to be in the offing. Nobody knows under world conditions just what we are going to face in that connection. We have a pretty pronounced inflation in this country right at the present time. We are cheapening the purchasing power of the American dollar.

This social security system will require adjustment very frequently, I fear, but I will say for this bill that it is providing a step to make this system actuarially sound, and that is of vital importance to all of the beneficiaries under the system and it is vitally important to everybody who holds an insurance policy or has an annuity that he relies on for the future.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield.

Mrs. ROGERS of Massachusetts. I commend the gentleman on his very fine work on this committee all through the years, and also commend him and the chairman of the committee on their working so harmoniously together. It is a joy to see Republicans and Democrats working wholeheartedly for a great end. I am delighted that millions of veterans will get the entire benefit of this legislation. One payment supplements the other just as one type of service supplements the other. I am very grateful to the gentleman from New York and the gentleman from Arkansas.

Mr. REED. I thank the gentlewoman from Massachusetts for her remarks.

Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. KEAN].

Mr. KEAN. Mr. Chairman, in the first place I want to thank my colleague, the gentleman from New York [Mr. REED] for the kind words he said about my work. It is a pleasure to have worked with him. He has always had the interest of the older people of the United States at heart in his work in the committee.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Arkansas.

Mr. MILLS. May I comment on the deep regret I have over the fact that this will be the gentleman's last time to work with the Committee on Ways and Means in the field of social security. He has rendered very fine service in the committee on all subjects, but particularly has he been effective in his work in the committee on matters of social security, a subject which has been very close to his heart and one he has pursued very diligently.

Mr. KEAN. I thank the gentleman very much.

Over the past few years I have addressed the House many times on social security legislation. This will be the last time I will have the privilege of doing so. I became keenly interested in social security when, as some of the older members of our committee will remember—in the winter of 1946, my first year on the committee—we had extended hearings on what was called then the issues of social security. I learned at that time of the basic principles behind the program. I determined that they were sound. But at the same time I learned of the many inequities in the program as it was then, of the inadequate benefits, and also of the extreme dangers in a program which has such political dynamite.

The enthusiasm which Members of Congress always have for increasing benefits may be shown by the fact that more bills toward this end have been introduced in this session than there are Members of Congress.

One thing I determined in 1946, that was the essentiality of keeping the system on a sound basis; that when benefits are increased, taxes must likewise be increased to cover the increased benefits. I determined that it would be irresponsible to say to our children and grandchildren: "We make the promises as to what we pay in the future. It is up to your generation to worry about the necessary taxes to pay the benefits."

So while I have supported many increased benefits, all of them have been projected within the framework of a sound system.

Since 1946 I have introduced dozens of bills to improve the system, and I believe I can say, with some pride, that the majority of the suggestions that I made are now law.

When we sat down for our executive sessions on this bill, our able chairman—the gentleman from Arkansas, for whom I have the greatest admiration—made one of the finest statements I have ever heard on the necessity of keeping the system sound. He called attention to the fact that the present OASI system

was out of balance by fifty-seven one-hundredths of 1 percent of payroll.

He stated that it was not fair for the present generation to be receiving much more in benefits than they were paying for; that we should speed up the schedule for increased taxes as fast as is practical so that the public as soon as possible would realize that this is a 9 percent system and that if they wished any more benefits they must pay for them in additional taxes.

He called attention to the fact that under present taxes there would be a deficit every year until 1965 and pointed out that such a situation was unthinkable.

As a result of this fine statement, the committee without objection voted for increased taxes and for speeding up by 6 years the climb to the ultimate maximum tax. There seemed to be unanimity in our committee that the system must be kept in balance. I was ready to gird up my loins and fight for the principles so well enunciated by our chairman.

However, having taken this sound step, the committee which had walked up the hill, then walked down again. We had increased taxes sufficiently to make the system more than sound, but then we voted to increase benefits so that the system is still out of balance.

True, it is now estimated that it will be out of balance by only twenty-five one-hundredths percent of payroll, instead of fifty-seven one-hundredths percent of payroll. Sure that is better. But it will still be out of balance.

Why could we not have had the courage to balance it once and for all, and set the precedent for future Congresses to do likewise. It would then be easy to say to our constituents: "Yes we are going to increase your social security taxes, but we can promise you that the system is sound and will remain so. Now all we can say that it is less unsound than it was before."

Part of the tax rise for many workers will be the result of the increase in the wage base from $4,200 to $4,800. To do this seems logical when you consider the general increase in wages and salaries over the past few years.

In New Jersey, the average industrial wage is today above $4,200. But those who will pay an increased tax owing to this provision must realize that though ultimately they are having this maximum benefit increased from $108.75 to $127, nearly half the proceeds of this additional tax will not go to paying them, or their families any increased benefits, but to increasing the benefits of those with lower wages; for though the increase in the wage base will bring in fifty-five one-hundredths percent of payroll they themselves will get only thirty-two one-hundredths percent in additional benefits. Perhaps you might refer to this as the "social" part of the social security system.

I am particularly pleased tc vote to support an increase in benefits for those already on the rolls. It seems to me there is every justification for such an increase. It is true they are not entitled to any more based on the insurance principles of the system—for most of those receiving low benefits paid in very little in taxes—but when they were working the wage scale was much lower, the value of the dollar was much higher, and the benefits which they are receiving with the present high cost of living are indeed inadequate.

Those retiring in the next few years are, of course, benefiting from the present wage scale; and owing to the fact that calculations can be started from 1951, and they are entitled to a 5-year dropout, they are right up to date on the highest pay from present wage scales.

If I had been the sole judge of what would have been in the bill, I would have provided for at least a 10 percent increase for those who retired in past years and are receiving inadequate benefits, and perhaps a slight modification in the increase for those who retire in the future, thus maintaining the actuarial soundness of the system.

If in the future it is found that increases for those retiring then are necessary, future Congresses can make the change.

I am particularly pleased with the increase in the maximum family benefits from $200 to $254. Perhaps it is because I have 6 children of my own that I have never understood why a widow with 4 or 5 children was not entitled to more benefits for their support than one with only 2. This suggestion was in a bill that I introduce last year, as was a proviison for providing benefits for the dependents of those who have retired on disability. Certainly a disabled worker would have more difficulty in supporting his minor children than would one who had retired. I am happy these two provisions are in the bill.

Let us get over to the changes in the assistance program. An additional $287 million has been provided for the general assistance program. This, of course, will come from all the country's taxpayers. It does seem perhaps that when we, the tax-writing committee provide heavy additional expenditures from the general revenue—we might at the same time say what taxes we are going to increase for this purpose.

However, under a new formula the Federal Government will still pay four-fifths of the first $30 paid under the general assistance program, but the balance up to $66 will be paid under a variable formula amounting to 50 percent for the so-called richer States and 70 percent for the poor States.

Now New Jersey pays 4.20 percent of all Federal taxes. Thus, of this additional appropriation, we will pay in taxes 287 times 4.20 percent or approximately $12 million—while under the new formula we will only get back to help New Jersey's aged and disabled $1,965,000, or one-sixth of what our taxpayers are contributing. For every man, woman, and child in New Jersey there will be paid by our New Jersey taxpayers $2—while for every man, woman, and child in New Jersey—our State will get back only about 33 cents.

In the past the picture was bad for our New Jersey taxpayers, but not as bad. In 1957, the last year for which I have the figures, the total payment for assistance throughout the entire Nation was $1,505 million. Of this, New Jersey taxpayers contributed about $63 million. We got back for our assistance program in 1957 only $15 million. This was bad enough—but it was approximately one-fourth of what we paid out, while under the new formula it looks like we may only get one-sixth. On the face of it this does not look as though the provisions in this bill are fair to New Jersey.

The Social Security Administration states that there is advantage for the wealthier States in the fact that the bill provides for much more freedom of action, and that payments to the States are averaged rather than having each individual case calculated to see what is the Federal share. Certainly this is a simplified method.

They give as an illustration: If New Jersey was paying one beneficiary $30 and another one $100, under the present law the Federal share would be $24 for the first case and $39 for the second case, or a total of $63; while under the new formula the two sums would be lumped together and we would get $65.

There is also the advantage for the State of more flexibility and medical care will be included in the total amount. However, there have been no figures supplied to show what this possible advantage might amount to in dollars and cents. The Social Security Administration acknowledged that under the new formula New Jersey would get "nicked" a little, but say that it was "not very significant."

New Jersey welfare authorities have no figures as to how the new program would affect our State, so that we are here legislating something which all do not fully understand. It does not seem to me that a couple of weeks before adjournment is the proper time to make such an important change without giving opportunity for authorities in each State to study the repercussions which would come from such a significant change as is provided in this part of the bill.

Several months ago I introduced a bill to increase the authorization for maternal and child health, for child welfare, and for crippled children. I am particularly happy that a substantial increase is provided in this bill for each of these valuable programs. The committee did not go as far as I suggested, but went more than halfway—increasing each of these programs by $5 million.

I understand the committee's position was that the figure I suggested might well be justified in the future; but that, as it would take time to expand the program effectively, it should not be done all at once.

The maternal and child health program has been most helpful. Today we in New Jersey have in many cases been unable to pay the increased hospital costs of remedial and hospital care for children. An additional appropriation will help.

New Jersey will be particularly interested in the changes in the child welfare provision. At present the law gives priority to aid to rural communities. And, though New Jersey is still the Gar-

den State, this is because our rural population are very efficient farmers. But our rural areas are limited and our rural population is very much smaller than our urban population. This bill extends child welfare to urban areas. One of the fields in which the child welfare program is working well is in its efforts to prevent juvenile delinquency. It is important that tendencies toward this end be fought at an early age, because it is most difficult to do effective work after a child's pattern of behavior has been shaped. The increase in child welfare funds will aid toward this end.

I have received many complaints that there are not enough funds available for surgical treatment for crippled children. This has been particularly true for children with congenital heart disease. It is a fact that in many hospitals there is a waiting list of small children, pending the availability of funds for such operations. This increased authorization for crippled children may save many young lives.

As is so often true with bills that come before the House, there are many good provisions in this bill but some which seem of doubtful merit but I am going to vote for it—for the good certainly outweighs the bad and I urge every Member of the House to do so also.

Mr. Chairman, I hope that as a Member of the other body I will still be able to work to continue to improve the social security system and maintain its soundness in the future; but that, of course, is for the determination of the sovereign voters of New Jersey. However, I have great confidence in the judgment of my colleagues of the Ways and Means Committee. I know of no body of men with whom I am happier to leave the future guidance of what has been one of my chief interests here for so many years.

Mr. CUNNINGHAM of Iowa. Mr. Chairman, BOB KEAN and I came to Congress together in 1939.

He has been a leader in social security legislation for many years.

For many years he and I served on the consent calendar on which important committee he served for 10 years. During that time he helped save many millions of the taxpayers' money.

Mr. MILLS. Mr. Chairman, I yield 15 minutes to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Chairman, the bill before us today to amend the Social Security Act is a good bill, it is a step forward, and I sincerely hope it will receive the approval of the House and that the Senate will act promptly so that the President without delay can sign it into law. The provisions of the bill have been very well explained by our distinguished and very able chairman, the gentleman from Arkansas [Mr. MILLS], by the gentleman from New York [Mr. REED], and by the gentleman from New Jersey [Mr. KEAN]. I shall, therefore, not go into the details of what the bill contains, but suggest that if any Member has any question or is in doubt as to the meaning of any part of the bill that he refer to the committee report—House Report No. 2288—which is an excellent report and well prepared by the very able staff of our committee. I want to pay tribute to them, to the legislative counsel and to the men from the Social Security Administration who were so helpful to us during consideration of this bill.

In writing this bill we had in mind two outstanding points, as has been mentioned before. One was to assure the soundness of the OASI Trust Fund so that we may in the future be able to meet the obligations that we say we are going to meet in paying decent retirement benefits to the aged people. The other purpose, of course, was the recognition of the present need for an improvement in benefits now being paid. As I said to you before, this is a step in the right direction, but I must say to you frankly that, while I am supporting the bill with some enthusiasm, I also am a bit disappointed although not disheartened. I am disappointed because we do not go far enough. As all of you know, I am sure, last year I introduced a bill, H. R. 9467, which would have provided hospitalization, nursing home care for surgical services for people who were becoming eligible for social security benefits. That there is need for such legislation is not questioned by anyone, but apparently we are not ready to take the step necessary to meet the situation that now exists.

In this bill we go part of the way to what I have suggested. I suggested an increase in benefits of 10 percent. In the bill before us, we go to a 7-percent increase in benefits with a minimum of $3 for those in the low brackets, which really amounts to a 10-percent increase for those who are presently only entitled to $30 per month. However, I must point out that there is some overlapping between OASI and public assistance, particularly with respect to many of the lower bracket OASI beneficiaries. In fact, there are some 600,000 aged who receive benefits under each program in order to have a minimum existence budget. The extent to which this group will have benefits passed on under this bill is debatable, and may depend upon the action of the States on the public assistance aspects.

But let us keep in mind that while we are doing that—and, sure, we want to keep the trust fund sound—we are afraid to increase the tax sufficiently to meet the requirements of the 10 percent additional benefits which I urged. Yet, we were not reluctant to increase the pay of our Federal employees by 10 percent. We realize that the cost of living has gone up by 8 percent. We are cognizant of the fact that the general wage increase throughout the country has been 12 percent, and yet when I suggested consideration of my bill I ran into terrific opposition—opposition from the present administration and opposition from the American Medical Association.

The American Medical Association, of course, has for years been opposed to what they call socialized medicine. You well recall that in the past they assessed their members $25 apiece in order to have a fund to fight "socialized medicine," as they termed it, but lo and behold, on the day before the representatives of the AMA were to appear before our committee I tore off the ticker some information coming from San Francisco where the American Medical Association was holding its annual meeting, and while I will not read the entire statement, let me just refer to this portion:

> On the expense side, the organization increased its public relations budget by one-third, pushing it to $499,906. It cost more last year to run the Washington office of the AMA, hub of the battle to fight socialized medicine. That operation cost some $249,000 to carry out its assignment.

Naturally I became interested and I went a little further because, while I appreciated the publicity that the AMA has given to my bill and has made it known nationally, I was interested to know how much money they were spending through their Washington and other lobbies, and in the office of the Clerk of the House. I find that in the last 10 years the AMA has spent $3,915,318.64, according to their own report.

Now, the ticker says that last year, which to my mind means 1957, the Washington office cost $249,000, yet the figures filed with the Clerk of the House showed for 1957 the amount of $50,939.22. I leave it to you to reconcile these two figures of $50,000 as against $249,000.

Now, you know that the AMA has through the years bandied about the term "socialized medicine" every time we propose to improve the Social Security Act. So, when the representatives of the AMA were before our committee, Dr. Larson and Dr. Krusen, I asked them to define for me what "socialized medicine" meant as the term is used by the AMA. And, on page 1203 of the transcript of the hearings, Dr. Larson replied:

> I think it is very difficult to define socialized medicine. I know of nothing in the record of our association that would spell out what the association thinks is socialized medicine.

Yet, that is the label they indiscriminately apply to my bill. I asked Dr. Larson this question: I said that "Dr. Allman who was president of the Association last year labeled my bill socialized medicine. I would like to know just what you mean by that term."

Dr. Larson said that Dr. Allman was speaking as the president of the American Medical Association and as an individual. When I pressed further, Dr. Larson admitted that what Dr. Allman had said was, of course, the stand of the American Medical Association. So I pressed further and asked Dr. Larson if he considered social security to be socialized medicine, and his answer was "Yes." I asked him if the veterans' medical program was socialized medicine, and again his answer was yes. And when I asked him if Workmen's Compensation was socialized medicine again the answer was "Yes."

So, you see, anything we are trying to do to improve the health of people of this country, to assist totally and permanently disabled people, what we are trying to have the Government do to meet discrepancies existing here and there, is being objected to by the American Medical Association on the ground that it is socialized medicine, and yet

they cannot even give you a definition of the term.

Much has been said about people buying their own health insurance, their own medical and surgical insurance, their prepayment of hospitalization, and so forth. The fact is that you know and I know that people in the high age brackets, people in retirement ages, have so little income that they cannot afford the high premiums of voluntary insurance. That is the reason why so many of them cannot get needed hospital and surgical service. Many cases have been called to my attention where people badly needed an operation, needed surgery, but they could not afford it. The result was they either postponed it or they gave up the idea of an operation and just kept on suffering.

While discussing this situation with a group of doctors who came to my office, I found out that they think this—and I had to agree with them—that there are two groups in this country who get the best type of medical service available. Those are the wealthy, who can afford to pay for it, and the indigents, who are taken care of in the wards, where the interns look after them and specialists come in to supervise the work. But the great middle class has to look after itself, and they are in a terrible position.

Mr. Chairman, returning to the insurance phase, I would like to give you an example of what is happening under the voluntary insurance we hear so much about. I hold here a letter from a woman over 65 years of age who was carrying medical insurance. She had to go to the hospital and she underwent surgery. She filed her claim. Her claim was paid, but she got this letter:

> As you know, the life insurance industry has been established for generations. Records have been accumulated for years and statistical tables have been developed. Based on life insurance tables an extra premium is charged for extra hazards. There are only a few tables on accident, health and hospital insurance because the business is relatively new.
>
> In reviewing your recent case we have concluded that the premium you are paying is not sufficient for the future risk. There is not sufficient data available to quote an intelligent rate on the increased hazard. Therefore we are sorry we must exercise our right to decline to renew your policy.
>
> This letter is to advise you that we will not accept any further premium payments on the above policy without prejudice, of course, to any loss beginning prior to the expiration of the time for which premiums have been accepted.

That is the answer to your voluntary insurance as regards many of these aged people.

I could go on and talk at length on this. I am not going to because, as the report shows, we have instructed the Department of Health, Education, and Welfare to make a study of the hospital and nursing home care and to report back to our committee on February 1 of next year their findings. I am satisfied that by that time we will not have from the Department of Health, Education, and Welfare all of the type of information all of us want, because they have already pleaded that the time is too short. But bear in mind that the question of taking care of the aged from a medical point of view is not a new question by a long shot. We have heard of studies repeatedly. Studies are being made by this group and that group and another group, yet they never seem to be able to come up with the answer, or they do not want to. I prefer to be charitable and say they cannot.

I am suggesting to our Committee on Ways and Means that early in the next Congress, and I hope I am here at that time, we appoint a subcommittee to look into this question not only of hospitalization and nursing care, which we directed the Department to look into, but also the surgical side of the picture, and that that subcommittee be given the authority to appoint its own staff with a director, and in addition have the authority to appoint its own group of advisers, or an advisory council, if you please, so that we can work independently of the agencies of Government and independently of the American Medical Association. If any of these groups have any information they think will contribute to a solution of this problem, we ask them to present it to this subcommittee so that all the facts can be correlated and action can be taken.

Taking care of the aged is a must. Someone told me I was 10 years ahead of time with this proposal. I do not care whether or not I am 10 years ahead of time, I say this is a must. I am asking now publicly the help of all that are interested in the plight of the aged to come forward, make studies, and furnish our committee with all the information possible so that we can get a solution to this distressing problem in the not too distant future.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from New York.

Mr. SANTANGELO. I commend the gentleman from Rhode Island on the pioneering work he is doing in this field to provide for the aged. He knows as well as everyone else knows that the time when an older person requires medical attention and care is when he is about at the time to retire. I hope the committee will pursue the study of the gentleman's bill, especially those provisions for the medical care and hospitalization of our senior citizens. I wish to associate myself with the remarks which the gentleman has uttered with respect to his bill and also to the present bill. I support this bill H. R. 13549.

Mr. FORAND. I thank the gentleman. I must say that he has been consistently pressing for action on this bill, because he, too, realizes the importance of it.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Washington.

Mr. PELLY. I was very much interested in the remarks of the gentleman. I had the pleasure in the 83d Congress of sitting on a committee under the chairmanship of the distinguished gentleman from New Jersey [Mr. WOLVERTON], who made a very comprehensive study of low-cost medical and health plans. I know that that information is available and at the proper time could be very helpful in the study to which the gentleman is looking forward.

Mr. FORAND. I appreciate the gentleman's contribution.

Mr. Chairman, in concluding my remarks I want to make it clear that I am strongly supporting the bill before us, H. R. 13549. It is a good bill, a sound bill, and I hope it will be quickly enacted into law. My only regret is that it did not go as far as I would have liked, but it is indeed a step forward, and I urge the committee to approve it by an overwhelming vote.

Mr. REED. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I was the lone "no" vote in the Committee on Ways and Means against this bill. Everybody on the committee was out of step but me. At least that is the way it looked. I feel it is incumbent upon me to tell you why I voted "no" on that bill. In the first place, the bill is nothing but a stopgap bill. We have set up a Commission to make a complete report on the financial soundness of the social security fund, and that Commission will bring in a report this December telling us what is the matter with the fund, if anything is the matter. Pending that report, we cannot act intelligently over the whole situation bearing upon social security. So we decided for 2 reasons and 2 reasons only to act now with this stopgap bill and not wait for a complete overhaul next year. What are those two reasons? Well, first, and I agree with this reason: We did not think we should wait until next year to increase the soundness of the program. We did not think we could wait until next year at least to take one step toward making the program more sound. And on that I am in full accord with the committee. The other reason that we could not wait until next year is the fact that this is an election year and, naturally, in an election year we must, if we can, sweeten up the voters a little bit. So we did increase the benefits a little bit to sweeten up the voters. We also knew very well from a practical standpoint that we just could not vote increased taxes in social security without at least sweetening up the benefits a little bit. So we put the two together—and that is this bill.

I have always opposed the social security program, but I insist I am not against the social security objectives. I want to give the old people what they are entitled to in security, even a little more generous than what they are getting under this bill. So why is it then that I voted against this? Because I have always said that social security should be on a pay-as-you-go basis: That is, require each generation to take care of its own people and not push off to the next generation and to future generations the care of the old people of today. That is exactly what we are doing under this program. I have good authority for making that statement. I have looked over a Brookings Institute

report, and the Brookings Institute has a good reputation all over the country. This is what the Brookings Institute says——

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MASON. I quote from the Brookings Institute bearing on the present social-security program. This is what it said:

> We (the present generation) do the promishing; you (all future generations) do the paying.

That is how the Brookings Institute characterizes this present social security setup.

The Brookings Institute report recommends that the present social security setup be abandoned entirely and a genuine pay-as-you-go system be established in its place. And a little more generous than this system is. They also say:

> Our generation should care for its own and trust future generations to do likewise.

That seems to me to be a sensible, practical and wise conclusion for them to reach. This bill does make the fund a little more sound—actuarially sound, as they say—and in that respect it is an improvement upon the present situation. But if we did away with the program, as the Brookings Institute recommends, it would remove all need for reserve; all need for level premiums; all need for costly and elaborate bookkeeping systems, such as the present law requires.

Once before, 8 or 10 years ago, when we had an amendment to the social-security law under consideration, I took the floor and I opposed it, and I said this: "The Townsend plan petition has been at the Speaker's desk for 12 years, and I have refused to sign it because I was still hoping to at least make this system sound, make it a program much better than the Townsend system. But I had given up hope." That was 8 or 10 years ago. "I am now going up and sign the petition, which I have refused to sign for 12 years." And I did it. I also said then, "In my opinion, after careful consideration, the Townsend plan is more equitable, more practical, more just, much easier and cheaper to administer and less costly in the long run." I still believe it, and because I believe it I voted "no" in committee and I will vote "no" on the floor.

I yield back the remainder of my time, if there is any.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MASON] has expired.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Chairman, in looking back over my years of experience in this great legislative body, I find that my participation in advancing the cause of old-age pensions gives me greater satisfaction than perhaps any other public service I have been privileged to render.

In the history of our social security and old-age assistance system, it is gratifying to note that our senior citizens have not been forgotten. Since 1935, when our general social-security program was enacted into law, the Congress has passed several amendments to the basic law which in each instance has benefited our old folks. We have seen its coverage extended until now every home is directly or indirectly concerned about its application.

Social-security and retirement payments going into the channels of trade every month is a great stabilizing factor in our national economy. Now and then we hear criticism such as "something for nothing" or "how it will bankrupt the country." But, my friends, did you ever stop to think of what would happen to business, trade, and commerce if, by any chance, all social-security and pension checks were immediately discontinued?

While I recognize the importance of social security in all of its forms to our economic life, I have supported old-age pensions primarily because of its humanitarian aspects. It has made it possible for our senior citizens to approach the declining years of their lives without fear of what might become of them or the humiliation of depending upon their families for their very existence. In fact, it preserves the pride of our American heritage.

I am in thorough accord with the overall objectives of the social-security program, but there are certain improvements I feel should be made. In particular, I refer to the some 2½ million old and destitute citizens who are on old-age assistance getting an average of less than $60 a month. In this day of high living costs, it is impossible for any person to live in minimum comfort and health on such a pittance.

The great Ways and Means Committee has recognized this situation and in the bill before us we find a general increase of about 7 percent. This is not enough for the segment of our aged to meet their needs but it will be most helpful and will be appreciated. They should have a minimum of $75 a month.

I wholeheartedly support this legislation with the hope that further improvements will be in order when the Congress convenes next January.

Mr. REED. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Chairman, it is my intention to speak primarily with respect to the old-age and survivors' insurance and the disability insurance program and the amendments to those systems as proposed by this bill, but before doing so I would like to make a comment on that part of this bill which amends title 5, the public assistance program.

I would like to call the attention of the House to the fact that in the public assistance programs the Federal Government is today spending approximately $1,800,000,000. The amendments proposed in this bill will increase that expenditure by $287 million a year so that upon its enactment the cost on the part of the Federal Government for public assistance programs will be in excess of $2 billion a year.

I mention that fact because in this area we have not a program of aid to individuals, this is a program of aid by the Federal Government to the States and the localities.

It was our general conception when we adopted and embarked upon the old-age and survivors' insurance system, and, the disability insurance system, that this would relieve the responsibility of Federal participation in the general public-assistance programs. It was intended that as a result of the insurance systems there would be a withdrawal and a reduction of the cost to the Federal Government of these assistance programs and that eventually those programs, to the extent they were necessary in our society and economy, would be the responsibility of the States and the local communities. In my judgment, Mr. Chairman, that is the direction in which we should be moving, but, unfortunately, in spite of the fact that our old-age and survivors' insurance system has been expanded, the benefits increased, the amount of participation increased, we find going along with that increase still further increases in the amount of Federal responsibility and Federal cost in all the public-assistance programs.

Mr. Chairman, at some time a halt must be called to Federal responsibility in this area and the problem should be assumed as a proper responsibility of States and local governments. So, Mr. Chairman, to the extent that this bill again puts the Federal Government further into this program, which is basically a State and local program, I disapprove of that part of this legislation.

But let me speak to the matter of the changes in this bill with respect to old-age and survivors' insurance and disability insurance. Generally speaking, the committee has done an admirable and a fine job in the action that it has taken in this area. There are, of course, two sides to the social security coin and both sides are of equal importance. On one side is benefits, of course, the pay-out. On the other is the financing or the take-in. The committee's action in both of these areas, with respect to benefits, the pay-out, and with respect to the financing, the take-in, is sound and the action is certainly justified and appropriate.

No Government program can be static and this program can be no exception. We, of course, must constantly strive to improve the system, aiming to correct inequities as they develop, make necessary changes as those changes are deemed to be wise and possible.

Mr. Chairman, we have no problem as far as there being a lack of enthusiasm for increasing or developing new benefits; the trouble is, there is an over-enthusiasm, frankly, in this area.

The committee had before it in its discussion of this legislation over 500 bills proposing the liberalization of present benefits or adding new benefits and new areas of payment to the old-age and survivors' insurance system and the disability insurance program.

There is no lack of imagination on the part of Members of Congress or on the part of many people with respect to new areas that we could move into as far as

payments of money are concerned, either under this system or any other governmental system. But, this system seems to attract particular attention. Let me say this, that this bill does improve the benefit side of the coin, and fortunately the committee avoided the pitfalls set by some of the so-called friends of the system.

You will note in the committee report an enumeration and a description of various changes to remove inequities and to improve the administration. The basic change made in this area is, of course, the increase in benefits of 7 percent with a $3 minimum increase. This in my judgment, Mr. Chairman, is justified in order to keep benefits consistent with changes in the economy and particularly the increases in the cost of living. This is about the third or fourth such increase that has been made since the system was originally adopted. I think we must recognize that the system is going to be changed in the future in this respect as cost of living increases and as changes are made in our economy; that this figure is not going to remain static. In fact, I am not so sure but what the committee and the Congress should give consideration to the advisability of a provision which would automatically make the basic benefit payments consistent with changes in cost of living or in general economic conditions; a provision in the nature of an escalator clause to be financed by a change in the wage base. Average wages constantly change as your general economy goes on an upward trend. In this way we might possibly avoid the problem which has presented itself during the last 3 election years; the idea that no Congress can adjourn before an election without at least making some changes in the Social Security Act. In my book, if we want to ruin the Social Security Act, it is to start making it a political football to be used to try to garner votes in an election year. That is the most vicious and destructive step that can be taken to cause this whole system to fall in on those very people who are dependent upon it for a base of security in their old age. I am most concerned that we do not let that happen; that we do not take action that will jeopardize the interest of those people who have paid and are continuing to pay into this system and who are depending upon the benefits as a base of support in their old age. I would think that we might, therefore, Mr. Chairman, as I suggest, give consideration to the matter of providing, by some built-in provision in the act, an automatic increase in benefits to keep pace with any pronounced changes, in your general cost of living.

Mr. Chairman, I support the committee action in the benefit increases that are here proposed.

But, let me speak, if I may, Mr. Chairman, about the other side of the social-security coin, the financing side. It is peculiar, and I think somewhat unfortunate, that too much of our discussion is always on the one side of the coin, namely, the benefits. Let it be remembered that for every benefit there is also a tax or a charge to pay for that benefit.

This is not a one-way street, and, therefore, in this discussion we should give equal recognition to the burden of tax that we impose on these very people for any benefit that we propose to give them at some future date. Unless we keep our financing on a sound basis we will jeopardize the whole program.

We have a great responsibility here in the Congress to try and save social security from its so-called friends, those who get overly enthusiastic about what can be done under the program, but ignore the fact that any action has to be paid for and has to be bought by a tax on the people who are working today. I am one who believes that we should enact additional social-security benefits with our eyes wide open. We should take the same approach we take when we buy additional insurance as individuals.

When we buy insurance protection, no matter for what purpose, we not only ask our insurance agent what we are getting, but we also ask him how much we are going to have to pay for it. Only in this way can we determine if the increased protection is worth the price, if the resulting decrease in our spendable income is worth the luxury of possible future benefits. I do not know how we can be less prudent with a Government's social-security program. Indeed, because of its vast scope, the social and economic implications involved and their effect upon the lives of so many millions of our citizens for so long a time in the future, I think we should ask more rather than fewer questions about the cost involved in new proposals for increased protection.

When we, as individuals, buy an insurance policy, we can always cancel it if we find that the burden becomes too great or if we change our mind about the need for the benefit. Let it be remembered, though, that once these benefits are provided by the Government and once the tax is imposed, neither the benefit nor the tax will ever be subject to elimination or reduction except upon the collapse of the whole system. When a new cost is incurred and an additional tax imposed, it becomes permanent.

I do not like to cast doubts upon the future of this program but when I see 500 bills introduced, and when I note that some of the proposals presented to the committee to expand this program go so far that even the authors of the bills admit would require an unconscionable tax, I am worried. I get concerned about the direction in which we could move if we threw discretion to the winds. I think we are in real danger when we see the rush to liberalize this program without proper recognition of the burdens that would be imposed.

I think the danger that we face can be outlined very briefly and bluntly. Social security cannot survive without the willing support of workers and employers whose tax money provides the means to pay the monthly benefits. When you get this system to the point where there is a protest by those who are currently paying the taxes, you are in trouble.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BYRNES] has expired.

Mr. REED. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MILLS. Mr. Chairman, I, too, yield the gentleman 5 minutes.

Mr. BYRNES of Wisconsin. I thank the gentlemen.

Mr. Chairman, I do want to try to make this point, because to me as I look into the future and consider the future of my children and your children and those who are today paying taxes in anticipation of benefits on their retirement 20, 25, and 30 years from now, it is important that we act here so as not to jeopardize the benefits they are depending on 20 or 25 years from now.

In addition: Social-security taxes are high now and they will increase heavily during the next 11 years irrespective of what we do with regard to any new benefits. Proposals by "friends," and I put that in quotation marks, "friends," of social security to increase benefits and add new ones will require even higher taxes if enacted. There is no new benefit that can be devised that will not require additional taxes. Taxes substantially higher than those now scheduled will kill public support for the program, and that is the fastest way to insure its doom. A danger of such magnitude, if real, should arouse the concern of all of us and of every American.

In the last analysis, social security is a program in which those presently working and their employers contribute for the benefit of those faced with a loss of income when they are old, widowed, orphaned, or disabled. That is the program. Contributions in the form of taxes are compulsory, but workers have been willing to contribute not only because they believe in the humanitarian concept of sharing these risks but because they wish to provide for their own possible future needs. Their continued willingness to contribute depends, however, upon the reasonableness of the contribution or the tax required. The income a worker can devote to future contingencies is limited by his ability to meet other, more immediate needs. When the cost of social-security protection begins to cut too deeply into daily living requirements, workers will make unfavorable comparisons with distant benefits and immediate costs, and when the squeeze on workers' incomes becomes too great, ominous protests will be heard here on Capitol Hill in Washington. When this happens, and you can mark my words, Congress will take heed, as it does of any public expression, because social security, whether we like it or not, is squarely in the middle of politics, and I am not speaking of partisan politics.

Working contributors will always outnumber the living beneficiaries of the program, those receving benefits. In a political system where the will of the majority prevails, we can fully expect that any sustained protest from a dominant voting group will be listened to and acted upon. Social security, like any other law, cannot exist in the face of continuous adverse public opinion.

It is important that we understand this, because we have not yet really put to the test the willingness of contributors to support even the present benefits. We simply do not know. And why do we not know? We will not know until

1969 if this bill is enacted, and if it is not, we will not know until 1975 what their reaction will be, because under the law it is only then that the taxpayers will feel the full brunt of the social security tax burden. In the early years and still today the taxes are kept relatively low because the costs are low during the period of time required for people to become eligible for benefits. But now as the program approaches maturity, costs have begun to surpass income. That is why the committee has had to amend the bill to increase certain taxes and move up the time for payment of certain taxes in order to avoid that situation.

If the fund is to remain in a position to pay future benefits, these taxes must rise, as they are scheduled to rise under this bill.

Let us remember that taxes on employees and employers, even under present law, are scheduled to go up to 4½ percent on each, on their payrolls and on their wages, and as far as the self-employed are concerned, to 6⅜ percent. On the face of it, these may seem to be reasonable, particularly compared with the rates we talk of when we talk of some of our income tax rates, which begin at 20 percent and rise progressively.

But tax rates and taxes are two different things. Tax rates are percentages applied against income to produce taxes. The size of the tax depends not only on the percentage rate but on the amount of income and how it is defined. Income-tax rates are applied against taxable income or income after deductions and after exemptions. Social-security taxes, however, are applied against gross income, income without deductions, and it requires a comparatively high tax rate applied to taxable income to equal the tax produced by a small percentage rate applied to gross income. This distinction, I think, becomes apparent when we compare the social-security taxes that will be paid just by individuals under the social-security tax schedule provided in this bill. Let us take a Mr. Jones and a Mr. Smith, each earning $4,000. Each has a wife and two children. Mr. Jones is employed and Mr. Smith has his own business. Each of them now pays a Federal income tax of $245 a year. What is the situation so far as the new social-security tax schedule is concerned? This year Jones, the employee, will pay $90 in social-security taxes. In 1959, he will pay $100. Between 1960 and 1962, the annual tax will be $120. In 1963 to 1965, it will be $140. From 1965 to 1968, it will be $160. In 1969, his social-security tax, just on the basis of benefits proposed in this bill, and not any of these other benefits that have been proposed and suggested to the committee, his tax will be $180 a year. His employer will be required to pay an employer's social-security tax equal to that of each of his employees.

Now, let us take Mr. Smith, the self-employed individual. He is today paying $135 in social-security taxes. Next year he will pay $150 under this bill, combined with the present system. From 1960 to 1962, it will be $180. From 1963 to 1965, he will pay $210. From 1965 to 1968, he will pay $240; and in 1969, $270. Two hundred and seventy dollars will be his social-security tax. His present income tax is $245. If my mail indicates anything, Mr. Smith and also Mr. Jones are contending that their income taxes to pay for the whole operations of government are too high today. Yet, let us remember this particular program will impose a tax that is in excess of the income tax that many of our people are presently paying. Here is a table showing the income tax and social-security tax on some typical taxpayers:

Taxpayer with wife and 2 dependents under H. R. 13549

Adjusted gross income	1958 income tax	Social security tax		
		1958	1960	1969
		2¼ percent	3 percent	4½ percent
Employee:				
$3,000	$65	$67.50	$90	$135.00
$4,000	245	90.00	120	180.00
$5,000	420	94.50	154	216.00
		3⅜ percent	4½ percent	6¾ percent
Self-employed:				
$3,000	65	$101.25	$135	$202.50
$4,000	245	135.00	180	270.00
$5,000	420	141.75	216	324.00

It is obvious that the innocent-appearing social-security tax rates, applied against gross income, result in substantial taxes.

In self-employed Smith's case, they will eventually be greater than the Federal income taxes he now pays—taxes which Smiths all over the country, if my mail is any indication, say are way too high.

Employee Jones' social-security taxes will not be as high, but it must be remembered that Jones' employer is contributing a like amount to Jones' account. It can be argued that Jones is paying the employers' share, too. The employer naturally considers Jones' tax as part of his cost of hiring Jones. The part of that cost which goes to the Government cannot go to Jones.

Any way they are viewed, the social-security taxes which will be paid by workers in the future will be heavy taxes.

It should be stressed that these taxes, unlike income taxes, are not subject to reduction. They are permanent taxes, designed to pay the cost of present benefits on into the future. We cannot reduce them unless, first, we are willing to take away some of those benefits, or second, we choose to bankrupt the trust fund and jeopardize the future security of every American who has contributed to the program and is depending on it for his future protection.

My point is, Mr. Chairman, that we had better be cautious and make sure that this burden is a burden that those who will be paying the tax, will be willing to pay.

Let me make just one further comparison to show the increases that we are imposing here. We are going to impose on an individual with a $4,800 income, as a result of this legislation an increase next year in his social-security tax of 27 percent over the tax he is paying today. The following table shows the amount of tax and the tax increase imposed on an employee and on a self-employed person in the next 11 years:

Annual tax burden under committee bill H. R. 13549

[Adjusted gross income, $4,800 or more]

	Percent	Annual amount	Increase over previous tax	Cumulative percent increase over 1958 tax
Employee: [1]				
1958	2¼ ($4,200)	$94.50		
1959	2½ ($4,800)	120.00	$25.50	27
1960–62	3	144.00	24.00	52
1963–65	3½	168.00	24.00	78
1966–68	4	192.00	24.00	103
1969	4½	216.00	24.00	129
Self-employed:				
1958	3⅜ ($4,200)	141.75		
1959	3¾ ($4,800)	180.00	38.25	27
1960–62	4½	216.00	36.00	52
1963–65	5¼	252.00	36.00	78
1966–68	6	288.00	36.00	103
1969	6¾	324.00	36.00	129

[1] Employer matches this tax for each employee on his payroll.

The tax burdens I have been talking about are the burdens that will be essential to pay present benefits. Any benefit increases will require further increases in the tax burden.

It can be fairly stated, I believe, that social security, as it exists today, with present benefits and present tax schedules, represents a substantially increasing burden upon those whose tax contributions support it.

When the program fully matures, and taxes reach their permanent level, there is a question, as yet unsettled, over the willingness of the contributors to support from their earnings a program of the scope already enacted.

The real danger, however, is the threat posed by the possibility of future Congressional action radically enlarging the cost.

Because we have put off into the future the real burden of taxes to support the program, modern demagogs have had a field day with social security. Under the pressure for increased benefits, Congress, in every election year since 1950, has enacted amendments to the basic law which increase its cost and the ultimate burden upon the workers. This could be done, without political fear, because the real impact of social-security taxes will not be felt until some far-off day in the hazy future. What politician can lose votes under a system which permits more benefits to be doled out to living voters now—and be paid for later—by a new generation?

In recognition of this vote-getting ability of social security, each year sees the introduction of hundreds of bills in Congress liberalizing the program. Liberalize, in this context, has only one meaning—bigger and better benefits. Rarely, if ever, do the authors of these bills discuss the increased costs and increased taxes their bills would require. The emphasis is all upon the additional dollars the present beneficiaries would

receive. This is the approach which apparently wins votes. It has been a singularly successful one.

Typical of these bills is S. 3086, introduced during this session of Congress by Senator WILLIAM PROXMIRE, of Wisconsin. Prepared in collaboration with Arthur Altmeyer, former Social Security Administrator, it rolls up in one package most of the currently popular liberalizing proposals.

The bill would cost an additional $7,200,000,000 a year. To raise taxes this much would require the greatest Federal tax increase ever enacted by Congress in peace time. It would fall only a trifle short of the heaviest tax increase voted by Congress at the height of World War II.

At maturity there would be inflicted on Jones and Smith the following combined Federal tax burdens:

Jones, the employee we referred to earlier, would be paying $245 in income taxes and $220 in social-security taxes, or $465 a year. These two Federal taxes would equal 31 percent of this taxable income.

Smith, the self-employed we referred to earlier, would be paying $245 in income taxes and $330 in social-security taxes, or $575. His direct Federal taxes would equal 40 percent of his entire taxable income.

If there is any question about the willingness of American workers to bear present social-security taxes, there can be no doubt that these confiscatory taxes could not be sustained in the face of outraged public opinion. The long-range effect of the passage of this bill "liberalizing" social security would be the destruction of the program.

To the credit of the Senator it must be said that he recognized that the increased benefits would require increased taxes, and the bill provides for a tax increase.

Some Members, however, do not even bother to include in their proposed legislation any tax increase.

I want to give credit to one Member of the House who appeared before us, the gentleman from California, Mr. ROOSEVELT. He appeared with a combination of bills the additional cost of which he admitted would be close to $8 billion.

He also conceded, however, that the tax to pay for these bills which he had introduced "would represent a totally unrealistic tax burden for the American worker; and, of course, for the self-employed the cost would be even more prohibitive." He did not, unfortunately, express concern for the employers of the country who would be required to match the workers' unrealistic tax burden.

The real danger to the social-security program, however, does not lie in the passage of such bills. Their costs are too obvious. The heavy tax requirements are too apparent. No Congress in its right mind would risk the public outcry resulting from the tax burdens it would impose immediately.

The peril, instead, will come from attempts to enact its provisions, or others like them, piecemeal. The pressure over the years will be to approve one provision here, a few more there, emphasizing always the great need for the new benefits, minimizing or ignoring the costs, until the same effect has been achieved—an inflated program requiring taxes at rates which endanger the future of the whole system.

How are we to prevent the dissolution of a governmental program in which millions of Americans have placed their trust—and their hard-earned cash?

I do not have any easy answer. I can point only to a hard road, requiring strong discipline on the part of a people able to see through the blandishments of those anxious to buy votes with someone else's money. Here is what we must do:

Recognize that social security is designed to provide basic insurance, not total security, against the hazards it covers. Social security is not a complete substitute for other commonsense precautions, including individual foresight and responsibility. It cannot be—except at prohibitive cost through exorbitant and self-destroying taxes.

Understand that each new or increased benefit requires increased taxes if we are to preserve existing benefits. Social security is not free; each dollar paid out in benefits must come from the earnings of those who are working.

Strive to improve the existing system, aiming to correct inequities as they develop, whenever it can be done without adding substantially to the cost or to the taxes required to fund the program.

Most important, refuse to consider new and costly benefits until we are sure we can support the program. This most difficult job of all requires that we postpone the luxury of new frills until such time as the full impact of present social security taxes is felt. Only then can we legitimately determine whether the American people are willing and able to pay the price of new benefits; only then can we tell whether we can afford the new benefits. It is folly to create the need for even higher taxes in the future when we have no way of knowing, until it actually becomes effective, whether the tax schedule which becomes permanent in 1969 is supportable.

If we do not follow this course, if we proceed blithely to liberalize the program year after year, postponing the day of reckoning, we will make of social security a colossal time bomb which will one day explode in our faces, with consequences no man can now predict. In this bill before us the committee refused to let the supergenerous friends of social security destroy it with their self-serving brand of kindness.

If we follow the example of the committee as established by this bill we will be on safe ground.

One further thought: Let us be careful about what we encourage people to think they can get from this program. When we talk about the benefits let us be honest and frank with the person we are talking to and say, "This is what you will get but on the other side this is what you will have to pay."

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BYRNES], has again expired.

Mr. REED. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. TEWES].

Mr. TEWES. Mr. Chairman, during my tenure in this body I have stated frequently that the gentleman from Wisconsin [Mr. BYRNES] diligently serves not only his State and his District, but the entire Nation. The analysis of this bill which he has given us in the talk just concluded is another graphic demonstration of why he is held in such high esteem by all his colleagues. Unmoved by purely emotional appeals, unafraid of political motivations, the gentleman from Wisconsin [Mr. BYRNES] always provides a factual realistic appraisal of tax legislation. Congress sorely needs men who will fearlessly analyze and examine pros and cons of pending proposals even at personal political risk to themselves. The gentleman's support of this bill and the cogent arguments he has presented are a strong reassurance to many of us less versed in the complexities of revenue legislation.

Mr. LAIRD. Mr. Chairman, my respected friend and colleague the gentleman from Wisconsin [Mr. BYRNES] has today displayed his usual sound judgment and keen intellect in presenting and analyzing this important social security bill. The statement he has just made clearly shows why he is referred to on both sides of the aisle as one of the most able and effective Members of Congress. I am pleased to associate myself with his remarks. We in Wisconsin are indeed proud of him as the chairman of our delegation.

Mr. REED. Mr. Chairman, I yield such time as she may desire to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, by almost any standard the legislation we are now considering is among the most important measures brought before the 85th Congress.

I personally prefer to think of it in terms of the number of people who will be affected by our action. No less than 11,800,000 persons are currently on the social-security rolls. And an estimated 9 out of every 10 American workers will also some day be drawing benefits under the Federal old-age and survivors' insurance system.

In my own District—just 1 county in 1 State—about 40,000 people are presently receiving social-security benefits.

Certainly, then there is no question of the tremendous significance of social security legislation to the people of our country.

That significance is further emphasized when one considers that recipients of social-security benefits are severely limited as to the amount of outside income they may receive without forfeiting some or all of their benefits. In general, too, the beneficiaries of social security are advanced in age, or disabled, or are widows or orphans—none of whom have the kind of full earning capacity to care for themselves adequately, without the old-age and disability insurance benefits which they receive.

As the committee pointed out in its report, a survey made by the Department of Health, Education, and Welfare showed that for most beneficiaries their social security benefits constitute the major source of income. For instance, 12 percent of the married couples receiving benefits had no other income, and 60 percent of couples had less than $1,200 annually of other income. The situation with single retired workers and widows is even less satisfactory.

It is clear, then, that for most beneficiaries social security is fulfilling its basic purpose—that of providing a bare minimum of financial security for those who need it most. But for many, this minimum is bare indeed.

What was considered by Congress to be barely adequate in 1954 has subsequently been eaten away by the steady erosion of inflation. The cost of living in these last 4 years has advanced by about 8 percent. But the fixed benefits of social security and most other sources of retirement income have, of course, remained at the 1954 levels.

Congress, I believe, has an obligation to make periodic adjustments in the benefit levels—within the limits possible for a contributory insurance plan—to help compensate for the havoc of inflation. The present bill would help to do this by increasing the amount of benefits by an average of about 7 percent.

In several other ways, too, the bill makes necessary adjustments and eliminates past inequities in the social security system. But fundamentally, this is a cost-of-living increase—nothing more.

Congress has a further obligation, however—that to the 75 million Americans who are now contributing to the social-security program and who have an important stake in the future soundness of the funds from which their benefits will be paid.

The committee has moved wisely to strengthen the financial basis of the system by advancing the dates on which already-scheduled contribution rates will go into effect. This will reflect more accurately the real costs of the program and will enable the fund to balance income and expenditures.

The committee has also recommended an increase in the maximum limitation on the annual amount of earnings that can be credited toward benefits and taxed for old-age and survivors' insurance purposes from $4,200 to $4,800. This will further strengthen the fund and in the future will assure that benefits are more realistically related to wage levels.

I believe, Mr. Speaker, that the Ways and Means Committee has made an immensely valuable contribution to the effective administration of a program that means more in terms of human welfare than virtually any other program so far devised by the Federal Government. This bill, the product of much care and work, reflects concern for human beings and consideration for the soundness of a financial system on which so much future happiness depends.

Mr. REED. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia [Mr. NEAL] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection? There was no objection.

Mr. NEAL. Mr. Chairman, I intend to support this bill. Social Security, generally accepted as an important contribution to the American way of life, demands that the Congress recognize the necessity of maintaining the program on an actuarially sound financial basis.

Failure to provide by legislation an adequate reserve fund to meet unpredictable drains during periods of unemployment could bring undue hardship upon those whose contributions make this program possible, and thereby weaken public confidence in their Government.

The fact that for the first time in social security's history present demands exceed the fund's income is clear evidence that the source of income must be readjusted to take care of annual deficits. With an ever increasing number of beneficiaries the anticipated drain on the fund cannot be expected to remain in balance unless steps are taken to increase personal contributions.

This bill, by raising the taxable base and increasing the rates of assessment on both the employee and the employer promises to restore the reserve fund to an actuarially sound basis.

The social security program is in fact a compulsory insurance program for the greater number of people coming under its provisions. Like any insurance program it costs the insured a premium. To many the benefits at retirement will fall short of the needs to meet pre-retirement living standards. The frugal employee who foresees this inadequacy should place some of his savings in an additional endowment or annuity program with which to supplement his social security when he reaches retirement age.

The disability provisions in this legislation are timely. There is every reason why physically disabled citizens should be included as beneficiaries when their disabilities prevent them from earning wages from which contributions could be made and their periods of earning have been cut short.

It would seem to me that if the Federal Government continues to assume the role of bearing the major part of the cost of old age assistance, provisions for more adequately meeting these needs should be made. Included in this category are those who unfortunately have been denied the opportunity to pay into the social security fund, and who must therefore depend upon the mercy of local relief administrators, who for lack of sufficient State-government funds can award only mere pittances.

Many of these people live alone in less than comfortable quarters and find it hard to exist on their small monthly payments. This inequity could be improved if fewer families headed by able bodied parents were not the recipients of liberal monthly payments some times, I regret to say, awarded on a pure local political basis. Since the administration of old age assistance rests entirely in the hands of local investigators there is little prospect that the deserving aged will experience much better treatment. The social security program should be revised. These people should be placed on the eligible list to receive direct payments from the social security administration so they may be able to count on regular monthly checks no longer subject to periodic reduction as now prevails through local management.

Let us hope as the years go by that this social security program through periodic adjustments may be made to provide old age assistance with the same regularity and in amounts equal to those who are fortunate enough to retire with social security entitlement.

Mr. REED. Mr. Chairman, I yield to the gentleman from California such time as he may require.

Mr. BALDWIN. Mr. Chairman, I rise in support of H. R. 13549. This bill provides a much-needed increase in social security benefits. I believe that we must recognize the fact that since the social security program was originated more than 20 years ago, the cost of living has increased materially. If the social security program is going to have the same meaning to its beneficiaries today as it was intended to have when it was originated, we must recognize the fact that upward adjustments are needed in the rate of benefits.

I am very pleased that numerous other important modifications are made in this bill to liberalize the Social Security Act and to correct inequities in the program. One of these is the section which repeals the provision that now requires payments under other disability benefit systems to be offset against social security disability benefits. This will make it possible for a person qualified for both types of payment to be able to receive both types in full. Another of the important changes will provide that a person will not lose a social security benefit under the retirement test for any month in which he has earned $100 or less, rather than $80 or less, as under present law.

I also believe that the increases in the Federal contributions to the States for the public assistance program for the aged, blind, disabled, and aid to dependent children, are needed and proper.

This is a good bill, and I urge that the House approve it.

Mr. REED. Mr. Chairman, I yield 1 minute to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I would like to express my deepest regret that the gentleman from New Jersey [Mr. KEAN] is going to a coordinate body, the Senate. He has made his mark in the House of Representatives. He is one of the ablest Members we have had. His contribution to social-security legislation has been very remarkable.

At the same time, as a member of the Ways and Means Committee, Mr. KEAN has taken a leading part in tax legislation. It was his amendment in 1947 that increased the exemption for taxpayers from $500 to $600. His bill eliminated the excise tax on short-run commuter trips.

Few in the Congress have as great a knowledge of tax legislation as he.

BOB KEAN was the first Representative who introduced a comprehensive bill to increase benefits and broaden social-security coverage. This was a dozen years ago. Since then he has continued his strong interest in increasing benefits where possible and many of his bills to this end have been enacted into law.

Countless widows and children of servicemen are today receiving more benefits owing to the fine work he did as a member of the five-man Select Committee on Services Benefits.

I remember many years ago when I had a bill on the floor to provide homes for paraplegic veterans. Parliamentary procedure had prevented passage of the bill—a passage at that session seemed hopeless—but BOB KEAN suggested an amendment to me which cleared the trouble up and the bill became law.

The underprivileged never had a better friend than BOB KEAN.

I admire his persistent effort in all lines of endeavor, and will miss him greatly.

Mr. REED. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, I wish to compliment the committee for its diligent and thorough work on this highly important social-security program and for its decision to report this realistic and necessary bill to the Members of the House. This bill, H. R. 13549, meets the needs of the times in this important area. It has become increasingly evident that a revision of the benefits under the old-age and survivors' insurance program is necessary at this time. Since we last took action in 1954, to increase the level of benefits under this program, wages have advanced an average of 12 percent, prices have risen about 8 percent, but the income of our retired people who depend so heavily on their social-security benefits has remained the same. Many of our elderly retired citizens are not maintaining the standards they deserve because of their low retirement incomes, the restrictions on their earnings and the rising costs of living. We have made excellent progress in social-security legislation but progress demands that we continue our efforts. So the committee is to be commended for recommending this increase of 7 percent in social-security benefits and I believe it is a change which all of us can gladly support.

Though this increase in benefits is desirable, I regret that there is not an equally desirable provision to raise the ceiling on the annual earnings of social-security annuitants. I believe the present $1,200-a-year ceiling on earnings is unfair and unrealistic. I have introduced legislation during this session to raise the ceiling on earnings to $1,200 a year plus the difference between the annual benefits received by the annuitant and the maximum benefits permitted. This would not require an increase in payments, but would equalize the total income ceiling for all beneficiaries. I hope this proposal will also receive the favorable consideration of this body at a future date.

I wish to express also my admiration for the committee's action in providing additional income for the social-security fund at this time. This is a highly responsible action of which the entire House can be proud; such action is at the heart of good legislating. For, as gratifying as it is to vote additional deserved benefits for millions of fellow Americans, we must never lose sight of our responsibility to provide the income for these benefits also. And this is the time to provide for the added increase for the social-security fund. Such responsible action will certainly serve to retain—even increase—the confidence of our citizens in their social-security system.

That this action was not an easy one makes it all the more commendable. Approximately 500 bills were introduced in the House of Representatives for amending the social-security program. Many bills would have increased benefits all out of proportion to the corresponding increase in social-security income. Such legislation would have been a great disservice to social-security programs and once again the committee is to be commended for disregarding these proposals and for producing the excellent bill which it has brought here today.

Mr. Chairman, I am glad to support this bill to improve the social-security system and I hope that it will receive the wholehearted approval of the House.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I favor passage of the bill before the House today, and I commend the members of the Ways and Means Committee for their action in reporting such needed legislation.

There is no doubt in my mind that H. R. 13549, the Social Security Amendments of 1958, will rank among the most important bills considered in the entire 85th Congress.

In the past few months we have given attention to much important legislation pertaining to the programs and operations of the Federal Government, to national defense, the Nation's economy, international affairs, and even to outer space. All of these and many others have been of interest to my constituents. But I have found as much, or more, interest in the social-security program and the need for additional amendments such as contained in H. R. 13549.

Hardly a day passes without someone contacting me in person, or by mail, on social-security problems. I hope that many of these inquires can be answered with the approval of this bill.

In addition to the 7 percent increase in benefits proposed for the 12 million persons now receiving monthly social security checks, this bill improves the actuarial status of the social security trust funds and makes a variety of other improvements. I know that most of my colleagues are familiar with the committee's report on the provisions of the bill so I will not go into detail. However, there are a few amendments in which I am especially interested.

Mr. Chairman, the need for higher benefits is apparent. The increased cost of living has steadily whittled down the purchasing power of the present benefit levels established in 1954. The proposed 7 percent raise is definitely in order and will help the many persons receiving social security benefits to meet their needs, especially those who rely on such payments as the only source of income.

It is very encouraging to read the committee's report on the disability insurance provisions of the social security program. As one of those proposing disability benefits when the amendments of 1956 were passed, I heartily concur in the plan to pay benefits to the dependents of the disabled and to eliminate the "offset" provision written into the 1956 bill. This latter change will allow those disabled persons meeting the requirements to receive both their full social security benefits and any periodic benefit to which they may become entitled, because of disability, under Federal programs or State workmen's compensation system. Too, the modification of the work requirement for eligibility will assist in many deserving cases.

Among the several provisions of this bill—all of which are needed—is one of particular interest to me.

The committee has included provisions to carry out the objectives of a bill I introduced in the House, H. R. 11754, relating to survivor benefits for adopted children. These provisions provide that a child who was living as a member of a deceased person's household would be considered the adopted child of the deceased person, if at the time that person died, the child was not receiving regular contributions toward his support from someone other than the deceased or his spouse, or from a welfare organization furnishing services or assistance for children, and if the surviving spouse legally adopts the child within 2 years after that person dies.

This change in the Social Security Act, as I pointed out in my statement to the committee in support of H. R. 11754, would affect relatively few people, but emphasizes the proposition that we must always strive to eliminate the inequities that arise under the program. Any imperfection in the act is extremely important if you are the one who is adversely affected. I have personal knowledge of cases in my district that would be affected by this proposed change in the act; I am sure there are others just as deserving throughout the Nation.

Under existing law, survivor benefits will only be paid to a child who has been adopted at the time of the parent's death This has been interpreted to mean that the adoption must be final and that children who are merely in the process of being adopted cannot receive a social-security benefit on the basis of the deceased adopting parent's wage record. The hardship of these cases is obvious A worker and his wife decided to adopt a child; they initiate the proper proceedings and the child comes to live with them. Before the adoption is final, and this can be a considerable length of time in many States, the father dies or is, perhaps, killed in an accident. The mother, naturally, wants to keep the child, but she could be virtually prohibi-

ted from doing so under the Social Security Act because she would not be entitled to a survivor's benefit—unless she is 62 or has children under 18—and neither would the child. I maintain to put a mother in this position is inhumane and against wise social policy.

Section 302 of this legislation will allow a benefit to be paid in cases such as I have outlined, if the child is living in the worker's home at the time of the worker's death, is being supported by the worker, and if the surviving spouse completes the adoption within 2 years after the worker dies. Simple humanity, I believe, calls for this revision in the law.

Mr. Chairman, there are several other changes proposed in this bill with which I agree—to strengthen the financial basis of the system, increase the maximum earnings base, the extension of the deadline for filing retroactive applications for the disability freeze, and the provisions concerned with public assistance, maternal, and child-welfare programs.

I have indicated my strong belief that this is one of the most needed and most important bills to come before the Congress. I intend to vote for it and I urge that it be adopted by this body today.

Again, I commend the members of the Ways and Means Committee for their efforts to report a bill that makes needed improvements and at the same time is consistent with sound financial management of the trust funds.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY. Mr. Chairman, I rise today in support of this important measure and to commend the distinguished chairman of the committee, Mr. MILLS, of Arkansas, and the other members of the Committee on Ways and Means, for their diligent efforts in studying the entire social-security matter through extensive public hearings. I also want to commend the committee for reporting this measure to the floor for consideration.

Mr. Chairman, due to the increased cost of living, thousands of old-age and disabled pensioners have been experiencing undue hardship due to a limited income. This bill, of course, will not be the complete answer to their needs, however, it will be of benefit in alleviating some financial problems.

Since coming to Congress in January 1955, I have consistently advocated and supported liberalization of social-security benefits and it is a real sense of joy for me to speak in behalf of this measure today. I hope this bill will pass and become law as quickly as possible in order that social-security recipients will be able to enjoy more fully the necessities of life.

Mr. REED. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I am happy to state that this is legislation that I can sincerely support. I believe that our committee has done a workmanlike job, and a very thorough job in a very difficult area. The reason behind this bill, however, is something that all of us, I believe, should pay attention to.

The reason this bill is before the House is because of the effect of inflation on the living standards of the social-security beneficiaries, I think it is most important that all of us consider the implication of that fact, because this bill in itself is inflationary and will further the effects of inflation although it seeks to offset those effects on this one segment of our people.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. Is the program paying its way?

Mr. CURTIS of Missouri. Yes, although we are not right now, we are actually paying out. What we have been taking into the fund heretofore had been sufficient until quite recently.

Mr. NICHOLSON. Will the passage of this bill make up any deficit?

Mr. CURTIS of Missouri. It will make it better actuarily under this bill. The increase of tax that is provided will more than offset the benefits to be paid out, so the system will be more actuarily sound if this bill becomes law. That is one of the basic reasons why I stated that I could wholeheartedly support it.

The second point I want to emphasize is that when we talk about the people of the United States we are not speaking of just those who can vote. Anyone, on a moment's reflection must agree that there are many people in the United States who do not have the franchise. People who are not yet 21 do not have the franchise and the people who are going to take over in the ensuing generation must be classified as part of the people of the United States who do not have the franchise at this time.

This legislation, which goes on into the future and hopes to bring a system into fruition, concerns, really, the people of the United States of the present and the future. So anything we do here should give ample consideration to that particular fact and not be done just for those who presently can vote.

The advantages of this bill have been stated, but I want to restate them from my own point of view. The real reason why I say that this bill has some advantage is because I believe it will bring home to the voting people of this country the fact that we cannot increase the benefits in the social security program unless we pay for them. This is the first time, really, that that has been said by the Congress of the United States to the voters. We are saying that if we want to have these increased benefits to take care of the problems that inflation has caused, we are going to have to increase the social security tax in order to pay for them. It is particularly important that this generation realize this because this generation is not paying its way as far as social security benefits are concerned.

This system is predicated on the theory that the benefits that have been paid in the past and are going to be paid in the near future to a large extent will be borne by our children and our grandchildren yet unborn. So, when we go to increasing benefits, let us remember that we also are apt to be taxing future generations. This Congress can face up to that fact. Other Congresses have not faced up to that fact. Other Congresses have not increased the taxes according to schedule in order to make this system actuarily sound, even predicated, as it was, on a greater tax being borne by a future generation. If they had faced up to that fact and had increased these taxes, instead of voting a moratorium, we would not be in as bad a situation as we are today. But today this Congress has an opportunity of driving home the point that benefits are related to cost, that we cannot increase benefits unless we are willing to pay for them.

There are certain disadvantages in this bill. I want to call attention to what I deem to be a basic disadvantage. If it were not for the overriding advantages, I would be recommending that we vote against the bill. The disadvantage is that this bill is inflationary. If we analyze where this tax is coming from, we will find it will be paid by the consumers of America. It is going to be paid through the increased cost of goods and services because the social-security tax is an employer-employee tax. It is a cost of doing business, in effect. Business, of course, is going to pass that tax, that cost, on in an increased price for goods and services. It is economically and basically an inflationary measure.

It becomes important to realize that, although we may be benefiting a certain segment of our population, those who are on social security, through these increased benefits, at the same time we are taking away some of the benefit through the inflation that is going to ensue as the result of the passage of this measure. On top of that, we are going to be posing an additional problem to the millions—and I repeat the word "millions"—of old people who are not on social security because they were born too soon.

Mr. Chairman, I regret to say that there is a very basic error in our committee report. On page 2 it is stated:

> Twelve million now rely on monthly checks from the social-security system as the foundation of their economic security. For the overwhelming majority of these aged and disabled persons, widows, and orphans, these benefits are the major source of their support.

I am certain it is not an intentional misstatement or maybe it is merely a misunderstanding. The point I want to make is that although a majority of our citizens, the older or aged citizens, derive benefit from the social-security system it is not an overwhelming majority. There are in our population 15 million people who are over 65 years of age. Of these 5 million, or one-third, do not get benefits under the social-security system. There are 9 million over 70 years of age in our population, 3½ million of whom do not derive any benefits, which is about two-fifths of that group.

When you get to the people over 75, you find we have 5 million in our population and 2.5 million, one-half of the people over 75, derive no benefits from the social-security system. So, although it is the majority, it is not the overwhelming majority of these older people that are going to benefit by the increase

in the benefits of the social-security system under this bill. Yet, through these inflationary forces that will go into effect under this bill we are going to cause the cost of living of these people not on social security to be increased. Their difficulties and their problems will be greater because of this. Now, that is the balance, and we cannot vote for this bill and think that we are covering all the people of the United States when we vote for these increased benefits. There are these underlying economic factors that we must pay attention to, and inflation is going to rob the older people of some of their purchasing power; indeed, the very people to whom we grant these increased benefits are going to have some of it taken away because the cost of living is bound to increase as we increase these benefits.

So, in the future, when new plans are presented before this Congress to increase social-security benefits, we must remember two things: One, they must be paid for; two, we must look to their inflationary effects and who really will pay for the benefits. We must remember that inflation itself is a form of taxation that transfers purchasing power from the pockets of our people to the Federal Government. If we are going to raise money from our people, I suggest the better way to raise it is through some traditional form, one of the classic forms of taxation, be it income tax, excise tax, or employer-employee tax, rather than the tax of inflation. The tax of inflation hits our lowest income groups the most, and it is they who bear the basic brunt of inflation.

One other point I would like to bring out at this time. One theory of social security—and it is fundamentally a sound theory in my opinion—is to relate benefits to earnings, and the second theory is that social security is a base, only a beginning, not intended to be a complete retirement program. It was never intended to be a complete retirement program of our people. It was intended to serve as a base upon which they could add their own earnings, their own pension plans and programs, and we must always remember that this is not intended nor was it ever intended to be a complete retirement system. It is an incentive and it is a base. Now, when we move to increase the base upon which the tax is paid, we must bear in mind these two basic theories. I am satisfied that the increase from $4,200 to $4,800 does not do violence to either theory, although we are getting close to the point where further extensions could do violence.

Let me illustrate. One of the theories relating benefits to earnings requires increasing the base as inflation affects the average annual wage of our people. If everyone in this country had reached the peak of the ceiling, say $4,200, then we would have no cause to relate benefits to wages, everyone would get the same. But if the ceiling was raised we would have some wage-benefit flexibility. We would still have a system of relating benefits to earnings. The reason for this increase from $4,200 to $4,800 upon which a tax is paid is, I might state, also primarily the result of inflation. The average salaries in the Nation, wages and salaries, the media, have gone up, so there is reason for increasing the base. But herein lies the danger. We have built into the social security system—and again I think it is a sound principle—a weighted benefit, so that the amount of tax we pay on the first $1,000 of earnings brings more benefit percentagewise than the tax we pay on the next thousand. So the tax that will be paid on the $600 above $4,200 if we increase this to $4,800 will not bring in the same dollar benefit that the tax on the first $4,200 or on the first $1,000 would bring. There is built in here a possible seed for the graduated tax formula. This is not a theory of relating benefit to earnings but indeed of spreading and sharing the wealth. If we were to pursue that theory much further we could easily wreck the social security system; that is, the theory behind the social security system we presently have, and end up with something that is no more than a pension system that might just as well be paid for out of the general treasury.

Again I emphasize that I do not believe we have reached that point. But I do say that there is this seed sown in the system, and we must be very careful, in my judgment, each time we increase the ceiling of wages upon which taxes are paid lest we lose our basic system.

Mr. Chairman, my concluding remarks are the ones that I started with; that with all of the disadvantages that I see in this bill I am satisfied that the overriding advantage is so firm that the bill should be enacted. First, we are helping many, many of our people, the majority of our people on social security in taking care of the effects of inflation on them, and we are pointing out that when we increase the benefits we have to increase taxes at the same time.

And if that one message can be brought home to our people this Congress will have accomplished a major achievement in passing this bill.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman.

Mr. PELLY. We understood that the whole program of social security anticipated that the number of those who are on welfare would gradually diminish; but as I understood the gentleman from Wisconsin [Mr. BYRNES], he said that that trend was not being actually realized; is that a fact?

Mr. CURTIS of Missouri. I think this. There are some figures that would indicate that, but I think if you look at it this way, we would have to disagree with the gentleman. The social-security system originally was not extended to the rural areas and the farmers. In the city areas where it has been in existence a longer period of time the old-age assistance rolls have been declining as social-security payments, old-age and survivors insurance, have been increasing. But because the farm population has just come into the system, you will find a great many people in the rural areas still on the old-age assistance rolls. I am satisfied that as the farm program moves ahead with the rural people coming into the system we will see the same thing happening there that we have seen in the urban areas, a decline in old-age assistance.

Mr. MILLS. Mr. Chairman, will the gentleman yield to me?

Mr. CURTIS of Missouri. I yield to the chairman of the committee.

Mr. MILLS. Mr. Chairman, I was just going to say what the gentleman has just said, that in the overall there has been a decline in the total number of people on OAA. The dollars for that program have risen because of the fact that the States and the Federal Government have increased the benefits payable under OAA.

Mr. CURTIS of Missouri. I think the basic theory of the system is right, that as OASI coverage becomes more complete then OAA will gradually phase out.

Mr. PELLY. Mr. Chairman, if the gentleman will yield further, I am glad to hear the gentleman say that because I think that is one of the great talking points for the Social Security system.

Mr. CURTIS of Missouri. Mr. Chairman, these people not covered at all, I was talking about, will eventually no longer be with us and so we will not have their problem to concern us. But they are with us at the present time and we have many millions of people we are hurting by this bill not helping, let there be no mistake about that.

Mr. FORAND. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Rhode Island.

Mr. FORAND. The gentleman will recall the table which was provided us by the Social Security Administration showed that there are some 12 million recipients of old-age and survivors insurance, and that of that number of 12 million about 600,000 also have to have supplemental old-age assistance.

Mr. CURTIS of Missouri. That is right.

Mr. FORAND. Six hundred thousand out of the 12 million had to have both?

Mr. CURTIS of Missouri. Yes, because of the effects of inflation.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CURTIS] has expired.

Mr. McGREGOR. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-two Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 148]

Albert	Diggs	Jones, Mo.
Ashley	Durham	Kearney
Baring	Eberharter	Keating
Bass, Tenn.	Engle	Landrum
Boggs	Feighan	Lesinski
Bolling	Friedel	Loser
Bonner	Gordon	McCarthy
Burdick	Gwinn	McIntire
Carnahan	Hays, Ark.	Marshall
Celler	Hillings	Michel
Christopher	Hoffman	Moulder
Clark	Holifield	Powell
Colmer	Jackson	Robeson, Va.
Davis, Tenn.	James	Sadlak
Dies	Jenkins	St. George

Scherer	Smth, Kans.	Trimble
Scrivner	Talle	Tuck
Scudder	Taylor	Willis
Shuford	Teague, Tex.	
Sieminski	Tollefson	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ELLIOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 13549, and finding itself without a quorum, he had directed the roll to be called, when 366 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. HILLINGS. Mr. Chairman, I wish to commend the House Ways and Means Committee for the painstaking work that involved the writing of this bill, H. R. 13549, which is a worthy measure and which I support 100 percent.

The overall objective of this legislation will benefit not only the recipients but our Nation inasmuch as the measure strengthens our social-security system.

Mr. RABAUT. Mr. Chairman, I have watched with great interest the hearings on current social-security proposals which have been conducted by the Committee on Ways and Means in recent weeks because I believe this legislation is among the most important measures awaiting action before this Congress. The bill as reported undoubtedly represents a great deal of time and effort on the part of the committee, but I regret to say that it appears to me to be a "half-loaf" measure in many respects, rather than the kind of a bill this country deserves.

The evidence presented to the committee showed overwhelmingly the need for an increase in the amount of benefits by at least 10 percent, but the bill as reported pares this amount down to just 7 percent. I recognize that, since the bill was reported under a closed rule, it will be impossible to amend it on the floor to make a very necessary upward adjustment in benefit amounts. But I must rise in vigorous protest against what appears to be a pennypinching policy in the decision as to the amount of benefit increase to which our older Americans are entitled.

The committee's report itself notes that, since the last benefit increase was put into effect in 1954, wages have increased by about 12 percent and prices by 8 percent. Simply stated, this means that, in the face of steeply rising prices—particularly of those necessities of life, food, and proper medical care—we have held to 1954 standards in the amounts of our social-security payments. This is neither equitable, nor is it sound economy. If we can be sure of one thing, we can be certain that an increase in social-security checks will go indirectly into the economy. It will be used to purchase the food, the clothing, and the medical care which is so desperately needed by men and women trying to live on a social-security benefit which now averages around $65 per month for a retired individual.

It is noteworthy, I believe, that the organizations which appeared before the Ways and Means Committee urging an increase in benefits were representative not exclusively of older people, but of the entire working population of the country. For the AFL–CIO, Nelson Cruikshank appeared on June 26 in support of a 10-percent increase in benefits on behalf of those "many aged persons today who are struggling along on incomes insufficient to provide the basis for health, comfort, and happiness." He pointed out that the average monthly benefits in current payment status in April 1958 were as follows:

Old age	$65.41
Wife's or husband's	34.71
Widow's or widower's	51.40
Parent's	52.13
Child's (survivor)	41.24
Mother's	49.62
Disability (after deductions)	74.00

I agree entirely with Mr. Cruikshank that—

> These amounts, compared to monthly expenses, are pathetically small.

I am also thoroughly in accord with his statement that—

> Surely the United States in the atomic age can do better by our aged citizens.

Simple arithmetic shows that $65.41 a month is just $784.92 a year—and that is not enough. The recent budget prepared by the Health and Welfare Council of New York City described as a very modest budget for a man and wife, both over 65, calls for $196 a month, or 20 percent more than the $162.80 maximum now available to a couple in the form of old-age benefits. The same New York budget calls for about $135 a month for an elderly widow living alone—or close to 3 times the average benefit of $51 that a widow now receives. Costs in New York are reasonably typical of those in other large cities.

The committee report also points to one very significant fact which must weigh on the minds of all of us as we consider this very important legislation—namely, that social-security benefits constitute the major source of income for most people now on the rolls. The report cites figures obtained in a survey in December 1957 by the Department of Health, Education, and Welfare which showed that, of the married couples on the benefit rolls, 60 percent had less than $1,200 in income in addition to their social-security benefits. This same survey showed that only 23 percent of all retired men and 11 percent of retired women are receiving employer or union pensions to supplement their social-security benefit. And the median income for aged widows, in addition to their social-security benefits, was just $270 last December, bringing the median total income of aged widow beneficiaries up to the appallingly inadequate figure of just $880 per year, including their social-security payment.

In the face of these facts, a "pinchpenny policy" is not only unwise but it is delusive. For, as Dr. Eveline M. Burns, of Columbia University, said when she appeared before the committee in favor of a 10 percent increase in benefits:

> Even in 1954, average benefits were barely adequate, together with the resources possessed by the average beneficiary, to meet minimum living costs. The rising cost of living means that more and more beneficiaries are forced to seek supplementation from public assistance, thus destroying what our people regard as the main advantage of social insurance, namely the possibility of having nothing to do with means test procedures. For it makes little difference to one's sense of self respect whether one has to submit to this procedure to obtain the whole of one's monthly income or to obtain the missing 8 or 10 percent. To raise benefits now, for both already retired and future beneficiaries, by 10 percent or a little more than the current cost of living increase but less than the increase in average earnings would, in view of probable trends in prices, make it less necessary to adopt a hurried change in the next year or two. It would also serve to give beneficiaries some share in the rising productivity of the Nation.

This is, it seems to me, a very fair statement of the obligation which this Congress has to raise benefits by at least 10 percent.

I am also greatly concerned over the fact that the committee bill was content to overlook the opportunity to make hospital, surgical and nursing home benefits available to people eligible for social security, in line with proposals which have been made by Congressman FORAND and many other Members of Congress, by labor groups and by forward-looking authorities in this field throughout the country.

All evidence shows that only a small group of people aged 65 and over have any health insurance protection today. And nearly 6 million of these older people are living in families whose total incomes are under $3,000. Clearly, the heavy and unpredictable cost of modern medical care is one of the greatest hazards threatening self-sufficiency in old age. And when a serious—and an expensive—illness strikes, the only alternative, in too many families, is public or private charity.

The result is that our public assistance program must care for the sick and infirm. Public assistance sets relief budgets at minimum levels. In many cases applicants are forced to exhaust virtually all of their savings, or to put a lien on their home to obtain necessary medical care. I am convinced that the majority of the American people are not in accord with a policy which holds that the health needs of our aged can be met only by a means test program like this.

I believe that the type of hospital and surgical benefits outlined in the Forand bill will not only protect our older citizens against the threat of the high cost of illness, but that they will also be of benefit to those institutions which are now supplying medical care. For, as Prof. Wilbur Cohen, of the University of Michigan, pointed out in a recent issue of the American Journal of Nursing:

> Hospitals, at the present time, are caught in a tight squeeze. On the one hand, they have long been considered as community nonprofit organizations of a service character and have, thereby, been endowed with a special status under the tax laws. But, to keep their heads above water, they increasingly have had to require potential patients to be able to pay before being admitted. They are thus losing some of their charitable emphasis and become viewed by people in the community as another service institution, albeit still not operated for profit. As they do so, their status in the community is altered by the tendency to demand payment

from some source for all service rendered. There is widespread recognition of the difficulty of receiving sufficient endowments, community chest contributions, and payments from public agencies for the indigent to fully cover the costs of hospital service for those who do not or cannot pay the full cost.

The difficult decisions which hospitals are faced with is to refuse to admit those who are not able to pay their full cost, to require someone to pay the full cost on their behalf, or to spread the cost of those who cannot pay over those who can or are willing to pay.

Mr. Chairman, I hope the social security amendments of 1958 will be liberal enough—and imaginative enough—to bespeak the essential humanitarian spirit of this country. To this end the bill should not only be liberalized in the amount of benefits to be paid, and strengthened by the addition of health benefits, but also in several other important respects. I believe, for example, that the amount of annual earnings counted for contribution and benefit purposes should be increased from $4,200 to $6,000, rather than only to $4,800 as provided in the committee bill. In this way we will not only be placing benefit amounts in closer relationship to wages at the time of retirement, but we will also increase collections to help finance other improvements.

I applaud the action of the committee in strengthening the disability benefits program established in the 1956 amendments. By making dependents eligible for benefits, and by liberalizing the eligibility requirements, the committee took a step in the right direction, but I look forward to the day when the present restriction limits on disability benefits to people aged 50 and over will be eliminated. I believe that workers who are unable to work because of total and permanent disability, should be entitled to such benefits regardless of age.

In closing, let me say that I believe our social security system must be as dynamic as our economy. During the past half century this country has demonstrated our marvelous potential for the kind of productive enterprise which, for the first time in the history of mankind, promises that those ancient enemies—hunger and disease—may be conquered. Our social security is a time-tested and effective method of meeting this challenge. Let us keep it that way.

Mr. BROWN of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BROWN of Missouri. Mr. Chairman, for 2 years now, there has scarcely been a day when I was not pleading with members of our Ways and Means Committee to modernize our social security and old-age assistance programs. No one can deny the need for it. Our retired and disabled are helplessly caught in the spiral of cold war inflation. Living costs have increased 8 percent since 1954, the last time social security benefits were changed. And millions of elderly people have lost faith in the future.

At last, the Congress has brought forth a stopgap measure that will correct some inequities, pending further comprehensive reform.

The social security amendments of 1958 increase monthly benefits to social security recipients 7 percent. The person now receiving $108.50 will, when this bill becomes law, receive $116 per month. The person receiving $80 a month will get $86, and so forth, except the person receiving the $30 minimum will get a 10 percent increase, or $33 per month. Incidentally, the committee tried to work it out to where the minimum recipient would get at least a $5 increase but finally settled on $3, pending the completion of further study and review.

Now, a $3 a month or $6 a month or even $7.50 a month looks small indeed in these times when a dollar buys so little. But there have been many days in the past 2 years when I feared that there would be no changes whatsoever in social security benefits. The opposition has been tremendous from many quarters; and Government expenditures and taxes are at a regrettably high level, especially when Government is wasting so much on nonsense.

So, in view of the fact that this is a stopgap measure and in view of the complications involved, we cannot be too critical of the 1958 increases.

In addition, this act makes some substantial changes in disability provisions. Henceforth, a man who gradually becomes disabled over a period of 2 or 3 years will not be denied social security benefits. Under existing law, a worker is required to have been working at least 18 of the last 39 months prior to claiming disability. This poses an impossible situation for the man who becomes disabled gradually, thinking he is going to get well, but does become in time totally unable to work. This 1958 act removes the requirement of employment within the 13 quarters prior to disability.

Further, under this 1958 act, it will now be possible for the disabled worker to receive retroactive disability insurance payments. For instance, if he is declared to be disabled in November 1958, but has been disabled for months prior to that time, he could claim and be paid for as many as 12 months retroactively, dating back to December 1, 1957. This is an improvement, because everybody knows how long it takes in some cases to convince the State authorities of total disability. In the future, the disabled man will not be penalized by this redtape.

This 1958 act also makes a slight change in what a man or woman can earn after reaching 65 without being denied social security benefits. This law provides that a person will not lose a benefit for any month in which he has earned wages of $100 or less. At the present time, it is $80 or less.

Now, here is another instance where this bill is a stopgap measure. Many people feel that the $100 per month in permissible earnings should be closer to $200. But the chairman of the Ways and Means Committee stated today that such an increase in permissible earnings would throw the whole social security system out of kilter, would necessitate increasing payroll taxes at least 1¾ percent, and is a step that should not be taken until a complete study is made.

Now, just as in everything, there is some bitter with the sweet in this 1958 social security law. The payroll tax on the employee and employer is increased one-fourth of 1 percent.

Each worker earning $200 a month will have an additional 1½ cents per day deducted from his wages for social security. Each worker earning $400 a month will have an extra 3 cents per day deducted. Beginning in January 1959, the old-age and survivors insurance payroll-deduction tax will be 2½ percent on employer and employee instead of 2¼ percent.

No one likes bigger deductions. The committee studied countless ways to avoid it; but finally concluded that the payroll tax had to be increased.

Civil service employees pay 6 percent of their wages into their retirement fund and the Government matches it with another 6 percent. Railroad workers pay 6¼ percent of their wages into railroad retirement, and the employers match it. Social security coverage is the lowest of them all, even at the new rate of 2½ percent from employee matched with 2½ percent from employer. Incidentally, for the self-employed, the rate increases from 3½ percent to 3¾ percent in 1959.

There are those who feel that it is wrong to increase social security benefits and deductions at this time, because the cost of defense is such a burden on the taxpayer. This is a compelling argument; but this struggle against communism may well go on for many years.

What happens to our retired and disabled in the meantime? Surely, any working son or daughter worth his salt should be willing to pay 1 cent or 3 cents per day to help ease the burden of parents and grandparents in these difficult times of inflation.

Further, the extra one-fourth of 1 percent on wages up to $4,800 a year is not just to pay for increased benefits. Part of it goes to make the social-security fund actuarially sound.

With this 1958 act, the social-security fund will be sounder than it has ever been in the past, according to the Chief Actuary of the Social Security Administration.

So, we have made some good changes in the social-security law in 1958. But I am deeply disappointed over what has not been done in the old-age assistance program.

Nothing disturbs me like all this snooping and prying that is required of people over 65 before they can qualify for old-age assistance.

The law says they must need the assistance; but no one has ever spelled out what need really means. It is one thing in Colorado, another in California, and something else in Missouri.

As everyone who knows me can testify, I have pleaded and pleaded with Members of this Congress to change the old-age assistance laws and cut out some of

this expensive investigating and reinvestigating. It would be cheaper to pay pensions than to go on spending hundreds of millions of dollars a year keeping borderline cases off the list.

Obviously, the Congress is not prepared to establish a national law whereby a person over 65 would not have to sell her little home or give up her small life insurance policy in order to receive an old-age assistance check.

The Department of Health, Education, and Welfare says that qualifying standards must be left to the States.

Obviously, the Congress is not prepared to increase old-age assistance benefits, even though I have shown the Members hundreds of pitiful letters from good people living on the edge of starvation with no other income but their monthly welfare check. The Department of Health, Education, and Welfare says it is up to the States.

Well, up to the States or not, this Congress must sooner or later face up to this problem, because the old-age assistance program in its present form is wasting millions of dollars on sheer nonsense.

Once a person is declared to be eligible for old-age assistance, why should she be reinvestigated time and again? Why cannot a person over 65 live with a relative and still be entitled to her old-age assistance? Must she be denied this small measure of financial independence in the closing years of her life just because some Government regulation says so?

This is a matter that cannot be dismissed by buck passing. I guarantee that I will keep haunting the Congress until substantial improvement is made in standardizing the public assistance program.

Also, I am pleased to see that the Secretary of Health, Education, and Welfare is to conduct a thorough study of alternative ways of providing insurance against the cost of hospital and nursing home care for old-age, survivors, and disabled. This study is to be completed by February 1, 1959.

Certainly, one of the great fears of anyone over 65 is that he may be stricken by an illness that could cost $5,000 to $20,000.

It is a serious problem that should command the Nation's concentrated attention.

Let us get all the facts out on the table. Let us see how good a job private insurance is doing, and what can be done to expedite it. A complete study and report by the Secretary of Health, Education, and Welfare is a first and fundamental step.

All in all, the social-security amendments of 1958 are not world shaking, but they will do some good. Our people over 65 have lagged behind the inflation parade for too long. In a very real sense, they have been the most serious casualties of the cold war. They are caught in an inflation that they did not cause and could not have foreseen.

Social security is a part of the American way of life. It is now sounder than it was a year ago. And that is a signal achievement of this Congress.

I am glad I pestered the members of the committee until they took action. I am glad to have been a part of the effort that made possible the social security changes of 1958 listed herewith.

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROVISIONS

Individuals now on the benefit rolls and all future beneficiaries would have their benefits increased by about 7 percent, more at the minimum, over the levels provided in the present law. The minimum increase in the benefit of a worker who retired at or after age 65 would be $3. The average increase for workers now retired would be about $4.75. The increased benefits would be effective for months after the second month following the month of enactment.

The dollar ceiling on the total of benefits payable to a family would be raised from $200 to $254, which is equivalent to twice the maximum retirement benefit payable.

The total annual earnings on which benefits could be computed—and on which contributions would be paid—would be raised from $4,200 to $4,800, effective January 1, 1959.

Benefits would be provided for the dependents of disabled workers like those now provided for the dependents of retired workers.

The provision that now requires payments under certain other disability benefit systems to be offset against social security disability benefits would be repealed, so that a person eligible for a social security disability benefit and also for disability benefit under another system would receive the full amount of his social security benefit.

The work requirements that a disabled worker must meet to be eligible for cash disability benefits, and to have his benefit rights frozen while he is disabled, would be changed to make it easier for a disabled worker whose disability has a gradual onset to qualify. Under the bill, the worker would no longer be required to have had 6 quarters of coverage out of the 13 calendar quarters before he became disabled. He would be required to be fully insured and to have 20 quarters of coverage out of the 40 calendar quarters before he became disabled.

Disability insurance benefits—like all other benefits now provided—would be paid for as much as 12 months before the month in which an application for the benefits is filed. Present law contains no provision for retroactive disability insurance payments.

The June 30, 1958, deadline for filing fully retroactive applications for the disability freeze would be postponed for 3 years.

The law would be changed to provide that a person will not lose a benefit under the retirement test for any month in which he has earned wages of $100 or less, rather than $80 or less as under present law.

Where earnings exceed the amount allowed under the retirement test without loss of benefits, the excess earnings would be charged to months beginning with the first month of the year. Under present law the excess is charged to months in reverse order beginning with the end of the year. The change means that where an individual's or a family's benefits are increased during a year, the benefits suspended by reason of earnings will be the smaller ones that were payable for the early months of the year.

The law would be changed to provide that where a person over age 18 is the child of a deceased or retired insured worker and has been disabled since before age 18, benefits would, in general, be paid to the child without requiring the proof required under present law that he has been dependent upon the worker for his support. The change would make the requirement for the disabled adult child the same as for the child under age 18.

Benefits would be provided for the dependent parent of a deceased worker even though there is a widow or child of the worker who is or may become eligible for benefits. Under present law a parent can qualify only if there is no such widow or child.

A lump sum would be paid to the widow of a deceased worker only if she was living in the same household with him or has paid his burial expenses.

Benefits would be paid to a child if the child had been living in the worker's household, if the child had not been supported by anyone else, and if he was adopted by the widow of a worker within 2 years after the worker died.

Benefits would be paid to the mother of a child if the child had been adopted by the mother's deceased husband even though they had not been married for as long as a year.

Benefits would be paid to the adopted child of a retired worker even though the child had not been adopted for as long as 3 years.

Where a survivor of a deceased worker was—or might at retirement age become—eligible for benefits based on the worker's earnings but loses eligibility by remarriage, the survivor could become eligible, immediately or upon attainment of retirement age, for benefits on her second husband's earnings record.

Where two secondary beneficiaries age 18 or over marry each other, for example, the dependent parent of one worker and the widow of another, the payment of benefits to both beneficiaries would be continued. Under present law, both lose benefits. Childhood disability benefits would be continued when the person receiving them marries a person receiving old-age or disability benefits.

Changes would be made in the coverage provisions of the program: First, to facilitate coverage of certain State and local government employees who are in positions covered by a retirement system; second, to facilitate coverage of employees of certain nonprofit organizations; third, to extend coverage to turpentine workers; fourth, to provide social-security credits for earnings which a person has from a partnership during the year of his death; and, fifth, to provide that social-security wage credits of $160 will be credited for each month of service performed during World War II

by American citizens in the armed forces of certain countries which fought against our enemies in that war.

Several changes in technical provisions would be made to facilitate administration of the program.

The tax rates now scheduled in the law would be increased by one-fourth of 1 percent each for employees and employers, and three-eighths of 1 percent for the self-employed, above the rates now scheduled, and the scheduled increases in the rates would take place every 3 years instead of every 5 years. The revised schedule would be as follows:

[Percent]

	Employers	Employees	Self-employed
1959	2½	2½	3¾
1960-62	3	3	4½
1963-65	3½	3½	5¼
1966-68	4	4	6
1969 and thereafter	4½	4½	6¾

PUBLIC ASSISTANCE PROVISIONS

The bill provides a new formula for Federal participation in public assistance providing additional funds to all States and maximum flexibility in meeting medical care needs and other special needs. The formula also recognizes the limited fiscal capacity of the lower income States.

It extends the public assistance program to Guam, increases the Federal fund limitations for Puerto Rico and the Virgin Islands, and extends for 2 years a special provision applying to blind programs in Missouri and Pennsylvania.

MATERNAL AND CHILD WELFARE PROVISIONS

Authorizations are increased: for maternal and child health from $16.5 million to $21.5 million, for crippled children's services from $15 million to $20 million, and child welfare services from $12 million to $17 million.

In the child welfare services program, existing differences in treatment of urban and rural children are eliminated.

Mrs. GRANAHAN. Mr. Chairman, I am very happy to endorse this bill, as far as it goes, to increase social security benefits by about 7 percent and to correct a few of the technical deficiencies of the present law, particularly the features relating to the disability program. Of course, this is not a comprehensive reworking of the social security law but is more in the nature of a patching job. I hope next year the Committee on Ways and Means can go forward into some of the other areas of the social security law which they say in their report they intend to study further.

In the meantime I think the committee deserves our gratitude for finding time in the closing days of this busy session to hold hearings and bring forward this bill for House action. I know this legislation will be most helpful to a great many people now finding it extremely difficult to make ends meet because of the steadily increasing cost of living. The change in the earnings standard from $80 to $100 a month will also be very helpful. Most of the other changes are technical and apply just to limited numbers of cases except for the increase in public assistance grants which will benefit millions of people, and I am glad that was also included in the bill.

Just a few days ago I received a letter from a good friend of mine, a prominent member of the medical profession, expressing strong doubts about the whole social security program and saying he did not think the program was actuarially sound; or, even more serious, that he did not think it was in conformance with the American way of life and was a grave threat to the American way of life. He wrote me:

> Our attempts to provide everyone with absolute security accomplishes little other than the weakness of personal initiative and overburdening of the taxpayer. The increased benefits will never be covered by the so-called social-security premium but must be covered by general taxation.

Mr. Chairman, in my reply I stated:

> Frankly, I do not think that social security has been a threat to the American way or that it has weakened personal initiative. I think most of the people who benefit from it are decent people who would in many cases not have been able to provide for their own retirement. You doctors are keeping us alive longer and as a result our working force is growing older. But older people are finding it difficult to hold on to their jobs, and impossible to find new ones. Without social security I think we would be in a deplorable situation as a result of this problem.

I mentioned in my letter to the doctor the bill we passed here in the House a few days ago to permit self-employed taxpayers to set aside a tenth of their annual income, up to $2,500 a year, in a tax-free retirement fund, and I said, compared to the benefit this would give to professional people and businessmen, and other self-employed people in the higher brackets, the increases we are providing in this bill for social-security beneficiaries will be very modest indeed.

Mr. ROBISON of New York. Mr. Chairman, I wish to add my own words of commendation to the Committee on Ways and Means, its distinguished chairman, and to my beloved colleague the gentleman from New York [Mr. REED], its ranking minority member, for the considerable and sincere effort to improve our social-security system represented by this legislation—H. R. 12549.

I do not agree with all the provisions of the bill, and would have had a number of amendments of my own to present which, of course, I cannot now do under the closed rule that has been adopted. I am also of the opinion that it might have been better, before making so many sweeping changes, to have awaited the report of the Advisory Council on Social Security Financing that is now studying many of these complex matters, since such report is expected to be received later this year.

Nevertheless, I intend to support the bill, primarily because there is no question in my mind, despite earlier serious doubts of the wisdom of bringing the Federal Government into this field, that social security is here to stay, that it has become an important fact of life for every American citizen, and that, as such, it is imperative that it be kept both as effective and as actuarially sound as possible.

As to the effectiveness of the program, there is much I would like to say but it would be pure repetition of what others have said here today. What a good thing Adam had—when he said something he knew nobody had said it before.

However, as simply as possible, let me say with all my colleagues that we do recognize that inflation, for which this Congress bears a responsibility, has nibbled away at the values of this program for our elder citizens. For the 12 million persons, whose social-security benefits constitute the major source of their support, rising living costs have sapped the purchasing power of those benefits to the point where many of them have had to endure the humiliating experience of asking for public assistance in order to survive. Bearing as we do much of the responsibility for this condition, we cannot shirk or postpone our duty to alleviate such an unintended result. These people have no spokesman, in the way in which unions speak for their members, yet we Members of Congress have often heard their individual pleas for recognition. If we can vote pay increases for the postal workers and other governmental employees, surely we must heed the pleas of our elder citizens.

I am confident that the Congress will so act. But I also ask every Member, with all the urgency I can command, to see that the necessity for this legislation is just another signpost of the speed with which we are traveling down the road of inflation, and that we will be thereby encouraged to redouble our efforts to act in future Congresses so that inflation will be curbed and the cost of living stabilized before it is too late. This will require not only courage on the part of the Members of Congress, but also a sense of awareness by the people we represent of the dangers that lie ahead if we are not successful. I believe it is our duty to alert those people to such dangers. For my part I intend to try to do so.

As to the increased cost of the program, to absorb the cost of the increased benefits and to put the entire social security structure on a sounder basis, I can see no possible alternative, regrettable as it may be. This is an insurance program, not a giveaway scheme. It must be kept that way.

I had hoped the committee would take favorable action on a bill that I and some of my colleagues have introduced to raise the limit of allowable retirement earnings from its present $1,200 maximum. I still think this is desirable legislation, and would bring a better feeling of usefulness and independence to our elder citizens without disturbing the labor market. We must remember that all of us like to live long, but no one wants to be old and useless. I will continue to work towards further consideration of this question.

Mr. VAN ZANDT. Mr. Chairman, I rise in support of H. R. 13549, a bill which amends the Social Security Act for the purpose of increasing benefits.

Like many Members of the House of Representatives I have had great concern for those of my constituents who are trying to live on present social security benefits in this day and age.

In the opening days of this Congress I sponsored several bills amending the Social Security Act and have been in constant touch with the House Ways and Means Committee urging action in liberalizing the Social Security Act. Last year and again this year I appeared before the committee and presented testimony in support of legislation, the type of which we are considering here today.

When appearing before the House Ways and Means Committee, I presented factual information for the purpose of emphasizing the viewpoints of my constituents regarding liberalization of the Social Security Act. While this bill falls short of carrying out the wishes of my constituents, nevertheless, it is a step in the right direction by increasing benefits.

On April 1, 1958, I addressed the House and urged at that time that Congress take positive and immediate action in relieving the plight of the Nation's elderly citizens. The statement I made at that time follows:

STATEMENT BY REPRESENTATIVE JAMES E. VAN ZANDT, MEMBER OF CONGRESS, 20TH DISTRICT OF PENNSYLVANIA, ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES, APRIL 1, 1958, URGING CONGRESS TO TAKE POSITIVE AND IMMEDIATE ACTION IN RELIEVING THE PLIGHT OF THE NATION'S ELDERLY CITIZENS

Mr. Speaker, early last month the Federal Council on Aging, organized in 1956 and meeting for the first time in Washington, D. C., declared that the welfare of older citizens is everybody's responsibility. This Federal Council set up by President Eisenhower is serving as a valuable clearinghouse for the coordination of the efforts of Federal, State, and local agencies as well as private groups, in programs designed to aid our elderly citizens.

The conference stressed the need for a total national effort aimed at smoothing the way for transition from active life of working and achieving to one of retirement and relaxation.

The size of the joint effort needed may be appreciated when it is considered that life expectancy has increased from 48 in 1900 to 70 today. It is estimated that by 1970 there will be more than 20 million persons over 65 as compared with only 3 million in 1900 and nearly 15 million today.

Mr. Speaker, while the Federal Council on Aging is striving to smooth the way for readjustment in the lives of our elderly citizens, the 85th Congress may well take heed and make a practical contribution by enacting appropriate legislation to grant relief to millions of good Americans who are trying to exist on either public assistance benefits or under the various retirement laws.

It is common knowledge that the monthly benefit check received by millions of elderly citizens is a mere pittance when measured by the current cost of living which is increasing monthly.

Let me call your attention to the following chart showing the consumer price index governing the cost of living and the purchasing power of the dollar for the period 1939 to 1957.

Year	Consumer price index (1939=100)	Purchasing power of the dollar (1939=$1)
1939	100.0	$1.00
1940	100.8	.99
1941	105.9	.94
1942	117.3	.85
1943	124.6	.80
1944	126.6	.79
1945	129.5	.77
1946	140.4	.71
1947	160.8	.62
1948	173.1	.58
1949	171.4	.58
1950	173.1	.58
1951	186.9	.54
1952	191.1	.52
1953	192.6	.52
1954	193.3	.52
1955	192.8	.52
1956	195.6	.51
1957	202.4	.49

As the chart shows, from 1939 to 1957 the cost of living constantly increased each year until 1957, when it was 102.4 percent over 1939. At the same time, the purchasing power of the dollar decreased from 100 cents in 1939 to 49 cents in 1957. In other words, the cost of living doubled while the value of the dollar was cut in half.

Mr. Speaker, this increased cost of living when coupled with a 49-cent dollar is working real hardship on thousands of beneficiaries of the social security, railroad retirement, and civil service retirement systems, who must live on a fixed monthly income as represented by their monthly retirement check.

Mr. Speaker, the following chart reveals factual information as to the average age and average monthly payment received by beneficiaries of the Social Security Act:

Old-age and survivors insurance monthly benefits in force, 1957

	Average age	Average payment
Retired worker:		
Male	72.9	$70
Female	70.9	52
Spouses	70.9	34
Widows and widowers	72.1	51
Parents	76.4	52
Young mothers	43.1	49
Children	12.0	39

Having mentioned the Railroad Retirement Act, the following figures disclose the average age and monthly annuity payable to beneficiaries under the railroad retirement system:

Beneficiaries under the railroad retirement system on Dec. 31, 1957

	Average annuity	Average age
Retirement annuitants	$114	71.6
Spouse annuitants	48	71.0
Pensioners	84	86.1
Survivor beneficiaries	52	----------
Retired employee and spouse families	172	----------

In addition, let me call your attention to the average age and the monthly annuity of the beneficiaries under the Civil Service Retirement Act:

Class of annuitant	Average monthly annuity	Average age
Employee annuitants:		
Men	$145	67.8
Women	116	66.9
Survivor annuitants:		
Widows	59	62.7
Children	23	12.7
All other	39	69.8

Mr. Speaker, the beneficiaries under the social security, railroad retirement and civil service retirement systems have all paid for their benefits and what they receive in the form of a retirement annuity are benefits they earned in their own right. Let me add that these monthly retirement checks represent a rigid and fixed monthly income which Congress alone has the power to alter.

It is true that the cost factor must be reckoned with because we are now told that social security is paying out more in benefits than is being received in payroll taxes.

The Railroad Retirement Board tells us that the estimated actuarial deficit in the railroad-retirement fund is $170 million annually.

Then too, according to the committee report that accompanied the independent offices appropriation bill for 1959, the civil service retirement and disability fund has been insolvent since June 30, 1953, and the insolvency has increased from $9.9 billion to $18.065 billion due to the failure of the Government to make its contributions.

Mr. Speaker, it is universally recognized that the social-security, railroad-retirement, and civil-service-retirement funds are in trouble along with millions of Americans over the age of 65 who are trying to live on a meager monthly retirement check. These recipients of earned benefits in the form of retirement pensions are forced to live under substandard conditions and many of them are barely able to exist.

At the same time, millions of Americans not covered by any of the three retirement systems are forced to exist on public assistance benefits administered by the various States. These public assistance benefits are notoriously low and in justice to our aged should be increased.

As I have already stated, the answer to the plight of these retired Americans rests with the 85th Congress. At this moment there are bills pending in Congressional committees that will liberalize benefits and partially improve the financial situation of retired employees under the social security, railroad retirement, and civil-service-retirement systems.

I think these bills should be reported out of the various committees immediately and brought to the floor for consideration.

Every one of these bills is going to add to the cost of social security, railroad retirement and civil service, but at the the same time they will provide much needed relief for millions of Americans who are beneficiaries of the three retirement systems.

As pointed out previously, all of these retirement systems are operating at a deficit. To finance these deficits and pay the cost of any increased benefits by this Congress, a joint committee representing both Houses of Congress should be created immediately for the purpose of finding a solution to the overall problem of our elderly citizens.

Mr. Speaker, in conclusion, as I have tried to point out, the plight of our older people is acute. The retirement funds of social security, railroad retirement and civil service are in financial straits, and public assistance benefits are wholly inadequate.

Therefore, let us stop quibbling and assume our responsibility to the American people by solving this distressing problem and giving to the older people of the Nation the relief to which they are entitled in keeping with the American standard of living.

Mr. Chairman, I commend Chairman MILLS and his colleagues on the House Ways and Means Committee for taking action toward increasing benefits under the Social Security Act. It was my hope that benefits would be increased at least 10 percent, but evidently the committee found it impossible to report out a bill

that would provide an increase of over 7 percent.

It is my earnest hope that when the 86th Congress convenes next January that the first order of business of the House Ways and Means Committee will be a thorough study of the Social Security Act for the purpose of solving the distressing problem confronting those faced with depending solely upon social security benefits as their source of income.

Mr. TRIMBLE. Mr. Chairman, I am very happy to support H. R. 13549, which grants an increase to those drawing social security benefits. It will help in this period of inflation to meet the living expenses of those who are retired. While the increase is not as much as we would desire, it will go a good ways toward alleviating the pressure of high living costs.

I am happy to join with my colleague, Mr. MILLS, and his great committee in this move.

Mr. DOLLINGER. Mr. Chairman, I am gratified to have the opportunity to vote for legislation to increase social security primary insurance benefits, to provide additional assistance for our aged, blind, and disabled, and aid to dependent children; to increase authorization of Federal funds for maternal and child health, crippled children services, and child welfare services, as well as for other amendments to remove some existing inequities and to liberalize the act in other respects, as provided in the bill before us.

The increase of 7 percent in amount payable to the retired worker, for all beneficaries, those now on the rolls and those who will benefit in the future, will be of some help to those millions of our elder citizens who have been suffering grave hardships, unable to exist on present social security benefits, due to ever-increasing living costs. I urged the Committee on Ways and Means to increase cash monthly benefits by at least 10 percent, pointing out that nothing less would help retired workers to provide themselves with the barest necessities of life. However, if 7 percent is the best than can be provided at this time, I have no choice but to accede to the decision of the committee, although I strongly feel that 7 percent is inadequate.

I introduced a bill providing for the removal of the limitation upon the amount of outside income which an individual may earn while receiving social security benefits. In this day of high taxes, high rentals, alltime high food and living costs, it is imperative that the vast majority of pensioners obtain some kind of work in order to take care of their ordinary needs and their dependents. The limitation upon a pensioner's earnings is a great handicap and unjustly penalizes him. No major changes are made in the retirement test in the bill before us, although provisions are slightly liberalized. I feel that the limitation should have been entirely removed, and regret that additional assistance was not provided in this regard.

Another omission in the bill before us, which I greatly deplore, is a program of health benefits to cover cost of certain hospital, nursing home, and surgical services for those receiving old-age and survivors insurance benefits and those who would be eligible for OASI benefits if they applied, as was proposed in various bills. I feel that this vitally needed protection should be provided those who cannot now obtain or afford private insurance and cannot meet the expense of illness and care. I had hoped that the committee would include provisions to solve this serious problem.

I have advocated that full benefits under the Social Security Act, when based upon the attainment of retirement age, should be payable to men at age 60 and to women at age 55, and introduced a bill to provide for this change in the law. I feel that such a revision would lend a helping hand to our aging population and would also mean more job opportunities for our young people. In my opinion, it would have been wise to include such a provision in the bill now before us, and I am sorry that we are not given the opportunity to consider it at this time.

I also introduced a bill to amend title II of the Social Security Act to provide that entitlement to State workmen's compensation benefits shall not prevent an individual from receiving full disability insurance benefits—or child's insurance benefits based on disability—under such title. I am pleased that the committee saw fit to eliminate the disability benefits offset provision of the present law, so that in the future, disabled workers will be entitled to receive both social-security benefits and benefits payable on account of disability under other Federal programs or a State workmen's compensation system. The law now in effect proved very inequitable to disabled workers and should be corrected as recommended by the committee.

I concede that the bill before us contains many helpful and important provisions. However, there is room for much improvement, and I shall continue to work for further liberalization of the law, as I have indicated. The American worker and those who are now dependent upon social-security benefits for their existence, deserve the best that we can provide.

Mr. POFF. Mr. Chairman, I am happy to find on page 36 of H. R. 13549 the language of the bill which I introduced on April 28, 1958, H. R. 12194, to amend the Social Security Act to authorize insurance benefits for a dependent adopted child effective upon the entry of the final order of adoption.

Under current law, such benefits do not accrue until 3 years after the date of adoption. I am told that the 3-year period was incorporated in the law as a precaution against abuse by those who might adopt children for the sole purpose of increasing the family's social-security benefits. In my judgment, this is an unrealistic danger and an unnecessary precaution.

Under the adoption laws of most States, the child is admitted to the home of its adoptive parents under an interlocutory court decree which grants conditional custody for 1 year. During that year, frequent supervisory visits by constituted State authorities are required. If the adoptive parents fail to exercise proper parental influence, fail to demonstrate appropriate parental devotion, fail to make adequate provision for the child's physical, mental, and social welfare, or fail in any other particular to meet the requirements of the State adoption laws, the interlocutory decree is vacated and the child is remanded to the custody of its natural parents or the child-placement agency, as the case may be. On the other hand, if all statutory requirements are met, the interlocutory decree is merged by the court with a final order of adoption. Effective with the date of entry of the final order, the adoptive parents stand in loco parentis to the child and assume all legal rights and obligations incidental to and incumbent upon natural parenthood; and the child assumes all the legal rights and obligations of a natural child. The child becomes an heir at law, and in most States, the child is required by statute, as soon as he reaches the legal work age, to support a disabled parent, whether natural or adoptive.

Mr. Chairman, the rigid eligibility criteria and the exacting regulatory provisions of State adoption statutes preclude the possibility of abuse of the Social Security program by greedy adoptive parents, and surely the 1-year period is sufficient to resolve the question of good faith.

I submit that it is and should continue to be the policy of Government to encourage rather than discourage the humane act of adoption of dependent children. The Federal Government recognizes the social validity of that policy and gives it positive effect in the Internal Revenue laws under which an adoptive child is eligible for a dependent's income tax exemption of $600 in the taxable year in which the final order of adoption is entered.

I am advised by the Director of the Bureau of Old-Age and Survivors Insurance that the passage of this legislation would add no appreciable cost—less than 0.01 percent of payroll—to the program. Indeed, very few workers approaching the retirement age of 65 and even fewer workers already retired will adopt young dependent children who would be covered by this amendment. As a practical matter, the amendment would affect primarily orphans or semi-orphans adopted by grandparents or older collateral kindred.

Mr. LIBONATI. Mr. Chairman, the Ways and Means Committee is to be complimented for its almost unanimous—24 to 1—approval of H. R. 13549 to increase the benefits under the Federal old-age, survivors, and disability insurance system and to financially strengthen the actuarial stability of trust funds. The changes made in the public assistance and maternal and child health and welfare provisions of the Social Security Act accelerate State operation.

The increases were absolutely necessary in view of the rise in the cost of living, together with such incidental increases in present costs for the other necessities of life. It must be also considered that wages today are at their highest level because of the spiraling influence upon the high cost of living.

In the previous decades more money was paid into the fund than benefits. But since 1950, we are in the red for $4 billion. In order to stabilize these deficits in part the wage base was increased from $4200 to $4800 after 1958. The increases given by this bill to the old-age and survivors insurance benefit structure for the 12 million beneficiaries approximates 7 percent or about $3 per month.

The increases of contributions by the 75 million persons now contributing are as follows:

	Each
1957–59	2¼
1960–64	2¾
1965–69	3¼
1970–74	3¾
1975 and after	4¼

SELF-EMPLOYED

It may be considered that every year after 1959 more money will be paid in than benefits paid out. The self-employed wage base is applicable for taxable years ending after 1958. Self-employed contributions are listed as follows:

1957–59	3⅜
1960–64	4⅛
1965–69	4⅞
1970–74	5⅝
1975 and after	6⅜

The increases in benefits are in accordance with the representations and pledges on the part of the United States Government under the original act; that the system insured its avowed purpose, that of carrying out the principle that at the age of retirement every member of the system would enjoy the ordinary standard comforts of life at an average cost rate and that it was a guaranteed insurance of that state of security.

The various improvement and liberalization of the disability insurance provisions of this program insure a true interpretation of the true purposes of the security program.

The committee deserves the gratitude of the Members of Congress as well as the approbation of the citizenry and the press. Its forward-looking amendments will eliminate or minimize problems of the future, and the continuing curative legislative increase of rates will result in a stronger financial condition. The most worthy of the progressive steps taken by the committee was that the subject of other benefits enjoyed by the beneficiary shold be excluded from any consideration as affecting his or her benefits earned under the act. Chairman WILBUR MILLS has personally earned for himself and members of his courageous committee the plaudits and honored confidence of the electorate as well as their colleagues in the Congress of the United States.

Mr. KARSTEN. Mr. Chairman, I rise to express my strong support of the bill now before the committee, H. R. 13549. This major social security bill will be of material and direct benefit to millions of our American citizens. Over 12 million individuals are now receiving benefits under the old-age, survivors, and disability insurance system. This bill will increase these benefit amounts. In addition, H. R. 13549 will substantially strengthen and improve not only the financing of the social security system but also will revise the benefit structure so as to provide new benefits to many who are not eligible under present law.

As my colleagues all know, I have always strongly supported our social security system. I am pleased today to state without reservation that this bill which we now are considering is a good bill and will be of great benefit to our citizens in this period of rising costs and rising prices. It comes to the floor after the most careful and thoughtful consideration by the Committee on Ways and Means.

The distinguished chairman of the Committee on Ways and Means, the Honorable WILBUR D. MILLS, has already discussed in considerable detail the principal provisions of this legislation now before us. In the short time available to me I shall not attempt to repeat those details, but there are a few major provisions of the bill which I think I should emphasize.

First, this bill will provide an across-the-board increase in social security primary insurance benefits of 7 percent, with a $3 minimum increase. As Members know, quite a large number of bills have been introduced in this Congress to provide benefit increases, and the Committee on Ways and Means in the course of its executive consideration of social security gave careful thought to the various proposals which had been made. Unfortunately, some of these proposals would have cost more money than was considered prudent at this time and would have necessitated fairly drastic increases in the social security contributions structure. Under the circumstances of the actuarial status of the social security trust funds, our Committee concluded it not only wise but in accordance with our tradition of approaching this matter on a fiscally sound basis to provide the relatively modest increase included in the bill and to devote such additional funds as might be obtained from the increased contribution rates to strengthening of the trust funds.

Second, Mr. Chairman, the bill increases the wage base from the present $4,200 to $4,800. Several purposes are accomplished through this change. In the first place, this increase adjusts the wage base so as to provide for a greater percentage of protection of the incomes of workers and brings the wage base more in line with our past actions. In the second place, increase in the wage base will make it possible for persons retiring in the future to receive a higher benefit. In the third place, increase in the wage base will provide additional funds from which part of the increased benefits may be paid and will also aid in the total effort to strengthen the financial status of the old-age and survivors and disability trust funds.

Third, Mr. Chairman, this bill provides a number of important changes in the substantive provisions of the old-age, survivors, and disability insurance title of the Social Security Act. Dependents of disabled beneficiaries will, under this bill, become eligible for benefits. Without going into detail, the providing of these benefits will assist many families whose breadwinner has been struck down by a disabling illness to have an additional, and in most instances the only, means of basic economic support. I consider this to be one of the most important changes which is made by the bill. Moreover, this bill will remove the so-called dual disability offset provision, and will do away with the anomalous situation presently existing under which a number of our veterans have been prevented from receiving either all of or part of their disability-insurance benefits under the Social Security Act because they may have been receiving a veterans pension. In addition, this will be of assistance to those disabled persons who also are now receiving Workmen's Compensation based upon disability. Further, Mr. Chairman, there are a large number of somewhat minor but extremely important changes made in either the coverage provisions or in other provisions of this title of the Act which will permit benefits to be paid with respect to claimants who heretofore, because of technical provisions of the law, were unable to qualify.

Mr. Chairman, in addition to the numerous beneficial and meritorious changes in the old-age and survivors insurance title of the act, this bill also makes improvements and significant changes in the public-assistance provisions and in the maternal and child-health provisions of the Social Security Act. Due to the limited time which I have, I will not undertake to go into detail on these aspects of the bill. However, this bill will make it possible for many thousands of our needy aged, blind, and disabled citizens to receive additional assistance payments. Also, additional money is provided for dependent children—the fatherless, the abandoned child, and others.

We have increased authorizations for appropriations with respect to crippled children, maternal, and child health, and child welfare. I think this is one of the most meritorious provisions of the entire bill.

Finally, Mr. Chairman, this bill contains what I regard as an extremely significant provision relating to aid to the blind programs in the State of Missouri. In my State, we now have meritorious and beneficial dual programs for aid to those individuals who have been unfortunate enough to lose their eyesight. This bill provides for an additional 2-year extension of section 344 (b) of the Social Security Act which will make it possible for the State of Missouri to continue its efforts, in addition to those under the Federal program, to provide assistance to the blind. I am particularly gratified that this provision is included in the bill for it is of considerable importance to citizens in my own State of Missouri.

Mr. Chairman, I strongly urge that the House pass the pending legislation by an overwhelming majority.

Mr. MOORE. Mr. Chairman, I would like to take this opportunity to express my approval and support of H. R. 13549, the bill which is before the House today to improve and liberalize social security benefits.

During this session I have introduced 4 bills which, if enacted, would have improved the benefits and coverage of the

Social Security Act. The bill before this body today contains several of the salient features in the bills which I introduced and I am happy to give my endorsement and approval to these provisions. It is regrettable that some inequities still exist in the Social Security Act which will not be corrected by this legislation. It is also unfortunate that the small 7-percent increase in benefits could not be greater to help compensate for the considerable increase in the cost of living which has appreciably reduced the standard of living of persons who today must depend on fixed incomes, annuities or Federal pensions as their only means of livelihood. Taken as a whole, however, H. R. 13549 is undoubtedly the best possible bill which the Congress can hope to enact into law this late in the session, because it is predicated upon the need of the recipients, the ability of the wage earner and employers to finance the increased costs involved, and places the social security system on a more sound actuarial basis.

During the past year, I have received a great deal of mail pointing out deficiencies in the present act, many of which will be corrected by the bill now before the House of Representatives. For instance, this bill provides benefits for the dependents of disabled workers in the same manner as those now provided for the dependents of retired workers. There is also provision for liberalizing the disability requirements and for freezing a worker's benefit rights when he is disabled. These provisions were contained in my bills, H. R. 10844 and H. R. 10845, so I am happy they have been included in this omnibus bill. Retired persons will be able to earn more income without losing benefits, and the bill will repeal a discriminatory provision of the present law which now requires payments under other disability benefit systems to be offset against social security benefits. In the future, a person qualified for both types of payment will be able to collect both pensions in full.

The enactment of this law will also benefit many West Virginia State and city employees because the bill extends coverage to persons who formerly did not elect to come under the system, but who now may wish to avail themselves of this program. There are also several constructive changes in the sections dealing with dependent children, the aged, blind, and disabled which will have a salutary effect upon recipients of these benefits. An additional $288 million will be made available to the States under revised formulas for the public assistance programs if this legislation becomes law.

It is my sincere hope that the Senate will schedule immediate action on this legislation after the House of Representatives gives its stamp of approval. Likewise, I intend to urge the President to sign this bill into law, because this is sound and justifiable legislation, and no group deserves any more consideration than does the retired and disabled of our Nation.

Mr. FLOOD. Mr. Chairman, this is an extremely important day for many millions of our older citizens who have been looking toward this body for humanitarian relief of a most desperate economic situation.

I know a great deal about this problem because I represent a district that has experienced and continues to experience an extremely serious unemployment problem, with the consequent result that a large percentage of the youth in that area have been forced to seek employment elsewhere, thus leaving behind the older citizens in a disproportionate ratio.

My mail for the past several years has been most distressing with respect to the economic plight which these unfortunate people find themselves through, as we all know, no fault of their own.

It is the system that falls behind the times that has caused these people to suffer unnecessarily and we must be ever conscious of this continuing problem that affects, directly, the welfare of our senior citizens.

I would be less than candid, Mr. Speaker, if I did not say that I am not satisfied with a major provision of this social-security bill; namely, the proposed increase of 7 percent.

I realize, of course, that this figure is one of compromise, but I have advocated for a long time now that, in all justice, the increase should be at least 10 percent, if not higher.

We all know that the cost of everything we must buy has continued, despite the current recession, in an upward spiral. A parodox, but true. Those now employed have, for the most part, been given increases in their salaries and wages to compensate for the continuing rise in the cost of living. But what about our older citizens? They, too, must battle this unfortunate series of developments in our national economy, and battle it on the basis of a much too meager income.

It is my fervent hope that the Congress, in its wisdom, will not wait too long before it again takes this most vital subject under consideration. We must keep pace with the times.

I strongly urge that in the early part of the next session of the Congress that we undertake to reduce the age eligibility and, most importantly, to increase the benefits to a figure that will enable the recipients to at least cope with the living costs, which they are not now able to do, in a large percentage of cases.

Inasmuch as this system of social security has been established on a sound actuarial basis, it is not to be considered in any way as a system of handouts and doles. It is in the best tradition of this great country of ours that this be so.

In all justice, let us strive to bring this most vital and far-reaching program up to date so that we can alleviate the distressing conditions under which many millions of our fine citizens must live. I am hopeful that the Congress will do just that during the course of the upcoming session, which will get underway in January.

Mr. MONTOYA. Mr. Chairman, the bill under consideration today is indeed a step forward on the subject of social security legislation. While it does not go as far as many of us would prefer that it go, it increases benefits to social security recipients to an extent that the hardships caused by the increase in the cost of living can be alleviated partially.

I recognize fully well that the committee has spent considerable time hearing testimony which, on the record, clearly reflects conclusively that something should be done for the old and needy people of this country. It is sad indeed that the administration has not taken a leading part in bringing about an improvement to our system of social security. The action of the committee is the culmination of Congressional leadership in trying to bring about additional benefits within the framework of available funds with a small increase in contributions from employers and employees.

I have no doubt but that the committee would have gone further if it had had aggressive collaboration from the executive department. The record to me does not reflect any recommendations by the executive department such as would bring the retired workers of this country up to a plane consistent with decent and comfortable living standards.

I myself appeared before the committee to plead for adequate increases and have many times urged that Federal funds apportioned to the different States for general assistance programs be increased in ratio so that the States could increase the grants to indigents.

Soon the campaign oratory will flood this land of liberty and bipartisan love for the old people will be the rule of the day. These people may be old and some infirmed but they will call to task those who have failed to raise their voices in their behalf. This is as it should be because we are their servants here and not their masters.

The plan outlined by the gentleman from Rhode Island proposing that we take inventory through an exhaustive investigation of the plight of the needy people of this country is indeed a plausible approach. I hope that it will become a reality and that the Congress with or without leadership from the executive department will enact legislation when it convenes again to bring about a better way of life for the needy people of this country. Until we do this, we cannot find justification in calling America the land of "liberty and plenty." The "pursuit of happiness" which permeates the preamble of our Constitution is a beautiful phrase but empty in significance unless we shoulder the responsibility of bringing about a better tomorrow for our needy citizens in this great country of ours.

Mr. DOYLE. Mr. Chairman, I wish to emphatically compliment the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS], and the distinguished ranking minority member thereof, the gentleman from New York [Mr. REED]; yes, I compliment them, and every member of the Committee on Ways and Means who have worked so diligently and for such a long time to report to us H. R. 13549. This bill today before us, is to increase benefits under the Federal old-age, survivors and disability insurance system, and also to improve the actuarial conditions and status of the trust funds designated to protect the

solvency of such fund and system, and which will also otherwise improves and amends the public assistance and maternal and child health and welfare provisions of the existing Social Security Act, as well as submitting to us other marked improvements.

I respectfully request that I have the high privilege of being known as associating myself definitely and specifically, in approval of this marked, advanced, and timely step by way of the Social Security Amendments of 1958.

This whole subject of tax income necessary for our national defense and security; of income taxes and other taxes, is so highly technical that it is of necessity within the personal knowledge of relatively few Members of this great legislative body. Because of the nature of the subject it could never be otherwise. Therefore when a bill like this comes from our distinguished Committee on Ways and Means. I am fully aware of the conscientious, thoroughgoing, expertness and diligence with which that committee and its expert, thoroughly trained professional staff have prepared same for our consideration. Therefore also, in the absence of specific evidence to the contrary, a bill from that committee always has a sort of an abiding presumption with me in favor of the legislation submitted therefrom.

A study of the committee's report, beginning on page 8 and extending over pages 9 and 10, is clear as crystal evidence, of the comprehensiveness of the committee's timely consideration of the subject matter which all of us here are aware, must be considered and acted upon at the earliest practical hour. I am happy that this is the case for now, after we vote this bill today, which I am sure we will by overwhelming approval, the same can promptly go, I assume, to the other body with a hope and a prayer that a satisfactory bill will be on the President's desk before this Congress adjourns.

The summary of the principal provisions of the bill, beginning on page 8, as I said, and specifying the 21 points contained in the bill, which are there summarized, is a clear proof that the committee has done its dead level best on this occasion; and, Mr. Chairman, that it retains an awareness of the necessity of promptly beginning in the 86th Congress to complete some of the discussions and furnish decisions for our further consideration, in fields not yet fully occupied by fully satisfactory legislation. The distinguished chairman of the committee, the gentleman from Arkansas [Mr. MILLS], has frankly told us today such was the case.

Mr. Chairman, with my emphasis, and with my concord with all who have spoken with effect that this trust fund must be kept entirely solvent and liquid, I find it inappropriate for me to take longer of your time. This bill can stand entirely on its own merit. It comes at a time of need and a time of forward looking in the field of just and proper economic and social welfare benefits. Mr. Speaker, our form of government is able to so function, in my humble judgment, that there is no nation in the world, which we should ever expect or anticipate should, or could, hold a candle to us in the field of individual liberty; fiscal responsibility; domestic tranquillity; civil liberties, internal security, and human welfare. This bill is another great advance at an appropriate time.

Mr. BRAY. Mr. Chairman, the bill before us would increase monthly social security benefits by 7 percent, with a minimum raise of $3. Many of us feel that the increase is not adequate to meet the increased needs of those drawing their retirement benefits, for inflation has continued to eat away at their savings and make economic balance difficult. However, this bill comes before us on a closed rule, precluding any amendments; therefore, it will be impossible to increase or change this amount. Certainly the greatest benefits we can bestow on those living on fixed incomes, whether it be social security or some other form of retirement income, is to stop inflation and the severe economic hardship which it brings. We have been far more successful in stopping inflation in the last 5 years than in the preceding decade, but it has started again and its effects are felt especially among our senior citizens.

When the Ways and Means Committee devoted long hours of hearings and consideration to the subject of social security legislation, many proposals were put forth. This bill limits itself primarily to the subject of the amounts of payments and contributions. It also improves the provisions for disability retirement and the disability freeze of earnings records. There are some other aspects of this program wihch will perhaps be the subject of the committee's attention in the future.

For the past 6 years, I have introduced legislation to lower the retirement age under social security to age 60. I feel this is particularly important in the many arduous occupations where working at advanced age is very difficult, and in many cases dangerous. Who can say when a person becomes physically unfit to do his job? Many work ably and energetically into their seventies and beyond. Others find a quick ebbing of powers after they have passed the half-century mark. It is not easy to set one age as that which is desirable, or even average, for retirement. In many occupations we have allowed optional retirement at an age prior to 65. I would certainly not suggest that retirement be mandatory at age 60 or even at age 65; but workers should have greater freedom in selecting that time when they feel they must slow down and take things easier.

There are other advantages to allowing a more flexible retirement policy, which should be very evident at this time. As older workers leave their jobs to enjoy the retirement payments toward which they have contributed, they are replaced by younger workers who need the jobs to raise their families. This was one of the motives behind this act in the beginning; the need for this particular effect of social security retirement varies, but the economic downturn of recent months makes the mention of it appropriate at this time.

As an advocate of voluntary retirement at a lower age, I was pleased when the Congress, 2 years ago, allowed women the option of retirement at age 62 at reduced benefits and extended full benefits to widows at age 62. This is a step in the right direction, which should now be followed by a liberalization of the retirement age for men. I hope that this objective will be further pursued in the months to come.

I trust that this legislation will be passed by an overwhelming majority.

Mr. DONOHUE. Mr. Chairman, I rise in support of this bill, H. R. 13549, to further improve and expand our social-security system, and to express the hope that benefits will be increased, by appropriate amendment, to at least 10 percent.

The proposed increase of approximately 7 percent provided by the bill is admittedly below the comparative rise in the cost of living that has occurred since 1954, the last time that the benefits schedule was legislatively adjusted. Since that occasion, there have been proportionately substantial increases in prices and particularly increases on those articles we commonly regard as the necessities of life—food, clothing, rent, medicines, medical and hospital treatment, and so forth. Since the hardship impact of these increases affect the major portion of our people in the lower income brackets, and the retired workers of these brackets, it would appear eminently reasonable and in harmony with the foundation principles of our progressive social-security system to adjust benefit allowances accordingly, and that logically means a minimum increase of 10 percent.

I am, indeed, mindful of those who most earnestly and sincerely desire to keep the social-security program actuarially sound and I am in full agreement with that objective. However, I just as sincerely do not feel that any convincing evidence has been developed here to show that an added 3-percent increase to that proposed in the bill would dangerously weaken the financial structure of the program.

As one who has consistently supported the improvements in this social-security program since becoming a Member of this body, I am particularly pleased that the measure before us recommends increases in the old-age, survivors, and disability insurance benefits, and that it also proposes the added provision of granting benefits for the dependents of disabled workers. In recognition of the necessity for constant review to expand this Christian program, I am also glad to note that the committee proposes further improvements in the public assistance, maternal and child-welfare provisions.

Mr. Speaker, one of the things that marks this country as a God-fearing and God-caring Nation in contrast to the slave state of Communist atheism is our legislative achievements in the fields of social and economic justice. In the propaganda battles that are currently being waged between ourselves and the Soviets, in which we are, unhappily, too often on the losing end, it is imperative for the retention of our position and our prestige as the leader of the Free World that we

maintain constant progress in our fundamental legislative programs for national welfare and development. We have a chance to take a forward step along this road today by supporting this bill.

The basic objective of our social-security system is to enable our retired American workers and the disabled to retain self-respect and reasonable economic independence in the sunset years of their lives and in time of adversity. In a constantly changing economy this objective is impossible of accomplishment if upward adjustments in the laws are not made to keep pace with the increases in the cost of the articles and services that are essential to a decent existence in a free and blessed Nation.

The chairman and the members of the House Ways and Means Committee are to be congratulated for their awareness and acceptance of their responsibility of recommending legislative changes to the Congress to strengthen and improve our social-security system in accord with the hard facts of our economy. The measure that they have brought before us is a substantially good one and in firm keeping with our tradition as a nation that lives under God. If we cannot all agree on the various amendents of sincere intent to improve the bill, let us in good will compromise our differences and approve the substance without unnecessarily extending this debate. There will be recurring opportunities in the future to make further improvements as the needs are demonstrated. Let us do our job today as well as we can while we look toward the future in good mind and with good heart.

Mr. BLATNIK. Mr. Chairman, it is time that we take a long and careful look at the responsibilities of a civilized and productive country for its older people. We must think positively on these matters, recognizing that the great industrial changes in this century have created new and difficult problems for the added years of retirement which our modern public health practices have given to us.

We know that the number of older persons, 65 and over, is approaching 15 million. Moreover, official projections place the number of persons 65 and over at 20.7 million in 1975, and the total population at anywhere from 207 million to 228.5 million, depending on the future course of birthrates. The older people in our midst may thus be expected to make up a larger proportion of our total population than other age groups in the future. It may well increase from the present 8.5 percent of all of us to 9 or 10 percent of the total population in 1975. We cannot continue, with patchwork and expedient action, to disregard the total needs of so large a proportion of Americans.

One of the major problems these people face today is the decrease in the income they were accustomed to receive during their working years. Social security is not paying them enough to live on, as we have seen. Those savings which they may have accumulated, or an annuity they may have purchased some years ago, are vastly insufficient to meet today's living costs.

We know that families headed by a person aged 65 or over are, by and large, low income families. If the family head is still working, his earnings are reduced because he is normally past his peak earning period. If he is retired, the retirement income is low. In 1954, nearly half the families headed by a person aged 65 and over had a cash income below $2,000. Nearly 1 in every 5 families headed by an aged person had less than $1,000 in income. Older persons living alone tend to have smaller incomes than those living in families. Nearly two-thirds of persons aged 65 and over who lived alone in 1954 had cash incomes below $1,000.

The necessity for increasing retirement benefits for older folks is obvious to anyone who has noted the inexorable march of the cost of living over the last 4 years. In 1954, the last time we raised social security benefits, the Consumer Price Index stood at 114.8 percent of the 1947–49 level. Now it is nearly 9 points higher at 123.5 percent and the end is not in sight. The same trend has been evident in wages and income but the older people and other beneficiaries who are retired on fixed incomes have not shared these raises and the prices which they must pay force them to accept a lower and lower standard of living.

A substantial number of persons in this country are caught in the squeeze play, as you know. In April of this year 11,628,000 people were receiving social security benefits including 6,476,900 old age beneficiaries, 1,903,600 wives or dependent husbands of retired workers, 1,545,800 fatherless children, 338,000 widowed mothers of children and 187,500 disabled persons. The average benefit for a retired worker today is about $64 a month while the average survivor benefit, as of January 1958, was only $45 per month. The present range of benefits for retired workers is from $30 to $108.50.

The bill before us does contain some urgently needed improvements in the social security system. And it is certainly deserving of our support. Unfortunately, however, it represents another example of the too little-too late, piecemeal approach to the real solution of the Nation's social security problems. The injustices of present law and the needs created by economic and social changes since the original enactment of the Social Security Act in 1935 are not adequately dealt with in this bill.

These needs and injustices are, briefly, as follows: First, inadequate cash benefits under OASDI; second, inability of many retired persons to provide for unexpected heavy medical expenses; third, the tax on tax, that is, the requirement of paying income taxes on dollars deducted from ones paycheck for social security, railroad retirement, or civil-service retirement; fourth, the inhumane and degrading treatment of public-assistance recipients in some States; fifth, the pitfully low payments under State general-assistance programs; and, sixth, the inability of the unemployment compensation system to cope with the present recession.

We will not have met these problems head on with the enactment of H. R. 13549, although, admittedly, what the bill does give us is better than nothing at all.

The related problems of inadequate benefits and lack of provision for heavy medical expenses of retired persons have been attacked in a sound and reasonable manner by the gentleman from Rhode Island [Mr. FORAND] in his bill, H. R. 9467. His bill would increase benefits by about 10 percent—a far more realistic figure than the 7-percent increase provided for in the bill before us. The Forand bill would also provide for insurance against the costs of hospitalization and surgical care. If we are to approach the problem of old-age security by amending the Social Security Act piecemeal every 2 years, then, at least, we should start now with the Forand proposal. But, instead, the bill before us recommends, instead of hospital and medical care for the aged, a study of the problem. How much more homework do we need on this subject?

The costs of such services are such that our aged and disabled living on OASI benefits are unable to pay for such health services. According to a publication of the Labor Department, Medical Care, by Elizabeth A. Sangford, the cost of medical care was 85 percent higher in December 1956 than 20 years earlier, with two-thirds of the rise having occurred in the last 10 years. Over the 20-year period ending in December 1956, hospital-room rates have increased 265 percent. Moreover, the expenditure per family for medical care has increased. According to the Labor Department publication referred to above, after adjustment for price increases, the expenditure per family for medical care in 1950 was nearly two and one-half times as much as in 1934–36, even though family size was smaller.

Without further study, we all know that the costs of good medical care have steadily increased and are continuing to do so. We know, too, that older people generally are likely to be victims of the chronic illnesses. And these illnesses strike at a time when income has been severely reduced because these people have retired from their regular jobs.

I know that an argument is made against this proposal on the ground that voluntary coverage of older persons is increasing and can do the job. This may be true for that small portion of the older population who can afford to keep up their payments. But for many more millions of our senior citizens this is an impossible task, The reasons why voluntary plans can never take care of this problem adequately, as outlined in a recent issue of the Chronic Illness News Letter, April 1958, as follows:

1. Much of the existing insurance protection is provided through employer-employee plans which generally do not reach the people who retired before the installation of the plan.

2. Older persons do not accept and rely upon health insurance as do younger people who look upon it as one of the essential elements of the family budget. A recent

study at Bloomington, Ill., has pointed up the complication of this point. * * *

3. The physical or mental impairment of many bars them from individual insurance and group plans are not available to them.

4. The increased incidence and severity of sickness due to older age brings about an increased cost of health insurance that cannot be afforded by some.

The Forand bill recognizes the need for sound, long-term financing of the social-security system. Improved benefits require higher contributions and this achieved through raising the wage base from the present figure of $4,200. The bill before us raises the base to $4,800. The Forand bill, with its higher benefits, would increase it to $6,000, changing the benefit formula, and adding a dropout year for every 7 years of coverage. The cost of the much needed improvements provided for in the bill would be covered by raising the tax on employers and employees by 0.5 percent each and by raising the tax on the self-employed by 0.75 percent.

By increasing the wage base the Forand bill will bring the system more in line with the basic principle of relating benefits to earnings during the working life. When the original Social Security Act was put into effect with its wage base of $3,000, 97 percent of workers covered under social security were making $3,000 or less. Now when the wage base is set at $4,200 only 72 percent of covered workers fall under the $4,200 ceiling. In other words, 28 percent of all covered workers are not getting social security credit for their earnings in excess of $4,200 under present law.

The effect of the present low wage base is to accentuate the plunge in income which a middle income worker experiences upon retirement. For example, a person who earns $500 per month on the average can receive only $108.50 or 21.7 percent of his average monthly earnings after he retires. May I reiterate that the increase in the wage base from $4,200 to $6,000 is essential to keep pace with the economic changes of the last 4 years and to preserve the basic tenets of the social-security program—that is to reward greater output and to permit an individual to approach his preretirement standard of living.

In addition to a 10 percent increase in benefits and hospital and medical care, other needed improvements in the social-security system are ignored in the bill before us.

The present limitation on earnings of $1,200 is totally unrealistic and should be at least doubled if not removed altogether.

Women should be allowed to receive full benefits at age 60 rather than penalizing them, as they are under present law, for electing to take benefits at age 62.

The age limitation on disability insurance benefits should be removed and eligibility requirements for such benefits liberalized.

These and other improvements are absolutely essential, Mr. Chairman, if we are to adequately cope with the problems confronting us.

"Grow old along with me, the best is yet to be" said the poet Browning. And he no doubt knew whereof he spoke. The peace, tranquility, and satisfaction of having lived a long and fruitful and productive life must be a truly wonderful blessing. But is it a blessing to have to live on practically nothing? To scrimp along on incomes totally inadequate to meet the needs and requirements of an older person? To enjoy no security. No peace. No tranquility. But only gnawing anxiety of where, in many cases, the next meal is coming from or what to do in case of illness. This is what growing old is coming to be today. Not the more leisurely manner of yesteryear where the old folks lived on the farm or with the children in the small town. In our new, modern complex, urban society the farms are disappearing. The children have troubles of their own just getting along solving their own problems.

There seems to be no place for our mothers and fathers. Nowhere for them to go. Nothing for them to do. No adequate source of means for them even to obtain the necessities of life. When it was convenient to take care of our old folks by letting them stay on the farm or live out their days on the park bench in the rural community there was no problem. But that convenience no longer exists and it appears we are actually falling back on that inhuman and archaic attitude that is best expressed in the pompous phrase: "It's not our responsibility. They should have provided for their old age while they were young."

But this can no longer be our attitude. A man's future is no longer his to determine for himself. Vast, complex outside forces often alter the course of a man's life and it may well be that through no fault of his own whatsoever he has reached old age and found himself simply unable to provide adequately for himself without some form of public aid.

In a nation as rich as ours, the way our old folks are cared for is inexcusable. It is tragic. Here we are: The richest, most powerful nation on earth, but we cannot provide economic security for our older citizens. The Scandanavian countries—Denmark, for instance accept their responsibilities to their older citizens as a matter of course. Have we advanced so far scientifically and technologically that we have regressed socially? Can we claim to be a world leader when we cannot even solve the problems of an aged and aging population while at the same time smaller and far less wealthy nations solve this same problem with ease? I cannot see how we can.

The policy of amending the Social Security Act piecemeal fashion every 2 years will not give the Nation's older citizens the true social and economic security they need and so richly deserve. It is time, Mr. Chairman, for a complete and thorough overhaul of the entire system and a recognition of the fact that the existing social-security system is simply incapable of dealing with the problem of our aged and aging population. We cannot solve the problems of today with the patched-up mechanisms of yesterday.

What is needed is bold, positive action. We cannot continue to merely deliberate and study these problems which are so very real in millions of American homes. Rather we must develop a comprehensive program geared to our long-range needs and our American ideals. Sheer humanity demands that we deal with the needs of our older folks and correct the injustices of the existing system.

The bill before us makes a small step in that direction. It is not enough. It does not even come close to coping with the problem. I hope, Mr. Chairman, that next year we will face up to our responsibilities and enact a truly comprehensive, universal Federal social security and pension program under which the Nation's older folks can find true social security.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation to increase social security benefits by 7 percent. Recipients of social security benefits are all elderly people who are really feeling the pinch of the rising cost of living. Letters I have received from my constituents tell some pitiful stories of older persons trying to get along on social security payments of under $100 a month.

I am pleased to know that the maximum family insurance benefits under this legislation is increased from $200 to $254 a month and that payments will be made to the dependents of the disabled. The bill also contains a more liberal and improved program for the 2½ million persons receiving aid under public assistance, including the aged, the dependent children, the blind, and the disabled.

Mr. Chairman, I filed a bill, H. R. 5863, to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which may be received by an individual while receiving social security benefits. The limitation has been $1,200 and will continue to be that amount, for this legislation does not affect this limitation. However, the committee did insert a provision which will help to carry out some of the intent of my bill. Under this legislation a person earning over $1,200 a year income will not have benefit payments reduced after each $80 of additional earnings, but each $100 of additional earnings. This $20 increase is desirable. It will be of some assistance to those who have had to seek part-time employment after retiring so that they can eke out an existence in dignity in their old age. I urge my colleagues to unanimously adopt this legislation.

Mr. METCALF. Mr. Chairman, as a cosponsor of many of the needed improvements in the Social Security Act, I congratulate the members of the committee on this major contribution to the foundation of the economic security of those who have retired and who are currently contributing to the program.

Although the 7 percent across-the-board increase in primary insurance benefits is less than I supported before the committee, I see the logic of your position that a significant part of the additional contributions should go to strengthen the financing of the system.

I know of no contributor to this program who is unwilling to pay his share of the costs; no one interested in raiding

the trust fund which will help pay his benefits.

Individuals now on the benefit rolls and all future beneficiaries would have their benefits increased by about 7 percent, more at the minimum, over the levels provided in the present law. The minimum increase in the benefit of a worker who retired at or after age 65 would be $3. The average increase for workers now retired would be about $4.75. Increased benefits would be effective for months after the second month following the month of enactment. The dollar ceiling on the total benefits payable to a family would be raised to $254 from $200.

The bill contains major improvements in disability protection, among them those to:

Close a serious gap by providing monthly benefits for dependents of disabled workers at age 50.

Repeal the provision requiring payments under certain other disability benefit systems to be offset against social security disability benefits, so that a person eligible for a social security disability benefit and also for disability benefits under another system would receive the full amount of his social security benefit.

Relax the present recency-of-work test to make it easier for a disabled worker, whose disability came on gradually, to qualify for disability benefits and to have his benefit rights frozen while he is disabled. Under the bill, the worker would no longer be required to have 6 quarters of coverage out of the 13 calendar quarters before he became disabled. He would be required to be fully insured and to have 20 quarters of coverage out of the 40 calendar quarters before he became disabled.

Provide for retroactive disability insurance payments, going back to as much as 12 months before the month in which an application is filed.

Postpone for 3 years the June 30, 1958, deadline for filing retroactive applications for the disability freeze.

Other significant improvements include those to:

Increase to $4,800 from $4,200 the total annual earnings on which benefits could be computed, and on which contributions will be paid.

Provide that a person will not lose a benefit under the retirement test for any month in which he has earned up to $100, instead of $80 as under present law.

Provide additional funds and a new formula for Federal participation in public assistance. The additional $288 million available to the States would come down to an increase of $1,335,000 for Montana, or enough to give each recipient an average increase of $6.24.

Increase authorizations by $15 million, $5 million each for maternal and child health, crippled children's services, and child welfare services.

While I regret that the committee could not also recommend health benefits for those insured under old-age and survivors insurance, I appreciate the call for a study of the problems faced by the aged in paying for increased hospital and nursing home services and look forward to action on the report by the Secretary of Health, Education, and Welfare, due by February 1, 1959.

As I shall again bring to the attention of the committee at the first opportunity, experience has shown that additional improvements are needed in the Social Security Act, among them those to:

Begin disability benefit payments as soon as the disability occurs instead of at age 50 and redefine "disability" to mean the inability to do the same or similar work an individual was doing on a regular basis before he was disabled.

Provide full, instead of reduced, benefits for all women at age 62; continue survivors insurance benefits to a widowed mother 50 years old when her youngest child becomes 18, instead of ending these payments until she becomes eligible in her own right, and provide that a widow's benefit shall be at least the amount of her husband's primary benefit.

Rewrite the language dealing with Federal grants for needy children. The law now provides help for children who have lost parental support or care by reason of a parent's death, mental or physical incapacity, or absence from the home. In a time of recession, this language puts a premium on broken homes. For the children of a jobless man, neither mentally nor physically incapacitated, can only receive help under this program if their father abandons them. If he stays in the home while looking for work, doing his best to keep his family together, the only source of help is general assistance, to which the Federal Government does not contribute. In the interest of strengthening the family, I would either insert the word "unemployment" in the list of reasons for inability of a parent to support a child, thereby making him eligible for aid to dependent children, or delete the existing reasons, thereby broadening the program to give help to needy children, whatever the reason may be.

Increase unemployment compensation benefits and duration.

Twenty years ago, the unemployment insurance program really meant something. Most States were paying a maximum benefit higher than two-thirds of the average weekly wages. All were paying more than half.

That ratio has declined as benefit levels fell behind rising wages and prices. Today's maximum among the States is only a little more than half the average weekly wage. And the average unemployed worker and his family must somehow get along on $33 a week. In Montana, it is $32. In some States, the most an unemployed worker can get is less than one-third the average wage in his State.

It has been more than 3 years since the administration gave the States an unemployment insurance do-it-yourself kit. Having, in 1954, engineered the defeat in the Senate of a proposal which would have increased unemployment compensation benefits by an average of 40 percent, Secretary of Labor Mitchell wrote letters to each governor, suggesting an increase in benefits and an extension of the period for which they would be paid.

Almost 4 years have passed, and not one single State has carried out those recommendations.

Among the bills which I supported before the committee are those to make benefits payable to all unemployed insured individuals for at least 39 weeks. The present duration in Montana is 22 weeks.

The maximum primary benefit would be raised to not less than two-thirds of the State's average weekly wage. Subject to this maximum, each individual's primary benefit would be not less than 50 percent of his weekly wage. This would raise the maximum benefit in Montana to $50 a week.

Mr. CRAMER. Mr. Chairman, I rise in support of H. R. 13549, the pending bill, having testified for an increase larger than the 7 percent increase contained in this bill, and for certain other amendments before the Ways and Means Committee. May I frankly say that I firmly believe that some adjustments should be made with the definite purpose in mind of increasing benefits under the program to meet the increased cost of living today but with an eye on keeping the program and the trust fund fiscally sound. The proposed bill accomplishes both objectives and I support it although I believe a larger increase would more closely approximate the increased cost of living.

This bill provides for an increase in benefits using a sound actuarial system that will not jeopardize either the fiscal soundness of the program or the tax structure of the Nation. This Congress has recognized the need of increases for retired civil service and military personnel—of other retirees—has seen the need for increased retirement income in the many departments of Government. In concurrence with these programs and consistent with other retiree action, it follows logically that increased payments under the social-security program should be worked out and enacted by this Congress.

I might point out that such an action would be of great importance to the State of Florida and particularly the First District that I represent. Here we have many retirees—who have planned over a period of years their retirement program. Because of the increased cost of living since their last increase in benefits these retirees are unable to live within the program they had every right to contemplate as adequate and sound and today are, in many cases, in dire straits. Total social-security benefits were paid to 295,033 people in Florida as of June 30, 1957, amounting to $15,884,408 annually. Of this amount 174,249 persons received old-age benefits of $11,260,647.

One of the immediate measures to offer partial solution that Congress could also take would be action on my bill H. R. 11186, or a similar bill, which would amend title II of the Social Security Act to increase the outside earnings permitted under the act from the present restriction of $1,200 to $1,800. There are two points of justification to this measure which I believe you should consider. The first is a social one and involves the senior citizen who desires and is mentally and physically able to work and

continue his useful life on a limited basis during these years. Under the present act the restricting limitation of $1,200 does not permit practical fulfillment of this commendable desire because of the arbitrary limitation on his earned income. In this instance we find that another useful and productive person who could make a valuable contribution to our economy is compulsorily denied the right to continue adequate gainful employment.

The second justification for the proposal to raise allowable outside earnings to $1,800 under my bill is the fact that under the present payment schedule an income of $1,200 does not supplement the annual social-security income sufficiently to provide a reasonable standard of living for the average person dependent on these benefits. Actually, the permitted increase in outside earnings that I have proposed is a relatively small amount but every day in the First District of Florida I meet retirees to whom just this small amount of difference in earnings permitted would mean a new world of comfortable living. This they have earned and, just because of the existence of the social-security program they should not be denied this right. They have every right to an adequate outside income.

I think that it might be worth while to note at this point that the conference committee of the House and Senate removed restrictions written into the increase retirement bill as to outside income and which was passed this year. Further, under the Railroad Retirement Act the Congress realized the equality of a person drawing all benefits for which he had paid through deductions or other methods. The restriction, which deducted social-security benefits, was paying railroad retirement benefits, was removed in 1954 and today a railroad retiree may draw both of the benefits—certainly a just decision where contributions have been made—an indication that in the sense of Congress there would not be restrictions on outside earnings from whatever source they may come.

This bill does not increase outside earning limitations and I am precluded under the rule from offering such an amendment, but I note by the report that the $80 per month earned wages retirement test would be raised to $100.

Again may I say that I am sure the House realizes the just and urgent need of legislation to amend the Social Security Act as it now exists. I feel that the great majority of the Members are insistent that reasonable increases be made to meet the cost of living today. I respectfully request that the Congress during this 85th session act to assist the many deserving retirees under the Social Security Act.

Mr. HENDERSON. Mr. Chairman, I would like to briefly describe the salient features of the bill to amend the Social Security Act. The bill contains both benefits and burdens, benefits to the recipients and burdens to the taxpayers.

The benefits to the recipients are as follows: First, individuals now on the benefit rolls and all future beneficiaries will have their benefits increased by about 7 percent, with a minimum of $3; second, the dollar ceiling on total benefits payable to a family is raised to $254; third, benefits are provided for the dependents of the disabled workers like those now provided for the dependents of retired workers; fourth, the provision that now requires payments under certain other disability benefit systems to be offset against social-security benefits is repealed, so that a person eligible for a social-security disability benefit and also for disability benefit under another system would receive the full amount of of his social-security benefit; fifth, the requirement that a worker have 6 quarters of coverage out of the 13 calendar quarters immediately before he becomes disabled is eliminated, but he is still required to be fully insured and to have 20 quarters of coverage out of the 40 calendar quarters before he became disabled; sixth, disability-insurance benefits can be paid for as much as 12 months before the month in which application for the benfits is filed; seventh, the June 30, 1958, deadline for filing fully retroactive applications for the disability freeze is postponed for 3 years; eighth, a person will not lose a benefit under the retirement test for any month in which he has earned $100 or less—this is an increase from the $80 figure under the present law; ninth, where an individual's benefits are increased during a year, the benefits which might be suspended by reason of excess of earnings will be the smaller ones that were payable for the early months of the year; tenth, a child of a deceased or a retired worker who has been disabled since before age 18 can obtain benefits without showing proof of dependency; eleventh, dependent parents may become eligible for benefits even though there is a widow or child; twelfth, certain other technical changes are made in the dependency provisions of the bill.

The increased and liberalized benefits provided by the bill are not the only changes that have been made. More significant, is the increased burden of the social-security program upon the taxpayers which comes as a result of the realization that the social-security fund is out of balance, the recognition that the future of the program is seriously threatened if something is not done about it, and the compelling necessity for facing the facts. On occasion, the Congress has made certain changes in the social-security program which drew heavily on the fund without facing up to the responsibility of increasing the revenue to the fund. On occasion the Congress has postponed the periodic increases in contributions of employee and employer even though it was recognized that a scheduled increase was necessary.

Three changes have been made, which are designed to place the fund more properly in balance, and each of those three changes can well be regarded as an increased tax. The first of these changes is that of requiring a contribution on the first $4,800 of annual earnings rather than $4,200, effective January 1959. The second is the increase of one-fourth of 1 percent each for employees and employers and three-eighth of 1 percent for the self-employed above the rates now scheduled. Finally, the scheduled increases in rates will take place every 3 years instead of every 5 years, so that in 1959 the rate will be 2½ percent, in 1960 the rate will be 3 percent, in 1963, 3½ percent, 1966, 4 percent, 1969, 4½ percent. In 1969 the combined contribution of employers and employees will be 9 percent. Taxes on self-employed will be increased as follows: for the year 1959, 3¾ percent; 1960, 4½ percent; 1963, 5¼ percent; 1966, 6 percent; 1969, 6¾ percent.

Even with these increased taxes, the fund will not be quite in balance although slightly improved. From an estimated actuarial deficit of .57 percent of payroll, the bill will place the program in a position of an estimated actuarial deficit of .25 percent.

Mr. VANIK. Mr. Chairman, I am pleased to join in support of this long-overdue legislation to raise social security benefits. The 7 percent increase provided by this bill represents only a modest effort to adjust benefits to the skyrocketing rise in the cost of living. To the 11,800,000 beneficiaries of social security it will be a welcome improvement.

In every community in America the distribution of social security benefits is making a substantial contribution to the business economy. Social security dollars are spent to buy food, housing, utility services, and commodities of every type. These benefits constitute a substantial and steady volume of consumer spending which in turn provides employment for the farmer, the industrial worker, and service personnel.

It is regrettable that some provisions are not included to assist senior citizens on social security in the mounting cost of medical care. This problem must be directly met in the next Congress.

It is equally regrettable that this Congress could not consider a reduction in the retirement age. Every worker induced to retirement creates a job opportunity for another worker. The addition of senior citizens to retirement either by reduction in the retirement age or by inducement provided in higher benefits could absorb the currently unemployed. The social security program could be effectively adapted to assist in bringing about the full employment condition which the Nation desires.

Mr. KEATING. Mr. Chairman, within the necessary limits of a sound economy, we must constantly attempt to make adequate and fair provision for all citizens under the social security system who have worked and contributed to our economy, to insure that in the twilight years of their lives they will have the benefit of a modest income.

It is clear, unfortunately, that benefits under the Social Security Act have not kept pace with the increased cost of living. That cost continues to rise, although its rate has been sharply reduced. One direct result has been a continual nibbling away at the real values of social security benefits.

H. R. 13549 provides one means for making available realistic increases which will bring benefits more in line with the decreased value of the dollar. Actually, the 7 percent benefit raise provided by this measure is inadequate. A

10 percent increase would be made in line with higher cost of living. Nevertheless, I support H. R. 13549 as at least a solid, reasonable step in the right direction.

It should be carefully noted that the higher benefits made possible by this legislation will be more than covered by increased social security taxes, thus perpetuating the program's sound and essential self-financing principle.

Mr. Chairman, this is one of a number of changes which should be made in the social security statute. But it is an essential one. It is important, in developing and maintaining a sane and dynamic domestic economy, that we remove from all who work and produce the ever-present and stifling fear that when their productive days are over they will become the objects of charity. That is the simple beauty of the Social Security Act. It provides a sound means for meeting directly the important problem of peace of mind for our working citizens. It provides an important incentive for perpetuating our system of free enterprise and opportunity.

To make this social security system work we must see to it that the benefits it provides keep up with the costs and needs of the beneficiaries. That is why I strongly support H. R. 13549 and hope it will gain the support of this body.

Mr. MACK of Washington. Mr. Chairman, I have seen many beneficial improvements made in the social security law since I first came to Congress 11 years ago in 1947.

When I first came to Congress 28 million Americans were under the coverage and protection of social security. Today, 73 million are under this law and entitled to its benefits.

In my time in Congress social security protection has been extended to farmers, farm labor, the self-employed, and to lawyers and many types of professional people not formerly covered and protected. I have seen it extended to ministers, on a voluntary basis. Also social security protection has been extended to most employees of States, cities, counties, school districts, and other public bodies where the State and public employees desired coverage.

In its early years social security benefits were only $10 to $85 a month. Now a single person may draw benefits of $30 to $108.50 and a married couple 50 percent more than that. These benefits further will be increased by 7 percent if the bill we now are considering becomes law.

One of the most unfair provisions in the social security law of 1947 in effect when I came to Congress stated that a beneficiary would be deprived of his pension for any calendar month in which his earnings from employment exceeded $14.99 in that month. I am among those who believe limitations on the earnings of a pensioner is wrong. When people work they produce goods and services. These goods and services add to the wealth and prosperity of the Nation. It is economically unsound in my opinion except in times of great unemployment to discourage people from working. I was among those who sought to have this $14.99 limitation on the monthly earnings of social security beneficiaries repealed and, if not repealed, at least increased.

The first social security reform bill passed by Congress in 1948 increased this $14.99 limitation on earnings to $50. Several years later it was raised to $75 and then in a later Congress to $1,200 a year with provision that a beneficiary should be deprived of 1 month's social security for each $80 he earned above $1,200.

I urged the committee this year when it was considering this bill to raise this limitation on earnings to $1,500 a year and to not deprive a person of a month of his pension until he earned $125 above the $1,500. The committee has left the present $1,200 limitation on earnings at $1,200 and the pensioner can earn $100 above the $1,200 instead of $80 before he loses a month of his pension. This is not adequate, in my opinion, but is a step in the right direction.

When I came to Congress 11 years ago, disabled persons, even when totally disabled and unemployable, could not draw a cent of social security benefits until 65 years of age. This worked a great hardship on tens of thousands of disabled citizens and their families. I saw and talked with many of these disabled persons. I knew the hardship caused by this shortcoming of the law. Several years ago this provision was changed so that totally disabled persons could start drawing benefits at age 50 instead of having to wait, often in poverty, until 65 years old. This was a great improvement and ameliorated the hardship many disabled persons previously had suffered.

These are just a few of the many improvements made in the law since I came to Congress 11 years ago. Because of these and other betterments the social-security law is much better than it was when I first came here.

All women originally, and for many years, were required to be 65 years of age before they could start drawing social security benefits. Through the years I have urged, because of what seemed to me good and sufficient reasons, that the age at which women may draw social security should be reduced to 60. It has been reduced in some cases and under certain restrictions, to 62 years of age for women. I hope the time is not far distant when women may receive their social security benefits at age 60.

Time and experience has and will continue to reveal inequalities and injustices in this, as well as in other laws, and the Congress, I am sure, will from time to time eliminate these by appropriate and desirable amendments.

This bill is not perfect. No bill ever is. It does, however, represent an improvement over existing law and, therefore, I hope it will have the unanimous approval of the House of Representatives today and that before adjournment, will be approved by the Senate and then signed into law by the President.

Mr. HARVEY. Mr. Chairman, for two reasons I support the modest general increase in social security benefits.

As we all know, those millions of Americans dependent on fixed incomes have been most adversely affected by the inflationary forces in our overall economy. The proposed monthly payment increase will help compensate for basic living costs that are uniformly higher than when last we adjusted security benefits.

Equally as important is the fact that proper provision is also being made to raise the contributory taxes and to expand for the employed the wage base upon which the taxes are levied. This will tend to keep the long-range pay-as-you-go principle intact and the financing sound in the old-age and survivors insurance fund. Together, surely these two reasons bespeak to reasonable minds the justice of liberalizing the social security program to a moderate degree.

Mr. BYRD. Mr. Chairman, I am glad to have the opportunity to support the bill before us today. The increase in benefits of approximately 7 percent provided by this bill is actually a little short of the increase in living costs that has taken place since 1954 when we last increased the benefits. The legislation, however, is a great step forward, and I wish to compliment the Committee on Ways and Means on the good work that it has done in bringing the bill before the House in time for action before adjournment. I am sorry that the committee has not thought it advisable at this time to include a provision to reduce the age of eligibility to 60 years for men and women, but I am hopeful that a later Congress will take this step because I think it is a development that has to come.

I am glad that the bill we are discussing will improve the disability insurance program by removing certain provisions that have proved to be unnecessarily strict and that have, in many instances, been unfair. The bill provides monthly benefits for the dependents of disabled workers. The 1956 amendments to the Social Security Act provided benefits for insured workers who are no longer able to work because of an extended total disability but no provision was included for the families of such beneficiaries. We are now removing this inequity.

Another worthwhile feature of this measure lies in the fact that the offset provision of the present law is being eliminated. At the present time monthly social-security benefits payable to disabled individuals have had to be reduced by the amount of any periodic benefit payable on account of disability under other Federal programs, not including veteran's compensation, or under State workmen's compensation programs. I have long believed that such a reduction in benefits was not in keeping with the purposes of the social-security program, and I am glad that the committee has reached the same conclusion.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. LESINSKI] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Chairman, while the legislation under discussion does not provide for as large an increase

as I believe necessary, I think it is essential to increase social security benefits so the retired folks are better able to cope with the increased cost of living. I should at this time like to review the facts which I presented to the committee during hearings earlier this session.

The present average benefit for a retired worker is about $65 a month, for a totally disabled person over 50, it is about $75 a month, and for an aged widow it is only about $50 a month. These amounts are shockingly low in times like these and are insufficient to provide subsistence for most of these people. Even the maximum individual payment of $108.50 is barely adequate in these days of ever rising prices for food, shelter and medical care.

The social security benefit structure has not kept pace with the rising cost of living and increased wages. Therefore, the relative economic position of our retired workers, dependents, and survivors is steadily deteriorating. The original act in 1935 provided for a range of monthly benefits from $10 to $85 to take effect in 1940. This was not considered luxurious at that time when the cost of living was only about 59.9 percent of the 1947–49 level. In the 18 years since 1940 the cost of living has gone up more than 100 percent to 122.5 but the maximum social security benefit has lagged shamefully, having increased only about 35 percent.

The last increase in social security benefits was voted in 1954. But between 1954 and 1957 disposable per capita income went up 12 percent and average weekly wages in manufacturing went up 14.6 percent. As we are all painfully aware, the Consumer Price Index has risen 6.7 percent from 1954 to date.

But those figures do not tell the whole story. The elements of the cost of living for an elderly retired person are quite different from those of a younger person. While the older family may spend relatively less than the average for homes and home furnishings, they spend substantially more for medical care, and medical costs have risen more rapidly than any other element in the cost of living. These costs in November 1957 were 40 percent above the 1947–49 level while the overall Consumer Price Index rose 21.6 percent in the same period. The impact of this serious increase in medical costs can be appreciated when we realize that according to a nationwide survey, persons over 65 incur 57 percent greater medical costs than does the general population. And hospital expenses for the average person in this age group are 92 percent greater than for the population as a whole.

Several years ago a budget was worked out for an elderly couple living in Detroit, Mich. It was not an extravagant budget in any sense—for example, it allowed one-eighth of a pound of butter per person per week, 1 work shirt and 1⅓ other shirts per year for the husband, 1 house dress per year, 1 umbrella every 20 years, and 85/100 of a handkerchief per year for his wife. Yet this modest budget in 1955 prices amounted to about $200 per month which is just about twice what the average retired worker and his wife are now receiving from social security.

The foregoing clearly illustrates the urgent necessity for increasing social security benefits at this time.

Mr. RHODES of Pennsylvania. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Rhode Island [Mr. FORAND].

He is to be commended for his foresight, vision, and his deep concern about our aged citizens and their problems. As a member of the Ways and Means Committee, his interest and efforts for an adequate social security program have been a big factor in the progress that has been made in this field.

The aged, the disabled, and our less fortunate citizens are indebted to Congressman FORAND for much of the progress that has been made in the social security program. The best evidence of this is the fact that he has become a special target of blind reactionary groups who have always opposed social security and all efforts to improve it.

Mr. Chairman, I am pleased to support H. R. 13549, the 1958 Social Security Act Amendments. The action of the Ways and Means Committee in reporting this bill for consideration by the House is most commendable.

I had hoped that a 10 percent increase in benefits would be approved by the committee to help offset the rise in the cost of living since the last benefit increase in 1954. In my statement to the committee I also urged favorable consideration on a number of liberalizing amendments to the present law dealing with a reduction of the retirement age, amendments to the disability section, an increase in the outside earnings limitation, hospital and surgical insurance benefits, elimination of the restriction on "dual disability" benefits, an increase in Federal grants for public assistance, maternal and child health services, and services for child welfare and crippled children. Mr. Chairman, I note that the committee has included a number of these amendments in the bill before us today.

Of course, the bill does not provide nearly all of the improvements which I feel are necessary to remove inequities which now exist. I feel that the $3 minimum increase should have been at least $10 in view of the obviously inadequate minimum monthly benefits which are now paid. We have come a long way toward the realization of the goal of social insurance as envisioned by Dr. Francis E. Townsend many years ago. Much more remains to be done to make it possible for our senior citizens to live out their lives in economic security and dignity.

Mr. Chairman, H. R. 13549 contains some meritorious proposals. The increase from $200 to $254 in the amount of maximum monthly family insurance benefits is an important step forward, as is the provision of benefits for dependents of persons receiving disability insurance benefits. The elimination of the disability benefits offset provision of the 1956 law is an important improvement. The liberalization of the work requirement for eligibility of persons for disability benefits is most commendable, as is the retroactivity payment provision of H. R. 13549. Other improvements in the retirement test provisions, dependents' benefits, coverage of certain State and local governmental employees, and other miscellaneous amendments added by the committee to provide more equitable treatment in a number of unusual cases are all worthy of our full support.

Mr. Chairman, the committee is also to be commended for its wisdom and courage in recommending amendments to guarantee the actuarial soundness of the OASI trust fund.

I strongly favor the liberalizing improvements provided for the various public assistance programs. The needy, aged, disabled, dependent children and the blind have been most severely hit by the continuing increase in the cost of living, especially for food and other basic necessities of life. The average monthly public assistance payment to the 3,770 persons from my District on the rolls in 1957 was only $43.01. An increase in these payments is desperately needed if we are to keep faith with these less fortunate people in our communities.

I am pleased that the committee has recognized the problems of the aged in meeting the high costs of medical care. I favor the approach to this problem provided by the gentleman from Rhode Island [Mr. FORAND] in section 106 of his bill, H. R. 9467. I regret that it was not possible to act on the legislation this session because I feel that there is ample evidence to warrant the inclusion of such a program in the Social Security Act. I trust that the study of this problem authorized in H. R. 13549 will produce the necessary impetus to obtain hospitalization, surgical, and nursing home insurance protection for recipients of old-age, survivors, and disability benefits.

Mr. Chairman, I urge the passage of H. R. 13549.

Mr. WOLVERTON. Mr. Chairman, the bill before the House today to increase social-security benefits is one with which I am in accord. It will, therefore, have my fullhearted and enthusiastic support.

I realize that the increased benefits provided for in this bill are not as great as some of us would have liked to see, but the increase of 7 percent that it does provide is at least sufficient to meet the major increase in the cost of living that has occurred since 1954, when the last adjustment was made.

Furthermore, the bill provides a means of increasing the tax revenue that is necessary to strengthen the social-security fund. This, in itself, is something most desirable. The fact remains, however, that there is need for further strengthening of the fund and it will undoubtedly receive the attention of the committee charged with the responsibility of maintaining the stability of the fund.

The bill (H. R. 13549) as presented by the committee provides increased benefits under the Federal old-age, survivors, and disability insurance system. It also improves the actuarial status of the trust funds of such systems, and otherwise

improves such system. It also amends the public assistance and maternal and child health and welfare provisions of the Social Security Act. This, in the main, covers the important provisions of the bill. A mere statement of the benefits and improvements intended to be adopted is sufficient to justify the fullest support by the Congress and the approval of the President.

In addition to the increased benefits and other improvements provided in the bill, another forward step is taken that gives promise of worthwhile legislation to follow after further study. I refer to that portion of the bill that requires the Secretary of Health, Education, and Welfare to make a study and report to the House on or before February 1, 1959, with reference to a plan or program to provide hospitalization insurance for old-age, survivors, and disability beneficiaries.

This is indeed gratifying to me. The number of bills that have been introduced in the 85th Congress on this subject is an indication of the great interest there is in providing a means of helping the beneficiaries under the old-age, survivors and disability insurance programs to meet the cost of hospitalization and nursing home services.

There is abundant evidence of the fact that under existing arrangements, insurance against the cost of needed hospital and nursing home services is out of reach of many, in fact of most older people. There is undoubtedly a need to make this protection available to older people. The only question that presently remains unsettled is as to type of plan or program that should be adopted to accomplish the purpose. I look forward to action on this subject being taken in the near future. I hope in the next Congress.

I deeply regret that my intention not to be a candidate for reelection will prevent my being a Member of the next Congress and preclude my active participation in developing this and other worthwhile legislation in the interest of our people. I confess there has been no service in the Congress that I have been privileged to render during my 32 years of membership that I have appreciated and enjoyed so much as that which has related to providing increased hospital facilities, including convalescent and nursing homes, research program of many varieties, including the heart, mental diseases, cancer, and nervous disease, polio and many others that up to the present have seemed to defy the skill of physicians.

There is much more to be done by Federal participation in all of these worthwhile efforts that are being made to improve and increase medical knowledge and thereby promote the welfare of our people. It is most gratifying, however, to observe the increasing interest that is being taken by the Federal Government in cooperation with our State governments and private institutions in this great work in behalf of humanity. I trust that there will be no lessening of effort in all of these commendable programs.

In conclusion, may I again say that I am happy to have had a part in this important and worthwhile effort that is so necessary in promoting the welfare of our people.

Mrs. PFOST. Mr. Chairman, the amendments liberalizing the Social Security Act which are under debate here today have my wholehearted support.

I know what a difficult task the committee had to draft a bill which made the most imperative adjustments in the social security system, and still could be considered within a reasonable time limit at this late hour of the session. I commend the committee for the fine job they did.

As we all know, social security has become as synonymous with the American way of life as the 8-hour day and the 2-week annual vacation. Everyone wants the benefits made as liberal as possible—but everyone also wants the system kept on a sound, actuarial basis.

The committee has given us a bill which liberalizes primary insurance benefits, and at the same time increases the long-range soundness of the system. I feel confident that American workers and American employers will not object to the small increase of one-fourth of 1 percent in contributions which each will have to pay. It would have been most unwise to raid the Treasury to pay higher pensions today at the expense of those who are depending on their pensions to see them through tomorrow.

I had frankly hoped that a bill providing for a 10 percent across-the-board increase in primary benefits would be reported. I also hoped a larger minimum increase would prove sound. However, I accept the committee's stand that a 7 percent increase is the maximum possible without heavier contributions. I hope that the many Idaho pensioners who have written me to plead for an increase because of skyrocketing living costs will also understand.

I want particularly to commend the committee for its recommendations that maximum family insurance benefits be increased from $200 to $254 a month, and for stepping up creditable annual earnings from $4,200 to $4,800. These are fine changes.

I am also happy with the many improvements made in the old-age and survivors and disability insurance programs—although the latter needs further refining—and I favor the adjustments made in the provisions for dependents.

If the changes in the provisions for dependents become law, a very difficult situation will be ironed out at the Nampa State School for Retarded Children. This school, which is located in my home county, loses much of its revenue because some of its disabled adult children are denied benefits upon a parent's death because that parent, through illness, had temporarily discontinued child care payments to the school. Under this bill, payments for dependents could be made without requiring proof that the child was dependent upon the parent for support.

The many other liberalizing and clarifying changes in the social security system will be most welcome not only in my State but throughout the country.

I am sure that many Members of this body will agree with me that adjustments in the public-assistance titles of the Social Security Act—commendable as these adjustment are—do not fully meet the problems of our needy, aged, and blind, and of our disabled and dependent children. The additional $288 million which would be made available to all States under revised formulas for public-assistance programs is desperately needed. So are the extra payments for suppliers of medical care. But we must do more for these people—particularly for our senior citizens who need and want help. I was shocked to learn recently that a nationwide study conducted by the University of California showed that about one-half of our couples and three-fourth of our older individuals do not have enough to live on in health and decency. This is a serious indictment of the country which prides itself on being the richest and most enlightened in the world.

I hope that next session the Congress can give further and much deeper study to the increasingly serious problems of our senior citizens.

Mr. Chairman, the rise in the cost of living, the recession, and other developments have made advisable a number of changes in the social security system. The committee has very wisely staked out a program of adjustments which can be given careful consideration at this time, but in so doing had to leave many important changes unconsidered.

I plan to vote for this bill because I feel it has much merit, but I feel strongly that other changes should and must be made next session in both the OASI and public assistance titles of the Social Security Act.

Mr. DOOLEY. Mr. Chairman, the approval by the House by an almost unanimous vote of H. R. 13549, the 1958 Social Security Act Amendments, is a source of gratification to the Representative from New York. The Ways and Means Committee of the House is to be commended for reporting this timely measure which will have a salutary effect on so many families. The infirm, the disabled, and the penurious need sorely the financial assistance this bill will provide, if enacted into law.

It is an established fact that there has been an upward incidence in the cost of living since the benefit increase of 1954. To those people who have little monetary resourcefulness, any rise in the cost of living has painful results. The sorrowful letters received from many of my constituents bear testimony to this fact.

Many felt that the $3 minimum increase should have been double that amount. But the Ways and Means Committee used good commonsense by doing all it could do, while at the same time keeping the social-security fund in balance. The bill provides a method of increasing the tax revenue necessary to strengthen and maintain actuarially this valuable program. The 7 percent increase may not be acceptable to all who favored an upward revision, but it is

equitable and desirable in the light of all the circumstances.

Today our system of social security is an integral and accepted phase of our life. Millions of citizens know that when they reach a certain period they will not have to depend on charity for sustenance, but will enjoy the benefits of a trust fund to which they, their employers, and their Government have contributed.

Even as the situation now is, there is room for improvement. The payments, generous though they are, remain inadequate for the costly demands of everyday life. A study will have to be made as soon as possible to ascertain what can be done to provide more adequate payments while at the same time keeping the system in balance with adequate contributions from future beneficiaries.

It is my belief that the above-mentioned measure constitutes a most timely and beneficial piece of legislation. It concerns millions of Americans; it affects the very mainstays of our system of economy.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I want first to congratulate the Ways and Means Committee for reporting out a social-security bill during the closing days of this session of Congress. I have long been convinced that we must make some upward adjustment in the social-security benefits so they will be more in line with present living conditions. I appeared before the committee some time ago and requested at least a 10 percent increase for the social-security retirees, and was hopeful that the committee bill would recommend a 10 percent increase. However, I well recognize that we must go along with the 7 percent increase in order to get a bill. I do trust that ways will be found in the Senate and in conference to increase these benefits to at least 10 percent.

This greater increase is justified, I am convinced, by the fact that prices have risen by 8 percent since the last benefit rise went into effect in 1954, as the committee's report points out. Then, again, I submit that we are making a decision today which will set benefit standards not only for the present but possibly for many years in the future. During this time, by all the signs, the cost of living will continue to rise. The people on social security have waited 4 years trying to get along on a 1954 benefit standard while each step upward of the price index has had the effect of cutting down on their very meager budget.

Under the present bill providing an increase in benefit payments of about 7 percent, the minimum increase of a $30-a-month retiree will be $3 per month, or $33. The maximum increase for those retirees now receiving $108.50 per month will be $9.50 a month, or a total of $118. The maximum amount payable to a family of a retired or deceased worker will be increased from $200 to $254 a month. These maximum amounts are in line with the increase of wages subject to tax from $4,200 to $4,800 per year.

In particular, I would like to call the attention of the members of this committee to that portion of the committee report which shows that a majority of people on the social-security rolls are dependent upon these benefits for their major source of income. The House committee report cites evidence accumulated in a Department of Health, Education, and Welfare survey in December of 1957 which shows that 30 percent of married couples on the rolls had no permanent retirement income other than their social-security benefits, and that only one-fifth of the total group had other income in excess of $1,200.

I wish to congratulate the committee for writing into the bill a provision that benefits will be paid to dependents of disabled workers on the same basis as are now paid to dependents of retired workers.

The committee has approved another amendment which is of tremendous value in that the offset provision will be repealed providing for the payment of the full amount of social-security rights to any disabled worker. I introduced legislation early in 1957 calling for the repeal of this provision.

The committee has made another improvement which has made the social security law more realistic. This amendment repeals the so-called dual requirement section, the requirement of a work record for 20 of the last 40 quarters and 6 of the last 13 quarters. The single requirement of 20 out of the last 40 quarters will be substituted for the dual requirements.

The committee also provided that the June 30, 1958, deadline for filing disability claims will be extended to June 30, 1961.

I wish to congratulate the committee on other improvements such as the change in the earnings limitations provision. The earnings limitation, providing for the suspension of benefits for 1 month for each $80 earned in excess of $1,200 per year, has been changed to 1 month for each $100 in excess of $1,200 per year. The limitations on the payment of benefits to a disabled child over 18 years of age have been liberalized by removing the rigid requirement of support during the last year of a worker's life.

I regret that the arbitrary and discriminatory requirement of age 50 to be eligible for disability payments was not removed by the committee bill. It has always seemed obvious to me that a worker under 50, with a growing family, is equally in need and has the same rights of benefits as the older disabled worker. Moreover, as I have said repeatedly in this Chamber, I would like to see Congress look into the Social Security Administration's strict interpretation of the definition of total disability. I am hopeful that the Ways and Means Committee will find time to make its own investigation as to the administration of the act in this connection.

I particularly wish to congratulate the committee for their action in increasing the Federal share of the public assistance payments so that States can increase the amounts now being paid to needy people who must depend on the Federal-State programs of old age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled. My own State of Kentucky, for example, would receive an increase in Federal funds of around $7,401,000 per year for all of these programs. The estimated increase per recipient would be $4.27 a month in Kentucky. The number of people in Kentucky receiving old age assistance during the month of May 1958 was 57,492 and the average payment was $38.64 in that month.

I feel that the committee acted wisely in adopting the need formula for these various programs. Inasmuch as Kentucky does not have the wealth possessed by some of our bordering States, such as Illinois, Indiana, Ohio, and Missouri, we can benefit immensely from the per capita income formula. These increases would be accomplished by applying the equalization formula which pays slightly higher amounts, percentagewise, to low-income States for amounts of their average monthly payments which exceed $30. The present Federal share of four-fifths of the first $30 would be maintained.

In my considered opinion, the social security measure is one of the most important pieces of legislation which we have to consider before adjournment because it so directly concerns some 12 million retired Americans and an additional 5 million welfare recipients, who are struggling to live on a small fixed income out of all proportion to their daily needs. We cannot fail to act on their behalf if we are true to ourselves and true to the humanitarian principles which have made this country great.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to my colleague.

Mr. CHELF. Mr. Chairman, I want to congratulate the gentleman on the very fine statement he has made. I should also like to say this, that my personal observation has been that the gentleman from Kentucky [Mr. PERKINS] has always been on the floor, and has always done a magnificent job in fighting for the folks in his district, as well as for all of our elderly folks throughout the country.

Mr. PERKINS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, it is with great pleasure that I support H. R. 13549, because I feel that it is the most outstanding piece of legislation that has been brought to the floor during this session.

Mr. REED. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, it it with deep regret that I call to the attention of the House that Marion Folsom, the distinguished Secretary of Health, Education, and Welfare, relinquishes that office today.

The retirement of Marion Folsom as Secretary of Health, Education, and Welfare represents another milestone in the life of a man who has dedicated himself

to improving the health and well-being of his fellow men. Long before Mr. Folsom came to Government, he had made significant contributions in the field of social insurance. These are well known, but not as well known are his many productive efforts in the field of health. He was one of the founders of the Blue Shield plan in Rochester, N. Y. This was one of the first community plans for prepayment of the costs of surgery.

Mr. Folsom also was an active participant in many voluntary agencies that were concerned with hospital and health affairs in Rochester.

When he came to Washington, as Under Secretary of the Treasury, he was frequently consulted by Secretary Hobby, the first head of the Department of Health, Education, and Welfare. He played a significant behind the scenes role in connection with various health proposals of the present administration. He, as much as anyone, was involved in the development of legislation to establish a health insurance plan for Federal employees. Unfortunately, no such legislation has been passed, and Federal employees, unlike those in other organizations, do not have the benefits of payroll deductions for or employer contributions to their health insurance plans.

When Secretary Folsom took office, 3 years ago, at the Department of Health, Education, and Welfare, he immediately plunged into a thorough study of the various programs of the Department—particularly those of the Public Health Service. As a result of exploration of medical research and education needs of the country, he took firm steps to increase the budget for medical research. He reversed a longstanding trend on the part of the executive branch by recommending a 26-percent increase in the National Institutes of Health budget during the first fiscal year in which he was responsible for the HEW budget. He has constantly worked hard to promote the expansion of medical research along sound lines, and, under his administration, great progress has been made. He leaves a solid record of achievement in efforts to find methods for prevention and treatment of many of the diseases that continue to plague mankind. The service he has rendered in behalf of his fellow man has been distinguished and highly worth while.

For all these things, we owe Secretary Folsom a profound debt, and it is most regrettable that our Nation loses his valuable service at this time. I trust that in the years to come Mr. Folsom will enjoy happiness and good health in great measure and abundant opportunity to continue his interest and service in promoting the public welfare.

Mr. REED. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KNOX].

Mr. KNOX. Mr. Chairman, I commend the Committee on Ways and Means on bringing this meritorious legislation to the floor of Congress. I particularly commend the committee for recognizing the need for additional benefits to cover the increased cost of living for those who are now on the retirement rolls and for strengthening the actuarial status of the trust fund. I fully realize and I know all Members of Congress are cognizant of, that in providing increased benefits there is also the urgent need for maintaining the old-age and survivors' insurance system on an actuarially sound basis. In no other way but through a soundly financed system can we be sure that the program will endure.

I must commend the distinguished gentleman from Missouri [Mr. CURTIS] on bringing to the attention of the Members of the House the long-forgotten people who are reaching their sunset days of life and who have not been privileged and never had the opportunity conferred on others by the Congress to be covered under the Old-Age and Survivors' Insurance Act. We have these folks. They are with us.

These people who have not been allowed to participate in the program indirectly have contributed to the social security funds through the purchase of everyday needs, which of course are produced by manufacturers who are subject to pay the social-security tax for their employees. It is necessary that the manufacturers add all costs to the final cost of his product and in this way the employers' social-security tax for his employees is taken into consideration. As time goes on the increased benefits to those eligible under the law will place a greater burden on those who are denied the rights under the OASI program.

Of course, many of such people who have been denied OASI coverage have been driven to the point of requesting that they be provided for through old-age assistance under the respective State programs. I have introduced legislation which would make it automatic for those folks who are in that age bracket to receive OASI coverage.

It is true this would cost the old-age and survivors insurance fund a significant amount of money. However, I would propose that the funds that are now being appropriated by the Congress to match the State funds under old-age assistance be diverted to the social-security fund in order to absorb the greatest portion of this cost by the coverage of those who have reached the age of 70 who have not been covered under the old-age and survivors insurance. This proposal would give retirement security to a deserving group of American citizens without subjecting them to the humiliation of demonstrating poverty and destitution.

It is my hope that in the near future the Committee on Ways and Means will be able to devise some method of bringing about coverage for these folks who are reaching their sunset days of life and have been deprived of coverage under the old-age and survivors insurance program.

One other suggestion I would have, and I have appeared before the Committee on Ways and Means to request consideration of it. That is for favorable action for those beneficiaries who have retarded children. In the 1956 act Congress amended the Social Security Act to provide that retarded children who had passed age 18 would be covered under the Social Security Act, but what has taken place is that in some hardship cases people who have the misfortune of having retarded children have had their combined OASI-public assistance benefits reduced under the Social Security Act so that there was no net benefit to the family as a result of the 1956 amendments.

The States apparently have been unwilling to absorb a sufficient portion of the cost of providing for the needs of these retarded children. Therefore, I think there has been forced upon these citizens an additional burden and responsibility in caring for their children—a burden that Congress in passing the 1956 amendments to the Social Security Act should be ameliorated. The States by reducing the public assistance payments available with respect to such handicapped children who were made eligible for continued OASI benefits by the 1956 amendments have not given to such deserving families the help that Congress intended they should have. I am pleased that the bill pending before us today will make at least a modest increase in benefits available in such cases.

I do not believe it was the intention of Congress that there would be any additional hardship put upon these families who are courageouly raising handicapped children. However, it is there and it is my hope that we will be able to correct it further in the near future.

Mr. Chairman, I join in urging the House to pass this meritorious bill.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Chairman, I did not intend to take the time to get into the discussion on this bill because it appears it is universally acceptable. However, in the discussions that have taken place, I have particularly noticed some arguments that come up on many occasions on many pieces of legislation. One particular argument appears to be that there is something laggard about this generation—that we do not assume or that we will not assume our responsibilities—that we have no right to create an obligation and place the burden of that obligation on oncoming generations. This question poses itself to my mind: To which generation do I attribute my part of that obligation? To the generation in which I was born? To the generation in which I was married and brought forth children and created a greater obligation on the future of this country and its people? Or to the generation in which I die. Does man divide his obligations on the basis of the number of generations through which he passes? Does he have an abiding faith in oncoming generations that they too will be willing to pay for whatever burdens they find—whether they are inherited or created? Such an argument seems to me to negate and to take away from this bill the very aspect that is the very soul of this entire legislation, the word "social." The word "social" does not mean it is socialistic, as we understand socialism today. Social means common good and common understanding and the common experiences of all of us together. What does this do socially? What does this do socially in

my particular State, for instance? The payments from social security at this moment amount to approximately $600 million a year. Add to that approximately $200 million a year of unemployment compensation payments and approximately $175 million a year of public assistance and approximately $1 billion a year from so-called outside of earned income—fringe benefits which all goes into the blood stream of the economy of the Commonwealth of Pennsylvania.

Into every man's district by a rule of thumb measurement, 25,000 persons are receiving aid under the so-called benefit plan of social security. Twenty million dollars a year are pouring into the District of every man and woman in this Congress. I do not know what would happen in your District, but I know what would happen in my District if $20 million were taken out of the daily and weekly economic life of my community. The butcher, the baker, the candlestick-maker, the Main Street merchant and the attorney all get benefits from social-security payments—if not directly, they benefit indirectly. Each and every one of us must assume our share of the cost and our share of the burden no matter when the debt is created. Is this generation going to say that the contributions we make in the form of public works and in the form of fortifications and permanent improvements in our land and its institutions are not benefits that are handed to oncoming generations? Are not these the things that oncoming and future generations must balance against the debts that we leave them? One Member said here this morning that there would be a revolt against the taxes that would be assessed against the worker because of the immense sum that it would amount to. But, I believe, speaking for myself, and I am an ordinary and common man as I know every other man to be, and speaking for myself, as I would for him, I say that most of us would rather pay 5 percent or a 10 percent tax against our earnings or our income to buy security and sustenance rather than pay the same tax to buy guns and grief. I do not believe this Nation is ready to revolt against a system which hopes to provide for them that one goal that each and every man, woman, and child has always before them, namely, security in their old age and the banishment of that fear that no matter what our economic situation may be during the healthy years of our lives, none of us can predict what the situation may be at that stage of our lives when we reach the point where none of us knows how we may be able to or whether we will be able to earn a living.

Mr. Chairman, I congratulate the committee on doing as good a job as they could under the circumstances, faced as we are with the problems that are now so overwhelming in this country of ours. I think they could have gone much further in another day under different circumstances.

I hope and pray I shall be a Member of this body in a few years to come, if the Lord spares me and my people let me come back, so that I may do what little I can in helping to make this truly what it started out to be, a hedge against recession; a guaranty against depression.

Mr. Chairman, I sincerely believe that the American people have shown that they approve of the principle of social insurance and that America's social security program should not be allowed to lag but should be greatly improved.

In recent testimony before the House Ways and Means Committee, labor spokesmen called for improvements in the unemployment compensation system, in greatly improving old-age retirement benefits, and in establishing health provisions under which hospital and surgical services would be provided for those eligible for old-age and survivors insurance benefits.

In voicing support for an increased benefit bill, I reaffirm my longstanding position of endorsing social-security laws which will provide more adequate payments for old-age benefits, total disability, temporary disablity, and cost of medical aid. Present old-age and survivors insurance benefits are inadequate to meet the needs of insured aged persons and their dependents and of the survivors of deceased insured persons.

To meet the costs of hospitalization, surgical, and nursing-home costs, these older citizens are forced to apply for public assistance. Many hospitals are constantly confronted with serious financial difficulties resulting from unpaid services furnished to these individuals.

The Forand bill faces up to these problems. It would set up a new type of program designed to provide those persons who are eligible for OASI benefits with insurance protection against the cost of hospitalization, subsequent skilled nursing-home care, and surgical services.

While some organizations have asserted that the so-called voluntary approach to our health problems is operating sufficiently well, medical and hospital authorities themselves have shown the contrary to be true.

There is need to move forward in the whole area of social security legislation. This need was evident long before the current recession. The Nation has paused too long in the march toward greater security for its citizens. While great economic strides have been made in the past 20 years, there is a long distance to go before poverty, want, deprivation, and needless suffering have been alleviated, and finally eliminated from the land.

I am positive that never again will the American people return to the philosophy of the soup line and, that instead, they want improvements in social-security programs all along the line. Improvements in unemployment compensation, in old-age pensions, in hospitalization for those who have retired, and more generous public assistance are areas in which Congress should act.

The vast majority of my constituency strongly support improvements in the social-security programs specifically supporting the Forand bill introduced this session of Congress. The improved benefits would be financed by a one-half percent increase in contributions both by employers and employees.

A review of the conditions of the beneficiaries receiving retirement benefits shows conclusively that in this phase of social security there is a compelling need for upward revisions.

The following breakdown and facts give a clear picture of the situation.

SOCIAL SECURITY RETIREMENT INCOME

Half of the retired couples receiving social-security benefits had a total income of $2,190 or more last year—$183 a month—and half had less than that amount, a new study indicated today. One-fourth of the couples had total money income of less than $1,500, and the highest fourth received income of more than $3,250.

The Social Security Administration reported these and other preliminary findings from a nationwide survey of about 5,000 people, a cross section of the 11 million people now receiving old-age and survivors insurance.

Not counting OASI benefits, 19 percent of the retired couples had outside income of more than $900; 32 percent had additional income of $1,500 or more; and 13 percent had additional income of $3,000 or more. This additional income included funds from employment, private pensions, dividends and annuities, public assistance, and other sources.

Figuring only the independent retirement income that could be expected to continue through future years, half the retired couples had more and half had less than $180 for the year besides their social security benefits. Independent retirement income includes employer and union pensions, veterans payments, income from trust funds and other annuities, rents, interest, and dividends. The lowest fourth had no income in addition to social-security benefits, and the highest fourth had $920 or more.

Widowed mothers and children getting survivors insurance benefits also were covered by the survey. Half of these family groups had more and half had less than $2,830 income during the survey year. Outside their OASI benefits, the median income of the widowed mothers with children was $1,300.

In the face of the foregoing statistics, the increased living costs mean greater hardships to this great number of citizens who must depend upon Congressional action for any relief in their financial status.

While millions are unemployed during one of the century's greatest business slumps, inflation continues to rob the worker's pay envelope. Recording this, the Consumer Price Index edged up slightly in May to 123.6, setting a new record.

What does this mean to the average worker?

The Consumer Price Index is the Government's barometer of inflation, measuring monthly changes in the cost of living due to fluctuations in the prices of goods and services.

A figure of 123.6 means that since the base period of 1947–49 the dollar's purchasing power has dwindled to the point where the worker today pays $1.236 for something that cost $1 then. This continuing inflation has robbed the consumer of 3.3 cents out of each dollar he

spends, as compared with just a year ago.

Ewan Clague, Commissioner of Prices of the United States Department of Labor, in a recent speech spelled out the purpose of the index, how it was arrived at, and its limitations.

The items making up the "market basket" of the Bureau of Labor Statistics are a cross section of the goods and services purchased by their "average" family. Although this family may buy as many as 2,000 different products or services, the sample covers the entire range of family buying.

In figuring the index, field investigators price about 300 different commodities and services. Reports are gathered from 46 cities, ranging from a dozen of the largest with over a million population each to some small towns with a population as low as 2,500.

Prices reported to the Bureau of Labor Statistics are carefully verified so that retail price levels are not misrepresented. The sample includes over 80 foods, apparel of all kinds, rents, home ownership costs, reading and recreation, personal care, and so forth. Some of these items are commodities; others are services. Some are perishable; some are durable and last for years. The very comprehensiveness of the index practically insures that many of the price movements within it will counterbalance and offset each other.

Take services first. These include items of personal care, such as haircuts and permanents; streetcar fares; recreation items such as movies; doctors' fees and hospital costs; gas and electricity rates, and so forth. These services make up nearly one-third of the index.

Let us move to foods next. These constitute roughly 30 percent of the index, somewhat less than one-third. However, they are as a group the fastest movers in the index. This is due in part to the seasonality of many food products.

The remainder of the index consists of commodities other than foods, that is, soft goods and durables. Soft goods are such items as clothing, shoes, house furnishings, household supplies, gasoline, and so forth. These have a weight of somewhat more than 20 percent of the total index, and the group as a whole ordinarily shows the influence of the spring and fall seasons in apparel prices.

The durable-goods group consists of automobiles—new and used—furniture, household appliances, TV and radios, and so forth. All of these combined make up about one-seventh of the whole index, or 14 percent. This group also has a strong seasonal element, usually toward the end of the year when the new models are introduced.

Clague explained:

> The index is based on average prices in the areas that are surveyed. It is possible for a careful shopper to keep her own cost of living down by discriminating and shrewd buying. But prices are high because somebody is buying, and the Consumer Price Index is designed to show the prices as they exist.

Clague cautioned that the index is not designed to measure the complete cost of living of the wage earner. Stating, "It used to be called a cost-of-living index, but we changed its name because it was misunderstood," he went on to say that a family's cost of living may be increased in a number of ways other than an increase in prices.

A family can decide to raise its standard of living by purchasing a home instead of renting, or by shifting from a lower priced model car to a higher one. The Consumer Price Index is not designed to measure a rise in the standard of living. Clague said:

> Our objective is to measure as carefully and precisely as possible one factor in the cost of living, namely, changes in prices.

One wonders what would happen to this country's economy if the 11 million citizens now receiving social-security payments were suddenly removed from the protection of this law.

You can only guess at the number of unemployed who would be added to the unemployed rolls if the better than $9 billion of benefits paid to these 11 million citizens was withdrawn from the market places.

As one who was a young married man in the last great depression I know the heartaches and misery that loss of income can produce. I shudder to think of the catastrophe that would come about if we suddenly reverted to the "no social legislation" days.

The very persons who were and in some cases still are the severest critics of social security legislation are today dependent upon the benefits paid to the 11 million recipients of the $9 billion annually for staying in business, especially so, the Main Street merchants.

I believe, however, that in the main, the vast majority of the American people have a deep appreciation of the value of this legislation for the welfare of the entire community.

Every Member of Congress should give very serious consideration to a real, serious, upward revamping of all of the phases of our social security laws.

I, for one, believe, this bill to be very inadequate and only a stopgap amendment. The increases are inadequate, insufficient, and unrealistic in the face of the need. The people of this Nation deserve a more considerate action from Congress and I predict that this subject will be a major issue in the next session of Congress.

In the next session I shall continue my fight for upward revisions in benefit payments, a reduction of the retirement age limit, hospitalization and medical care, and a more realistic base for allowances under the law, in every category.

I appreciate the tolerance of the House and the consideration given me by the chairman of the committee, the gentleman from Arkansas, Mr. WILBUR MILLS.

Mr. REED. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Chairman, I have always taken the firm position that the purpose of our social-security system is to further the social, economic, and psychological well-being of our people in such a way that consideration is given to their individual capacities and their basic needs. To this end, I appeared before the Ways and Means Committee on June 19, 1958, to urge, in particular, the following improvements in the system:

First. An increase in the amount of all monthly benefits of 10 percent to bring them in line with the increase in the cost of living which has occurred since benefit amounts were last increased in 1954.

Second. Increase the present minimum benefit from $30 to $50 per month to bring it more in line with the economic realities of our time.

Third. Increase the wage base for benefit and tax purposes from the present $4,200 to $6,000.

Fourth. Eliminate the age limit for total and permanent disability cash benefits, which now makes payment only to people who are age 50 or over.

Fifth. Remove the so-called work clause for persons over retirement age so that the people who must supplement their meager social-security payments with earnings will not lose benefits.

Sixth. Lower the retirement age to 60 for men and to age 55 for women, paying full benefits at those ages, thus doing away with the present practice of paying actuarially reduced benefits to wives and women workers who retire at age 62.

Mr. Chairman, I am glad to see that the committee did recognize the fact that some benefit increase should be made because of the steady rise in the cost of living. But I submit that this increase is not nearly large enough to make any real improvement in the status of the almost 12 million Americans who are now dependent upon social-security benefits.

My proposal, to make an across-the-board increase of 10 percent in benefits, will afford to the great bulk of our senior citizens the same consideration which this Congress has already given to our retired civil-service employees, and to our Federal employees. The Ways and Means Committee Report itself points out that a survey of beneficiaries made by the Department of Health, Education, and Welfare in December 1957 showed that for most beneficiaries old-age and survivors insurance benefits constitute the major source of income, and that 60 percent of the married couples on the benefit rolls had less than $1,200 in outside income. When we consider that the average social-security benefit is now around $65 per month—or $780 a year—it is hard for me to understand how this Congress can quibble as to the appropriate benefit increase at the expense of our older men and women. I am firmly convinced, therefore, that the 7 percent committee figure should be increased to at least 10 percent.

I trust and hope that the committee will of its own initiative accomplish that purpose here today.

Moreover, I am also very much disappointed that the Ways and Means Committee increased the minimum benefit by only $3 to bring it from $30 to $33 a month. This is a shameful increase which I feel is unfair and inequitable to those millions of people who are receiving this minimum amount.

According to the annual statistics presented by the Social Security Administration for last year, 16 percent of people receiving full benefits, or about 1 in 6, are receiving this minimum benefit. It is obvious to me that a meager $3 increase per month is hardly more than a token gesture toward helping to meet the basic needs of these people. It is shocking that in these times of high living costs and in this country of great wealth, we are telling our people they must live on benefits as little as $33 per month. My proposal of a $50 minimum payment seems more in line with our high cost economy.

Mr. Chairman, further, I was disappointed over the fact that the wage base, for tax and benefit purposes, was only increased from $4,200 to $4,800, rather than to the $6,000 figure proposed in my bill and in the bills introduced by many other Members of this body. By raising the wage base substantially to $6,000, we would come much closer to the original act's intention of a reasonable relation between retirement income and wages just prior to retirement. This is an important way of achieving my goal of furthering the social, economic, and psychological well-being of people in retirement.

Mr. Chairman, this bill takes a very tiny step in the right direction by slightly modifying the present work clause so that more earnings are allowed in certain very limited circumstances. Again I must say that this tiny liberalization is going to make little difference in the effect of a provision which is so inequitable that the only way to remedy the situation is to remove it entirely.

Finally, I must say that I am very much distressed and disappointed over the fact that the bill makes no move toward lowering the eligibility age for retirement.

Mr. Chairman, I intend to vote for this bill because it is better than nothing. But I serve notice here and now that I intend to continue my fight to make meaningful improvements in this plan which is crucial to so many Americans who look to us in Congress to strengthen and liberalize our social security system.

Mr. MILLS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just want to call attention to the fact that we did not include all of the many laudable provisions discussed by the gentleman from New York in the bill that we present to you today because the cost of that program would be an additional 4 or 5 percent of the payroll, so I am informed. That would mean a combined rate of taxation of either 13 or 14 percent. The committee did not believe that the House would want to go that high at this time with respect to the overall tax rate.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield.

Mr. SANTANGELO. Would the chairman of the Ways and Means Committee advise me as to what position the committee has taken in the matter of computing salaries of service employees who receive tips?

Mr. MILLS. The gentleman from New York called this matter to the attention of the committee in his appearance before the committee. The gentleman from New York [Mr. REED], was likewise interested in the matter and had a bill on certain phases of it.

While the committee went fully into this and made a sincere effort to develop what we could consider a satisfactory way of handling tips for the purpose of taxation, we did not find a solution of the problem that was satisfactory to the committee. We suggested that this matter be further studied by the Department of Health, Education, and Welfare, and by the Social Security Administration, as well as the Treasury officials. This is evidenced by language in the report. Those officials are to report back to us at a later date as to some method of handling this problem so that these people can get credit under social security for the amount of compensation they received in the form of tips.

Mr. SANTANGELO. We can conclude, therefore, that the omission to provide for these service employees does not indicate an intention on the part of the committee to disregard them?

Mr. MILLS. No. Just the reverse is true, because in our report we mention the fact that we want a plan developed and submitted to us that will enable us to do that.

Mr. SANTANGELO. I thank the gentleman.

Mr. FINO. Mr. Chairman, in answer to the gentleman from Arkansas may I say this: I realize and appreciate the fact that in order to liberalize, humanize, and improve our social-security system we must increase the social security tax. I am sure that the American people will be most willing to pay an increase in this kind of tax because this is one tax which would establish a right to direct future benefits to the worker himself and to his family. In a sense, it is an investment which will pay off in the future at a time when earnings cease by reason of retirement. In making such increased tax payments, the workers of America become, in effect, the "stockholders" in the social-security system.

Mr. REED. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time to congratulate the chairman of the Committee on Ways and Means for the very dignified, able, and effective way in which he has handled this bill on the floor of the House today. Moreover, I wish to congratulate all those who have spoken on the bill. In my opinion, this has been one of the best and most enlightening debates I have heard in Congress in many years. I congratulate all of the Members who have participated.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, the direction of the 1958 amendments to the Social Security Act is unquestionably the right direction. Because the reforms and liberalizations which the bill would make are desperately needed, and because as a practical matter these reforms are the limit of the progress that can be made in this session of Congress, the bill has my support and my vote.

Indeed, some of its provisions, such as those which would affect dependents and secondary beneficiaries, have my enthusiastic endorsement. They attest to the committee's genuine concern for the welfare of some of those whose hardship may present a problem that is minor in its scope, but that is enormous for those relatively few individuals who must somehow exist despite it. Considering the pressures of time and other vital legislation that the Ways and Means Committee must handle, the small voice might well not be heard. It is good to know that it is, and I sincerely hope that the other body sees fit to retain these amendments.

The significant amount of attention which has clearly been given the disability section of the act is commendable, in that it recognizes some of the inequities which were built into the ultraconservative program established by the 1956 amendments. Notable among the revisions in this section and one which is most gratifying to me, since it embodies an important part of my bill, H. R. 9836, is that which removes the requirement that a beneficiary be currently insured in order to qualify for disability payments. In loosening some of the overly strict requirements, the committee has taken a meaningful step forward—but it is a small step.

In all its phases, the bill is unfortunately tentative and conservative. Everywhere the committee report recognizes the statistical and human justification for liberal revision—and falls short of fully implementing its own conclusions. It points out that prices have risen 8 percent since the last benefit increase in 1954 and wages have increased 12 percent, yet it provides only a 7-percent increase in benefits. Prices certainly show no sign of taking a downward turn, nor do wages. Both will continue to rise in the period during which the 7-percent increase would be in force, and in that period social-security beneficiaries will continue to see the gap widen between their benefits and the cost of living, and between their static income and the rising, flexible incomes of their employed neighbors.

If the cost of living is to be invoked as justification for a benefit increase, surely reason and justice dictate that if we cannot provide an increase large enough to get a little ahead of the cost of living spiral, we should at least provide one large enough to catch up with it.

The old, the disabled, do not relate their benefit checks to the actuarial balance of the old-age and survivors insurance fund when they are trying to stretch that check to cover the basic necessities of life. They see instead the Federal concern for countless other vigorous, powerful segments of the society and they feel helpless, as they largely are. How can we expect them to accept as fair a partial remedy, when they see a 10-percent pay raise go to Government workers, subsidies for farmers, and see our economic aid feed the poor and hungry all over the world? The rightness of our action in these other areas

is neither justification nor excuse, nor in the final analysis is our persistent obeisance to that sacred cow of our social welfare programs—the present financing system.

Since the system that we have must be made to work until a better one can be evolved—as I sincerely hope it will be—I am happy, and even relieved, to know that this bill will put it in actuarial balance. But I am constrained to point out what surely seems to me to be needless conservatism in the bill. Again referring to the report, in its explanation of the wage base increase of $600 the committee notes first the necessity for maintaining the wage-related character of the system. It then goes on to point out the steadily decreasing percent of workers who have had their full wages credited toward benefits. In 1950, 64 percent had their entire wages credited under the $3,600 wage base of that year. In 1954, the figure had dropped to 56 percent under the $4,200 base and in 1957 only 43 percent had all their wages credited.

Since the wage base is a plus cost item, a certain consistency is indicated. Not only are the benefits or moneys paid out approached conservatively, but the opportunity to make money is also conservatively out of kilter with the fact of higher wages, taking up again only 13 percent of the total 21 percent of workers lost since 1950.

I am not nearly as concerned with upholding a tradition of relating wages to the system, as I am with the practical consideration that a higher wage base than the one presented will mean greater income to the system and thus an opportunity to raise benefits, even if slightly. I am sure that the committee has examined the implications of a higher wage base very carefully. Since I am not an actuarial expert, I would very much appreciate having the record show the amount of money which would be made available by raising the base to $6,000—a figure which does not appear to me to be an unrealistic one.

Even more important than the amendments to title II of the act—if this is possible—are the changes that are made with respect to the public assistance titles. Here omissions stand out as clearly as the revisions that are made.

Mr. Chairman, California has a very particular interest in this section of the act. My State has 266,151 old-age assistance recipients—more than any other State. Largely an urban group, many are in my district in Los Angeles. Their problems are close to me, and I appreciate those problems. These are the people who are most needy, and California has consistently and progressively recognized that fact with average monthly payments to recipients of $84.12, including medical payments. Advanced as I believe California to be, there are five States whose average monthly payments are greater. Yet under the formula in this bill, California stands to gain only a $1.66 monthly increase per recipient in a field that ranges to an increase of $11.41. Only Mississippi, with an increase of 47 cents, is lower.

Some 40 percent of old-age and survivors insurance beneficiaries in California must supplement their income with old-age-assistance payments. Their total income can be no more than the State old-age-assistance amount. In this group all of their OASI income must be deducted from their public-assistance payment, leaving for them just the $1.66 increase allotted to California. Very objectively, this seems to be a clearly inequitable situation.

Many of us watched the fate of Senator LONG's amendment to H. R. 12065 earlier in this session with a sense of frustration and despair. His proposal would have had the Federal Government continue to pay $24 of the first $30 paid to old-age-assistance recipients, then two-thirds of the amount up to $45, and, finally, half of the amount up to a new ceiling of $70. Had it been enacted, the amendment, in my opinion, would have aided the States materially, and would have afforded important incentive to them to take advantage of available Federal funds by raising their own payments.

In addition to the significantly more liberal formula, Senator LONG's proposal differed from the one before us today in that it did not relate the Federal contribution to per capita income. While the committee's objective, to more nearly standardize old-age-assistance payments throughout the country, is a desirable one, I cannot concede that the imposed standardization which the bill provides is the best approach, or even really necessary. I do not believe that there is a single State which would not respond to the incentive factor which is implicit in the Long formula. The effect of this measure, on the other hand, appears almost punitive as it affects California. I submit that if the Federal contribution is based purely on the potential of States to spend money without considering the actual performance of a State, then those middle- and upper-income States which might otherwise work toward more liberal State payments would tend to be discouraged from doing so, failing the incentive of increased Federal contribution.

The new ceiling is not yet high enough at $66, particularly when the fact that medical-care payments are included in the figure, rather than considered separately.

Omitted from this bill entirely and tragically is any reference to the manner in which the public-assistance titles are administered. A major purpose of the Humanitarian and Old-Age Rights Act, which I introduced with more than 60 colleagues in both bodies, is to establish uniform standards for fair administration of public assistance in order to assure that the dignity of each recipient will be held inviolate. It is indeed a sad commentary that Congress appears willing to accept its fiscal responsibility, but not this less tangible, but nonetheless meaningful, responsibility.

Mr. Chairman, a number of my comments have been directed toward aspects of this bill which I have felt were inadequate, or should be comprehensively studied. Surely, it cannot be denied that social-security legislation is on an order of magnitude that deserves more than the time and attention which the Ways and Means Committee was unavoidably, but regrettably, able to give it. The only answer to the question of what to do about areas of the act which were neglected in this bill, and the only way to meet the continuing responsibility which social-security legislation presents is to establish a subcommittee of the Ways and Means Committee for the express purpose of taking jurisdiction over all the titles of the Social Security Act.

Only today I received a letter from Mr. George McLain, president of the National Institute of Social Welfare, urging that a subcommittee or special investigating committee be authorized to handle social security. Mr. McLain's letter states the problem well, and I quote it, as follows:

NATIONAL INSTITUTE OF SOCIAL WELFARE,
Washington, D. C., July 30, 1958.

MEMBER OF CONGRESS,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: Another Congress is about to adjourn. Again the aged and needy, under the public-assistance section of our Social Security Act, have been handed the crumbs.

For the 23d year the Ways and Means Committee has been too busy to assess the plight of these citizens. I'm not blaming them as individuals, for I know the tremendous burden the committee carries. But, the fact remains that for the 23d year they have been unable to move off Capitol Hill, to find out how our needy people are being treated under the public-assistance program.

They've heard governors. They've heard professional social workers. They've heard economics and statistical experts. They've heard pressure groups for and against. But, in 23 years, they've never gone into any of the 48 States and asked the old-age pensioner "What are your problems?"

Every Member of Congress must defend the committee's action (or lack of it). How do they do it? How do they answer an elderly person's plea for humane treatment? How do they explain that Congress has plenty of time with its committees and subcommittees to go into the field and look into the plight of the farmers, small business, big business, veterans, foreign aid recipients, public power projects, railroads, airlines, shipping companies—you name it. Yet, they haven't had time in 23 years to move out of Washington to hear the story of the old folks.

The ever-increasing population of elderly citizens 60 years and over, now in the 20-million bracket, deserves and demands that Congress should set up a subcommittee, a subcommittee to give thorough and continuing attention to this pressing problem. This can be done either through a subcommittee under Ways and Means; or through a special investigating committee established by Congress. There isn't a legitimate reason why a committee of this kind, so urgently needed, should not be established.

Congress is concerned with crime investigations, un-American activities investigations, racketeer investigations. Well, sir, I say it's a real crime the way our elderly and needy are being neglected. It's high time we had an investigation.

Sincerely,

GEORGE MCLAIN, *President.*

Mr. McLain's letter points basically, I think, to the lack of attention that has been given the human problems involved. These problems are going to become more urgent, not less urgent.

It is important to note that other countries, particularly the most peaceful and

prosperous countries of Scandinavia, have found the time to adopt seemingly more workable and practical solutions. Certainly, in a democracy which must stand before the world as being interested primarily in the welfare of people as human beings, it is high time that we took strong steps to meet each and every one of the frankly acknowledged deficiencies in our present system.

I shall, if reelected to the 86th Congress, renew my efforts and press with the utmost vigor for proposed legislation to accomplish these purposes.

We have made some progress this year—small and inadequate though it is. Next year the effort must be renewed and we must hope that the voters in every walk of life will be vocal in their demands upon those seeking their support in the November elections.

Mr. MILLS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this occasion to again thank the members of the Committee on Ways and Means and the many technicians who worked with us many hours in the preparation of this bill. As I said earlier today, the Committee on Ways and Means proceeded with this matter in a bipartisan, nonpolitical way. And I want to pay a special tribute to my very good friend the gentleman from New York [Mr. REED] for joining with me in the introduction of this legislation, which is a committee bill. I know that the very difficult task that fell upon me as chairman of the committee has been made much easier this year because of the very fine cooperation that I have received from the gentleman from New York and all the members of the Committee on Ways and Means.

Mr. MORANO. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. MILLS. Will the gentleman withhold that a moment?

Mr. MORANO. Yes.

Mr. MILLS. It is my purpose when we get into the House—and we are almost at that point—to ask for a vote on final passage of the bill. We are almost at the point of rising.

Mr. MORANO. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-three Members are present, a quorum.

Mr. MILLS. Mr. Chairman, there are no further requests for time under general debate.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, we have eight clerical, technical, and conforming amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, in view of the fact that some of these amendments are lengthy, I ask unanimous consent that they may be considered as read and printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendments are as follows:

Committee amendment: Page 10, at the end of line 13, insert "or."

Committee amendment: Page 29, line 23, after "enactment" insert "if the applicant has not died prior to such date of enactment and."

Committee amendment: Page 45, line 1, strike out "subsection (d)," and insert "section 223 (a) or subsection (d) of this section," and on page 45, strike out lines 5 and 6, and insert "section 223 (a) or subsection (d) of this section unless (i) he ceases to be so entitled by reason of his death or (ii) in the case of an individual who was entitled to benefits under section 223 (a), he is entitled, for the month following such last month, to benefits under subsection (a) of this section."

Committee amendment: Page 54, line 1, after "State," insert "or an instrumentality of two or more States."

Committee amendment: Page 82, line 11, strike out "system," and insert "system and (i) are members of such fund or system, or (ii) are not members of such fund or system but are eligible to become members thereof."

Committee amendment: Page 82, after line 22, insert:

"(F) An organization which filed a certificate under this subsection after 1955 but prior to the enactment of this subparagraph may file a request at any time before 1960 to have such certificate effective, with respect to the service of individuals who concurred in the filing of such certificate (initially or through the filing of a supplemental list) prior to enactment of this subparagraph and who concur in the filing of such new request, for the period beginning with the first day of any calendar quarter preceding the first calendar quarter for which it was effective and following the last calendar quarter of 1955. Such request shall be filed with such official and in such form and manner as may be prescribed by regulations made under this chapter. If a request is filed pursuant to this subparagraph—

"(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for any calendar quarter resulting from the filing of such request shall be the last day of the calendar month following the calendar quarter in which the request is filed; and

"(ii) the statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date."

And on page 82, line 23, strike out "(F)" and insert "(G)."

Committee amendment: Page 102, lines 9 and 10, strike out "until July 1, 1959." and insert "for each of the 3 fiscal years in the period ending June 30, 1961."

Committee amendment: Page 106, after line 23, insert:

"AMENDMENT PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

"SEC. 704. Section 1 (q) of the Railroad Retirement Act of 1937, as amended, is amended by striking out '1957' and inserting in lieu thereof '1958'."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ELLIOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 13549) to increase benefits under the Federal old-age, survivors, and disability insurance system, to improve the actuarial status of the trust funds of such system, and otherwise improve such system; to amend the public assistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes pursuant to House Resolution 653, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The committee amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 374, nays 2, not voting 54, as follows:

[Roll No. 149]

YEAS—374

Abbitt	Brooks, Tex.	Dennison
Abernethy	Broomfield	Dent
Adair	Brown, Ga.	Denton
Addonizio	Brown, Mo.	Derounian
Albert	Brown, Ohio	Devereux
Allen, Calif.	Brownson	Dingell
Allen, Ill.	Broyhill	Dixon
Andersen, H. Carl	Budge	Dollinger
Anderson, Mont.	Burleson	Donohue
Andrews	Bush	Dooley
Anfuso	Byrd	Dorn, N. Y.
Arends	Byrne, Ill.	Dorn, S. C.
Ashley	Byrne, Pa.	Dowdy
Ashmore	Byrnes, Wis.	Doyle
Aspinall	Canfield	Durham
Auchincloss	Cannon	Dwyer
Avery	Carrigg	Edmondson
Ayres	Cederberg	Elliott
Bailey	Celler	Engle
Baker	Chamberlain	Everett
Baldwin	Chelf	Evins
Barrett	Chenoweth	Fallon
Bass, N. H.	Chiperfield	Farbstein
Bates	Church	Fascell
Baumhart	Clark	Fenton
Beamer	Clevenger	Fino
Becker	Coad	Fisher
Beckworth	Coffin	Flood
Belcher	Collier	Flynt
Bennett, Fla.	Colmer	Fogarty
Bennett, Mich.	Cooley	Forand
Bentley	Corbett	Ford
Berry	Coudert	Forrester
Betts	Cramer	Fountain
Blatnik	Cretella	Frazier
Blitch	Cunningham, Iowa	Frelinghuysen
Boland	Cunningham, Nebr.	Fulton
Bolling	Curtin	Garmatz
Bolton	Curtis, Mass.	Gary
Bosch	Curtis, Mo.	Gathings
Bow	Dague	Gavin
Boykin	Davis, Ga.	George
Boyle	Dawson, Ill.	Glenn
Bray	Dawson, Utah	Granahan
Breeding	Delaney	Grant
Brooks, La.	Dellay	Gray
		Green, Oreg.
		Green, Pa.

Gregory	McMillan	Rodino
Griffin	McVey	Rogers, Colo.
Griffiths	Macdonald	Rogers, Fla.
Gross	Machrowicz	Rogers, Mass.
Gubser	Mack, Ill.	Rogers, Tex.
Hagen	Mack, Wash.	Rooney
Hale	Madden	Roosevelt
Haley	Magnuson	Rutherford
Halleck	Mahon	Santangelo
Harden	Mailliard	Saund
Hardy	Martin	Saylor
Harris	Matthews	Schenck
Harrison, Nebr.	May	Schwengel
Harrison, Va.	Meader	Scott, N. C.
Harvey	Merrow	Scott, Pa.
Haskell	Metcalf	Scudder
Hays, Ohio	Miller, Calif.	Seely-Brown
Healey	Miller, Md.	Selden
Hebert	Miller, Nebr.	Sheehan
Hemphill	Miller, N. Y.	Shelley
Henderson	Mills	Sheppard
Herlong	Minshall	Sikes
Heselton	Mitchell	Siler
Hess	Montoya	Simpson, Ill.
Hiestand	Moore	Simpson, Pa.
Hill	Morano	Sisk
Hoeven	Morgan	Smith, Calif.
Holifield	Morrison	Smith, Miss.
Holland	Moss	Smith, Va.
Holmes	Moulder	Spence
Holt	Multer	Springer
Holtzman	Mumma	Staggers
Horan	Murray	Stauffer
Hosmer	Natcher	Steed
Huddleston	Neal	Sullivan
Hull	Nicholson	Taber
Hyde	Nimtz	Teague, Calif.
Ikard	Nix	Teague, Tex.
Jarman	Norblad	Teller
Jennings	Norrell	Tewes
Jensen	O'Brien, Ill.	Thomas
Johansen	O'Brien, N. Y.	Thompson, La.
Johnson	O'Hara, Ill.	Thompson, N. J.
Jonas	O'Hara, Minn.	Thompson, Tex.
Jones, Ala.	O'Konski	Thomson, Wyo.
Judd	O'Neill	Thornberry
Karsten	Osmers	Udall
Kean	Ostertag	Ullman
Kearney	Passman	Vanik
Kearns	Patman	Van Pelt
Kee	Patterson	Van Zandt
Kelly, N. Y.	Pelly	Vinson
Keogh	Perkins	Vorys
Kilburn	Pfost	Vursell
Kilday	Philbin	Wainwright
Kilgore	Pilcher	Walter
King	Pillion	Watts
Kirwan	Poff	Weaver
Kitchin	Polk	Westland
Kluczynski	Porter	Wharton
Knox	Price	Whitener
Knutson	Prouty	Whitten
Lafore	Quie	Widnall
Laird	Rabaut	Wier
Lane	Rains	Wigglesworth
Lankford	Ray	Williams, Miss.
Latham	Reece, Tenn.	Williams, N. Y.
LeCompte	Reed	Wilson, Calif.
Lennon	Rees, Kans.	Wilson, Ind.
Libonati	Reuss	Winstead
Lipscomb	Rhodes, Ariz.	Withrow
McCormack	Rhodes, Pa.	Wolverton
McCulloch	Riehlman	Wright
McDonough	Riley	Yates
McFall	Rivers	Young
McGovern	Roberts	Younger
McGregor	Robison, N. Y.	Zablocki
McIntosh	Robsion, Ky.	Zelenko

NAYS—2

Alger Mason

NOT VOTING—54

Alexander	Hays, Ark.	Powell
Barden	Hillings	Preston
Baring	Hoffman	Radwan
Bass, Tenn.	Jackson	Robeson, Va.
Boggs	James	Sadlak
Bonner	Jenkins	St. George
Buckley	Jones, Mo.	Scherer
Burdick	Keating	Scrivner
Carnahan	Krueger	Shuford
Christopher	Landrum	Sieminski
Davis, Tenn.	Lesinski	Smith, Kans.
Dies	Loser	Talle
Diggs	McCarthy	Taylor
Eberharter	McIntire	Tollefson
Feighan	Marshall	Trimble
Friedel	Michel	Tuck
Gordon	Morris	Utt
Gwinn	Poage	Willis

So the bill was passed.

The Clerk announced the following pairs:

Mr. Eberharter with Mr. Hillings.
Mr. Buckley with Mr. James.
Mr. Marshall with Mr. Keating.
Mr. McCarthy with Mr. Scherer.
Mr. Baring with Mr. Sadlak.
Mr. Hays of Arkansas with Mr. McIntire.
Mr. Trimble with Mr. Radwan.
Mr. Lesinski with Mr. Gwinn.
Mr. Preston with Mr. Hoffman.
Mr. Landrum with Mr. Jackson.
Mr. Sieminski with Mr. Krueger.
Mr. Boggs with Mr. Taylor.
Mr. Carnahan with Mr. Smith of Kansas.
Mr. Friedel with Mr. Jenkins.
Mr. Loser with Mr. Burdick.
Mr. Willis with Mr. Michel.
Mr. Christopher with Mrs. St. George.
Mr. Diggs with Mr. Utt.
Mr. Alexander with Mr. Talle.
Mr. Bonner with Mr. Tollefson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SOCIAL SECURITY

Mr. BENNETT of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENNETT of Michigan. Mr. Speaker, I voted for the social security bill which just passed the House. It provides a number of worthwhile improvements over existing law, as well as a modest increase in pensions. But I emphasize, Mr. Speaker, that the bill fails to rectify many of the serious inequities and injustices which exist under the present law insofar as they affect several millions of our citizens who are eligible for these benefits.

The modest increases provided by this bill will do little to alleviate the hardship and suffering of many whose pensions at this moment are hardly enough to keep body and soul together. Moreover, the bill does nothing to liberalize the disability provisions of the act which have been so strictly construed that several hundred thousand workers who are unable to carry on any gainful occupation have been deprived of these benefits. I had hoped that the committee would adopt the provisions of my bill, which had seven principal points as follows:

First. Reduce the retirement age to 62—now 65—for men and to 60—now 62—for women, paying full benefits at these ages, thus eliminating the present reduced benefits for wives and women workers who elect to apply at age 62. An additional one-half million women and three quarters of a million men could immediately draw benefits as a result.

Second. Make widows eligible at age 50—now 62—primarily so that widowed mothers who have remained in the home to care for their children can qualify for benefits at an earlier age.

Third. Raise the minimum benefit from $30 to $50 to help reduce the need for supplementation of social-security benefits through the "needs test" public-assistance programs. Some 3¼ million people will be affected by this change.

Fourth. Increase present benefits on a graduated scale from around 20 percent for people with the lowest amounts to around 10 percent for those receiving the maximum benefit.

Fifth. Add a program which will provide for the costs of hospitalization, surgery, and nursing home care for the retired worker and his wife, whose total family income—including social-security benefits—is under $2,400 a year.

Sixth. Raise the wage base for tax and benefit purposes from $4,200 to $6,000 per year.

Seventh. Liberalize the definition of total and permanent disability and the qualifying period in present law so more people can qualify for benefits under this program.

The adoption of the foregoing provisions would provide a more equitable and realistic solution to the problems of those whose livelihood depends upon this law.

SOCIAL SECURITY

Mr. ALGER. Mr. Speaker, I am opposed to the social-security program in this bill for a simple reason, after studying the bill and report, and listening to the debate. We are still charging the deficit of higher payout versus lower tax income to the future, our children, instead of making this program actuarily sound, "pay as you go." As the chairman of the Ways and Means Committee stated, even under this bill the program is out of balance by 0.2 of 1 percent of payroll, which will amount to billions. True this reduces the imbalance of 1954–56 of 0.57 percent, yet this latter figure is quite significant, inasmuch as the actuaries at that time said that the program was actuarily sound. It is still greatly out of balance. Not only are we paying out more than taking in under the past and this present bill, but there are $21 billion of Federal I O U's on hand, so that the payout now is out of the Treasury. In addition, the chairman estimated the deficit for payment of the present retirees is $65 billion. Since this deficit accompanies the 12 million present recipients, what will the deficit be for the 75 million additional individuals now paying into the social-security program expecting later benefits? Certainly, present recipients want larger payments, but is it fiscal soundness to

increase payments under this bill in view of the heavy deficit?

True, compliments can be extended the committee for making an effort to correct a bad situation, and this is a complicated and controversial matter, but the step in the right direction is too little and quite late, in view of the continued actuary unsoundness. Unlike 2 years ago we had hearings and debate accompanying this bill although no amendments permitted.

Another legitimate criticism, it seems to me, is the compulsory tax which may never be returned as payments later. One example, is the loss of payment because of other earnings. It is fine to be humanitarian in being willing to share the risk, but it is wrong to be taxed without receiving this money in later benefits. This jeopardizes the individual's providing for the future. It is particularly faulty when compared to accepted insurance measures under private enterprise, wherein the money is returned. It is difficult to correlate the social security and private insurance programs.

I disapprove also the increased appropriation under section V, relating to public assistance, wherein the Federal Government allocated money to programs which are State and local in character. This amount is now to exceed $2 billion per year.

Necessarily the taxes are being increased in two ways. The base amount to be taxed is raised from $4,200 to $4,800, and the percentage is to be increased reaching 9 percent by 1969. A serious and little recognized danger in the future, as the taxpayer is caught between social security and income taxes, is simply that future generations may vote out the entire social security program, leaving recipients high and dry. This program is squarely in the political arena, and discontented taxpayers can weary of the heavy load. After all, we are transfering the burden to them instead of paying it proportionately now.

My chief concern is the realization that this one program as now conceived can bankrupt this Nation. Many agree that it should be on an sound basis actuarily now, long over due, at that. It is indefensible at this time to increase the payout, election year politics notwithstanding. Our children deserve better of us than this. We should pay our way today as we expect them to pay theirs in their day.

This is stopgap legislation, disregarding the advisory committee findings to be received later this year on which it was intended we should base legislation. The administration recognized the earlier intent of Congress to await those findings, and we should do no less. Otherwise, we will be right back next year to write more social security legislation. This does not seem like good politics to me either. The people, knowing about this advisory committee, will question this expedient legislation.

So this is not to deny the people social security legislation. Simply to put it on a sound, pay-as-we-go basis. The big question is, can our people afford the taxes necessary to establish this sound basis? Or is this robbing present Peter to pay future Paul a bankruptcy proposition. So long as I suspect this is the case I must so label it and call it to the attention of the hard-pressed, expectant taxpayers. Is it possible this program will collapse of its own weight?

Inflation is both the cause and the result of this bill. The payments are increased because of the cost of living increases of inflation, the depreciated value of the dollar. Yet these increased payments will be passed on and be paid by the consumers in the increased cost of goods and services, and so inflation results. The ones who pay most dearly, of course, are those who are not on the social security payroll. Approximately one-third of those over 65 years of age are not, three-fifths of those over 70, and one-half of those over 75.

As I see it, this is the wrong bill, at the wrong time, and so I voted against it.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 2767. An act to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records;

H. R. 9196. An act to authorize the construction of a nuclear-powered icebreaking vessel for operation by the United States Coast Guard, and for other purposes;

H. R. 11805. An act to promote the national defense by authorizing the construction of aeronautical research facilities by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research;

H. R. 12850. An act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes; and

H. R. 13138. An act to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

The message also announced that the Senate agrees 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. 12948) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1959, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to Senate amendment No. 31.

The message also announced that the Senate recedes from its amendment No. 1 to the above-entitled bill.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 25) entitled "An act relating to effective dates of increases in compensation granted to wage board employees," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. NEUBERGER, Mr. YARBOROUGH, Mr. CARLSON, and Mr. MORTON to be the conferees on the part of the Senate.

TERMINATING FEDERAL SUPERVISION OVER KLAMATH INDIAN TRIBE

Mr. ENGLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3051) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing in the alternative for private or Federal acquisition of the part of the tribal forest that must be sold, and for other purposes, with House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HALEY, ASPINALL, UDALL, DAWSON of Utah, and WESTLAND.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

JULY 30, 1958.

Hon. SAM RAYBURN,
The Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State and watershed	Executive Communication No.	Committee approval
Texas:		
Alamo Arroyo	1151	Feb. 25, 1958
Diablo Arroyo	1152	Do.
North Dakota: Elm River	1921	July 1, 1958
Kentucky: Mud River	2043	Do.
New Mexico: Tramperos Creek	2043	Do.
Texas:		
Dry Devils River and Lowrey Draw	2120	July 22, 1958
Upper Lake Fork Creek	2120	July 16, 1958
Montana: Lower Willow Creek	2148	July 22, 1958
Oklahoma: Whitegrass-Waterhole Creek	2148	Do.
Pennsylvania: Little Schuylkill River	2148	Do.

Sincerely yours,
CHARLES A. BUCKLEY,
Chairman, Committee on Public Works.

REGISTRATION AND PROTECTION OF TRADEMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H. R. 8826) to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 7 and 8, strike out "employees of competent legal knowledge as may be designated by the Commissioner" and insert "employees, designated by the Commissioner and whose qualifications have been approved by the Civil Service Commission as being adequate for appointment to the position of examiner in charge of interferences."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN. Mr. Speaker, reserving the right to object, will the gentleman explain this amendment?

Mr. CELLER. This is a minor amendment and provides that the employees which may be designated shall first be cleared by the Civil Service Commission.

Mr. MARTIN. Is that agreeable to our members of the committee?

Mr. CELLER. It is.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

INJURY, DISABILITY, AND DEATH RESULTING FROM WAR-RISK HAZARDS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 12140) to amend the act of December 2, 1942, and the act of August 16, 1941, relating to injury, disability, and death resulting from war-risk hazards and from employment, suffered by employees of contractors of the United States, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 19, after "by" insert "deleting the period at the end of clause (4), inserting the words '; or' in place thereof, and."

Page 2, line 21, strike out "(4)" and insert "(5)."

Page 6, line 5, strike out "(4)" and insert "(5)."

Page 6, line 7, strike out "(5)" and insert "(6)."

Page 7, line 14, strike out "(5)" and insert "(6)."

Page 7, line 24, after "section" insert "or in any work under subparagraph (5) subsection (a) of this section."

Page 8, line 10, strike out "(a)."

Page 10, line 1, after "the" insert "Federal."

Page 10, line 3, strike out "five" and insert "four."

Page 11, strike out line 23 and insert "and section 5 (b) of the act of June 30, 1953 (67 Stat. 134) are repealed."

Page 12, after line 4, insert:

"SEC. 402. The effective date of this act is June 30, 1958. Persons are entitled to the benefits of this act notwithstanding the fact that an injury, disability, or death occurred after June 30, 1958, and before the date of enactment of this act."

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

Mr. MARTIN. Mr. Speaker, reserving the right to object, will the gentleman explain these amendments?

Mr. CELLER. These are minor amendments with the exception of one amendment that I think the gentleman might be interested in and which has been cleared by all Members. It is that the effective date of the act is changed to June 30, 1958, so that anyone entitled to relief could not get it if the event causing the difficulty occurred prior to June 30, 1958.

Mr. MARTIN. It is a unanimous report?

Mr. CELLER. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may sit while the House is in session during general debate during the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROCEEDINGS AGAINST EDWARD YELLIN

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2334).

The Clerk read as follows:

PROCEEDINGS AGAINST EDWARD YELLIN

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING EDWARD YELLIN

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Edward Yellin, 150 Woodland, Fort Collins, Colo. The said subpena directed Edward Yellin to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on February 10, 1958, at 10 a. m. at city council chambers, City Hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served on the said Edward Yellin is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To EDWARD YELLIN, *150 Woodland, Fort Collins, Colo., Greeting:*

"Pursuant to lawful authority, you are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on February 10 (Monday), 1958, at 10 o'clock, a. m., at City Council Chambers, City Hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States Marshal, to serve and return.

"Given under my hand this 21st day of January, in the year of our Lord 1958.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by the United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said United States marshal being endorsed thereon, is set forth in words and figures, as follows:

"SUBPENA FOR EDWARD YELLIN, BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

"I made service of the within subpena by handing to and leaving the original of this subpena, personally, with the within-named Edward Yellin, at 150 Woodland Street, Ft. Collins, Colo., at 3:30 o'clock, p. m., on the 23d day of January 1958.

"Dated January 24, 1958.

"TOM O. KIMBALL,
"U. S. Marshal, District of Colorado.
"By OSCAR A. CRIST,
"Deputy."

The said Edward Yellin, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on February 10, 1958, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Edward Yellin, having appeared as a witness and having been asked the questions, namely:

"Mr. Yellin, where did you reside prior to September 1957?

"Will you tell the committee, please, whether or not incidents came to your attention of the colonization of the steel unions in Gary by the Communist Party at any time prior to September 1957?

"Were you a member of the Communist Party on the 23d of June 1949, which is the date of application filed in your name for employment in Gary?

"Will you tell the committee whether or not in 1957 there were present in any of the steel unions at Gary, Ind., persons who were known to you to have been colonizers of the Communist Party?

"Will you tell the committee what stand the Communist Party took in Gary in any of its units with regard to the acts of the Soviet Union in Hungary in 1956?

"Are you a member of the Communist Party now?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions and, as a result of said Edward Yellin's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said com-

mittee in accordance with the terms of a subpena served upon the said Edward Yellin.

The record of the proceedings before the subcommittee on February 10, 1958, during which Edward Yellin refused to answer the aforesaid questions, pertinent to the subject under inquiry, is set forth in fact as follows:

"MONDAY, FEBRUARY 10, 1958

"UNITED STATES
HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Gary, Ind.

"Public hearing

"A subcommittee of the Committee on Un-American Activities met pursuant to call, at 10 a. m., in the council chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: Representatives FRANCIS E. WALTER, of Pennsylvania, and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"The CHAIRMAN. The subcommittee will come to order.

"Let the record show that, pursuant to law and the rules of this committee, I have appointed a subcommittee for the purpose of conducting these hearings composed of Representatives WILLIAM M. TUCK, of Virginia; GORDON H. SCHERER, of Ohio; and myself as chairman.

"The order of appointment of the subcommittee will be set forth in the record at this point:

"JANUARY 21, 1958.

"To Mr. RICHARD ARENS,
"Staff Director, House Committee on Un-American Activities:

"Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER, and WILLIAM M. TUCK, associate members, and myself, FRANCIS E. WALTER, as chairman, to conduct hearings in Gary, Ind., on Monday and Tuesday, February 10th and 11th, 1958, at 10:00 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"Please make this action a matter of committee record.

"If any member indicates his inability to serve, please notify me.

"Given under my hand this 21st day of January 1958.

"FRANCIS E. WALTER,
"Chairman, Committee on Un-American Activities.

"The CHAIRMAN. The subject and legislative purposes of this hearing are reflected by the following extract taken from the minutes of a meeting of the committee held on January 15, 1958:

"'A motion was made by Mr. SCHERER, seconded by Mr. WILLIS and unanimously carried, approving and authorizing the holding of hearings in Gary, Ind., beginning on the 10th day of February, 1958, or on such other date as the chairman of the committee may determine, and continuing from day to day, and time to time, until the hearings are completed, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated.

"'1. The extent, character, and objects of Communist infiltration and Communist Party propaganda activities in basic industry in the Gary, Ind., area, the legislative purpose being to obtain information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act, of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof, and for the additional legislative purpose of adding to the committee's overall knowledge on the subject, so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense and for internal security when and if the exigencies of the situation require it.

"'2. Execution by administrative agencies concerned of Public Law 637, of the 83d Congress known as the Communist Control Act of 1954, relating to the eligibility to exercise the rights and privileges provided under the National Labor Relations Act of labor organizations determined by the Subversive Activities Control Board to be Communist-infiltrated organizations. The legislative purpose is to assist Congress in appraising the administration of the Communist Control Act of 1954 and to enact such amendments thereto as the exigencies of the situation require.

"'3. Any other matter within the jurisdiction of the committee which it or any subcommittee thereof, appointed to conduct this hearing, may designate.'

"Under the provisions of Public Law 601, 79th Congress, the Congress has placed upon this committee certain legislative and investigative duties and, in addition, the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee. Accordingly, within the framework of this broad jurisdiction and objectives, this subcommittee of the Committee on Un-American Activities is here in Gary for the purpose of receiving testimony concerning Communist techniques and tactics of infiltration and the extent, character, and objects of the Communist Party propaganda activities in basic industries. The importance of this area of inquiry from the standpoint of national security, cannot be overemphasized. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress.

"In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, the various espionage statutes, the Communist Control Act of 1954, and similar laws for the purpose of keeping Congress informed of the manner in which laws are being administered and for the purpose of recommending any needed legislative amendments. This mandate will be carried out at this hearing.

"The committee recently formulated an omnibus security bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration of the numerous provisions of this bill.

"The committee is especially desirous of obtaining additional information for use in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willingly becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof.

"When investigating Communists and Communist activities, this committee frequently has been met with the false and unfounded charge that it is merely seeking headlines; that we are a group of Fascists; that we are engaged in witch-hunting; and the like. Such charges will not dissuade us from our duty. We seek the facts and only the facts. In the conduct of this hearing, we are not interested in any dispute between labor and management, between one union and another union, or with disputes within a union. We propose to ascertain the facts on Communist activity irrespective of the field in which it occurs.

"In the course of the last several hearings of the Committee on Un-American Activities, we have discovered a new technique practiced by Communists for the purpose of disguising their operations. Persons who have been identified by responsible witnesses, under oath, as Communists have themselves denied present technical membership in the Communist Party for the period of time beginning with the announcement of committee hearings. Time and again we have seen instances in which hardcore leaders of the conspiracy deny, while they are under oath, that they are present members of the Communist Party, but refuse to testify respecting past membership as recent as a week or so prior to the hearings or with respect to their contemplated future courses of action. This situation, coupled with our other sources of information, compel us to conclude that they have merely practiced the ruse of resigning technical membership for the purpose of deceit. It is hoped that this pattern will not develop during the hearings here in Gary.

"It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him.

"I would remind those present that a disturbance of any kind or audible comment during the testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. Any infraction of this rule will result in the offender being ejected from the hearing room.

"I am particularly happy to be able to say that in this eternal struggle against international communism your own Representative in the Congress, RAY MADDEN has made a great contribution in the work that he did with respect to the Katyn massacres. That was a monumental job, and placing the blame where it belongs was long overdue. Your Representative certainly made a very fine contribution by his efforts in that field."

After hearing the testimony of one other witness, Edward Yellin was then called before the committee.

"Mr. TAVENNER. Mr. Edward Yellin, will you come forward, please?

"The CHAIRMAN. Will you raise your right hand?

"Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. YELLIN. I do.

"The CHAIRMAN. All right, Mr. Tavenner.

"Mr. TAVENNER. Have a seat please.

"TESTIMONY OF EDWARD YELLIN, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

"Mr. TAVENNER. Will you state your name please, sir.

"Mr. YELLIN. Edward Yellin.

"Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

"Mr. RABINOWITZ. Victor Rabinowitz, New York.

"Mr. TAVENNER. Where and when were you born, Mr. Yellin?

"Mr. YELLIN. July 2, 1927, Bronx, N. Y.

"Mr. TAVENNER. Where do you now reside?

"Mr. YELLIN. Fort Collins, Colo.

"Mr. SCHERER. I cannot hear the witness.

"The CHAIRMAN. Where?

"Mr. YELLIN. Fort Collins, Colo.

"Mr. TAVENNER. How long have you lived at Fort Collins, Colo.?

"Mr. YELLIN. Since just about September of 1957.

"Mr. TAVENNER. 1950?

"Mr. YELLIN. September 1957.

"Mr. TAVENNER. Where did you reside prior to——

"Mr. RABINOWITZ. Mr. Counsel, I wonder whether it would be possible to read into the record the exchange of telegrams between myself and the committee in connection with the witness's testimony. I would like to have it appear in the record.

"The CHAIRMAN. We will decide whether it will be made a part of the record when the executive session is held. Go ahead.

"Mr. RABINOWITZ. Mr. Chairman, I sent the telegrams because I wanted them to appear. I do not care whether they appear publicly or not. I do want it to appear that that exchange of telegrams occurred. I did not do it just to increase the revenue of the telegram company.

"The CHAIRMAN. Well, whatever the reason was, whether it has been stated or otherwise, it will be considered in executive session.

"Mr. RABINOWITZ. May I state——

"The CHAIRMAN. Do not bother. You know the privileges given you by this committee. You have appeared before it often enough. You know as well as anybody.

"Go ahead, Mr. Tavenner.

"Mr. TAVENNER. Mr. Yellin, where did you reside prior to September 1957?

"(The witness conferred with his counsel.)

"Mr. YELLIN. Mr. Tavenner, is that right?

"Mr. TAVENNER. Yes.

"Mr. YELLIN. Mr. Tavenner, if I may I would like to say just a few words before I answer that question to state my grounds as to what my position will be on answering questions.

"The CHAIRMAN. Just answer this question, not your grounds for answering questions that have not been asked.

"Mr. YELLIN. Then let me say that I feel that this question and this line of questioning will probably lead into certain areas of my freedom of beliefs, and I feel that I would like to say just a few words as to why I would not care to answer this question.

"The CHAIRMAN. It is not the case of whether you care to answer or not. It is a question of do you or do you not answer the question.

"(The witness conferred with his counsel.)

"Mr. YELLIN. Mr. Congressman, let me put it this way then: I will refuse to answer that question, and I would like the privilege——

"The CHAIRMAN. What is the question, Mr. Tavenner?

"Mr. TAVENNER. The question was where the witness lived prior to September 1957.

"The CHAIRMAN. And you feel honestly that if you answer the question of where you lived before September of last year, you might be confronted with a criminal prosecution, is that it?

"Mr. YELLIN. No. I did not say that.

"The CHAIRMAN. You did not say that, but is that not what you mean?

"Mr. YELLIN. May I say what my objections are? If I can say what they are——

"The CHAIRMAN. Go ahead——

"Mr. YELLIN. Then you can question.

"The CHAIRMAN. Go ahead.

"Mr. YELLIN. Since I received the subpena to appear before this committee, I did the natural thing. I contacted counsel. I wrote to various sources for whatever legal information I could get, and I went to the public library to study as much of the law as I could.

"Now, just the fact of being called before this committee creates a certain impression in the public eye which I do not like. I do not like to have my loyalty questioned or my character questioned. I feel that I have committed no crime. I have engaged in no acts——

"The CHAIRMAN. Is this not the best place to clarify the atmosphere? If you feel as you say you do, and I am sure that you do, is this not a great opportunity to eliminate whatever question might be in anybody's mind, particularly mine, about your activities?

"Mr. YELLIN. Mr. WALTER, I do not feel that this is the place for myself, as an individual and as a citizen, to discuss my beliefs, my associations, or whatever expressions of opinion I have ever made. I feel that ideas in the democratic process should be settled, should reach some kind of an understanding, in the market place of ideas and not at a Congressional investigation. This is a personal opinion of mine. I believe the entire democratic process revolves around settling things in a free and open market, and this is not the place for it. This is a hearing. It is not an expression of public opinion.

"Furthermore, after conferring with my counsel——

"Mr. SCHERER. We are not asking you about your ideas or opinions. We are asking you about your activities within the conspiracy.

"The CHAIRMAN. We are asking his address.

"Mr. SCHERER. That is what we are going to ask him.

"The CHAIRMAN. You don't know.

"Mr. SCHERER. His activities with a conspiracy.

"Mr. YELLIN. After conferring with counsel, I can only come to one conclusion, and that is that this line of questioning would infringe upon my rights under the first amendment to the Constitution. Now the Supreme Court in its recent decision in the Watkins and Sweezy cases has specifically stated that a legislative committee can only investigate the area pertinent to legislation. Now, the Constitution of the United States and the first amendment——

"The CHAIRMAN. May I interrupt you at that point? I notice you have carefully avoided the Barenblatt case that followed the two cases that you mentioned, and in that case the Supreme Court held that we were charged with doing just exactly what we are doing now. That was U. S. against Barenblatt.

"Mr. YELLIN. Mr. Congressman, I am not entirely familiar with the Barenblatt case.

"The CHAIRMAN. You expressed great familiarity with the Watkins case.

"Mr. YELLIN. The Supreme Court referred that case back to the court of appeals and the Supreme Court did not rule on this. It was just the court of appeals of some sort which just made this ruling, not the Supreme Court.

"The CHAIRMAN. Then, as a layman, I will straighten you out. What the Supreme Court did was to say that the decision of the circuit court of appeals should stand and they refused to grant a writ of certiorari to review it.

"Mr. RABINOWITZ. As a lawyer, Mr. Chairman, I would like the opportunity to straighten you out. But I guess this is not the chance.

"The CHAIRMAN. Your kind of lawyers could not straighten me out on anything. Go ahead, please.

"Mr. YELLIN. May I continue, Mr. Congressman? I am not a lawyer.

"Mr. TAVENNER. Let me interrupt you a minute. You constantly referred to 'this line of questioning.' The only question I have asked you is, where did you live prior to September 1957?

"Mr. YELLIN. Mr. Tavenner——

"The CHAIRMAN. Certainly one question could not be construed as a line of questions. You have been asked only one question.

"Mr. YELLIN. May I continue?

"The CHAIRMAN. Why don't you answer the question? Where did you live? That is all we want to know.

"Mr. YELLIN. I heard the previous witness. I read proceedings of this committee in past cases. I read the newspapers concerning the history of this committee. If I say 'this line of questioning,' I should say 'this particular question.' It is pretty obvious where the questions will lead from what has gone before. So it is no sense in pinning it down and waiting to later. It is going to lead to a certain point. There is no question about that.

"Now the grounds on which I object are the following: That the first amendment to the Constitution specifically says that Congress shall make no law abridging the freedom of speech. Now, therefore, Congress cannot investigate in that area because they cannot legislate in that area. Furthermore, nobody can investigate in my conscience, in my personal beliefs. I have committed no unlawful acts; and, therefore, any questioning can only lead to opinions, expressions, associations, and beliefs and not any unlawful acts. Therefore, under the first amendment, I think I am fairly reasonable in objecting to any questions that will lead toward that line, investigating my freedoms.

"Secondly, I am informed that the enabling resolution of the Congress of the United States establishing this House Committee on Un-American Activities is very vague and, therefore, leads to the possibility that I could not be accorded my rights under due process of law, on the basis of the fact that the courts cannot properly judge what the intent of this committee is due to the fact that it was established under a rather vague resolution.

"Furthermore, the courts have ruled that the only questions this committee can ask me as an individual are questions which can be pertinent to any legislation.

"I don't feel this question is pertinent to any legislation the committee might be investigating and, furthermore, as I said before, the committee cannot even investigate legislation pertaining to the first amendment.

"Therefore, I will have to respectfully submit that I cannot answer that question.

"The CHAIRMAN. You said, 'I cannot.' Of course, you are not under any prohibition. You could answer it. You mean, 'I will not.'

"Mr. YELLIN. I cannot under my own moral conscience to uphold the traditions under which I believe.

"The CHAIRMAN. Then you do not answer the question for those reasons, is that it?

"Mr. YELLIN. Yes, sir.

"The CHAIRMAN. All right.

"Mr. SCHERER. Now, Mr. Chairman, so that the record is clear, I ask that you direct the witness to answer the question.

"The CHAIRMAN. You are directed to answer the question. Where did you live prior to September 1957?

"Mr. YELLIN. Mr. Congressman, under the reasons I have submitted, I cannot answer that question.

"The CHAIRMAN. You mean you do not answer.

"Mr. YELLIN. I will not answer that question.

"The CHAIRMAN. All right.

"Mr. TAVENNER. You do not rely, in your refusal to answer, upon the self-incriminating clause of the fifth amendment. Is that correct?

"Mr. YELLIN. Yes, sir. That is correct. I am relying on my first amendment rights.

"Mr. TAVENNER. You were present when the opening statement was made by the chairman of this committee, were you not?

"Mr. YELLIN. Yes, sir; I was present at that time.

"Mr. TAVENNER. This is a hearing which involves a subject described by the chair-

man, and it relates to Communist Party activities within the area of Gary. As far as pertinency of the question is concerned, as to which you seem to express some doubt, it would be impossible for us to learn anything from you regarding Communist Party activities in this area without ascertaining whether or not you were here for a period of time.

"Now, having explained that and given you that reason as a basis for the committee's asking you that question, I would like to ask the chairman to again direct the witness to answer.

"The CHAIRMAN. You are directed to answer the question.

"Mr. YELLIN. Mr. Congressman, I cannot answer that question for the grounds already submitted.

"The CHAIRMAN. By that you mean that you do not answer. You refuse to answer.

"Mr. YELLIN. I will not answer.

"The CHAIRMAN. All right.

"Mr. TAVENNER. Mr. Yellin, will you give the committee, please, briefly, your formal educational training?

"Mr. YELLIN. I believe, and I think the grounds I have already stated are sufficient, that any investigation into my educational background can serve no legislative purposes, is a violation of my rights under the first amendments, and I will not answer that question.

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. YELLIN. Would you repeat that please?

"The CHAIRMAN. You are directed to answer the question.

"Mr. RABINOWITZ. He asked the question be repeated.

"Mr. YELLIN. I asked it be repeated.

"The CHAIRMAN. What question?

"Mr. YELLIN. The last statement addressed to me.

"The CHAIRMAN. You declined to answer that. What did you think you declined to answer?

"Mr. YELLIN. I declined to answer any questions pertaining to my education.

"The CHAIRMAN. All right. Go ahead.

"Mr. TAVENNER. Is it not a fact that you were a student at the College of the City of New York for several years prior to 1948?

"(The witness conferred with his counsel.)

"Mr. YELLIN. Mr. Tavenner, I will refuse to answer that question under the grounds already stated; but it just occurs to me that if the committee knows all these things, I can't see the purpose or the pertinency of asking me what they consider a known fact. Furthermore, it kind of appears to me as if this line of questioning is merely trying to create an impression and expose me for the sake of merely exposing me and not leading to any valid legislative purpose.

"The CHAIRMAN. I will assure you that that is furthest from the intention of anybody on this committee, and this committee has never, for the mere sake of exposing, asked a question.

"And now I would like to ask you: What do you mean by exposing you? Exposing you to what?

"Mr. YELLIN. Well, Mr. Congressman, there has been a great deal of discussion, public discussion, in the newspapers, especially since the Supreme Court decision in Watkins and Sweezy; and pertaining to education, there has been a great deal of discussion in the newspapers about certain lagging that we are doing in our educational system. I should say, rather, that we have not reached our full potential in our educational system.

"The CHAIRMAN. Perhaps too many people have been directing their attention to the wrong things.

"Mr. YELLIN. Well, perhaps. One of the often expressed opinions at the universities and in the newspapers is that one of the reasons we have not reached our full potential is due to the fact that freedom of education, freedom of thought, has been, to a large extent, suppressed by committee investigations specifically of this type and of the type Senator McCarthy conducted. This is common knowledge at the universities. People are beginning to feel that freedom of thought and the expression of ideas—whether they be right or wrong, conform to what the majority believe or not—should be settled in a market place of ideas freely without being suppressed.

"The CHAIRMAN. All right now.

"Mr. YELLIN. Now if I remember——

"The CHAIRMAN. We have heard that speech. Will you answer the question about your education?

"Mr. YELLIN. You haven't heard it from me, sir.

"The CHAIRMAN. What about the 2 years you were at the New York University or wherever it was?

"Mr. TAVENNER. City College of New York.

"(The witness conferred with his counsel.)

"Mr. YELLIN. Mr. Congressman, Mr. Tavenner, I have already stated sufficient ground for refusing to answer that kind of question.

"The CHAIRMAN. Go ahead, Mr. Tavenner.

"Mr. TAVENNER. Mr. Chairman, I desire to offer in evidence a photostatic copy of the college record of Edward Yellin, at the University of Michigan. The first was in the College of Literature, Science, and Arts.

"May it be marked 'Yellin Exhibit No. 1?'

"Mr. SCHERER. Did you say at the University of Michigan?

"Mr. TAVENNER. Yes, sir.

"The CHAIRMAN. All right. Let it be received.

"(The document referred to was marked 'Yellin Exhibit No. 1.')

"The CHAIRMAN. Go ahead.

"Mr. TAVENNER. An examination of this exhibit, Mr. Chairman, reflects that Edward Yellin was transferred from the College of the City of New York to the University of Michigan.

"And in this connection I would like to introduce Edward Yellin exhibit No. 2, an additional official record from the University of Michigan, which I will ask to be marked 'No. 2.'

"The CHAIRMAN. All right.

"(The document referred to was marked 'Yellin Exhibit No. 2.')

"Mr. RABINOWITZ. May I see that?

"Mr. TAVENNER. Yes, sir.

"(A document was handed to Mr. Rabinowitz.)

"(The witness conferred with his counsel.)

"Mr. TAVENNER. Mr. Chairman, I call your attention to the fact that exhibit No. 2 shows that Edward Yellin was admitted to the University of Michigan in February 1948 from the College of the City of New York and exhibit No. 1 indicates that he was transferred from the College of Literature, Science, and Arts at the University of Michigan to the engineering department at that university in September 1948. It reflects his grades, showing a grade of A in many subjects.

"Mr. Yellin, I hand you a photostatic copy of application for employment at the Carnegie-Illinois Steel Corp.

"You will examine it please and state whether or not that appears to be a copy of an application filed by you.

"(A document was handed to the witness.)

"Mr. YELLIN. I refuse to answer that question on the grounds which I have already stated.

"Mr. TAVENNER. Will you examine it please and state whether your name appears at the foot of that application?

"Mr. YELLIN. I will. I cannot and will not answer that question, Mr. Tavenner, on the grounds already stated.

"Mr. TAVENNER. Mr. Chairman, I offer in evidence as Yellin exhibit No. 3 the document referred to and ask that it be marked 'Yellin Exhibit No. 3.'

"The CHAIRMAN. For what purpose are you offering it?

"Mr. TAVENNER. For the purpose of establishing the time that he came to Gary, Ind., and the additional purpose of showing what he represented on his application to his would-be employer with regard to his education.

"The CHAIRMAN. Did he represent that he had not been to college?

"Mr. TAVENNER. His representation was as to his former school work at Stuyvesant, which I believe is a high school in the State of New York, with no answer under the word 'college,' or any other education.

"The CHAIRMAN. All right.

"Mr. TAVENNER. Is the document admitted?

"The CHAIRMAN. The document is admitted.

"Mr. TAVENNER. Mr. Yellin, I read from this document that it is dated June 23, 1949. Where were you on June 23, 1949? Where were you residing?

"Mr. YELLIN. Mr. Tavenner, I will not answer that question on the grounds I have already stated.

"Mr. TAVENNER. Did you live at 400 Jefferson Street in Gary, in the State of Indiana, at that time?

"Mr. YELLIN. I will not answer that question, Mr. Tavenner.

"Mr. TAVENNER. I read from exhibit No. 3, a statement of previous employment by the applicant: From September 1946 to February 1948 at the Reo Motor Co., at Lansing, Mich. Were you ever actually employed by that company?

"Mr. YELLIN. I refuse to answer that question on the grounds already stated.

"Mr. TAVENNER. Exhibits Nos. 1 and 2 show that you were at the University of Michigan at Ann Arbor between February of 1948 and at the end of the second semester of the year 1948–49, which meant approximately in June of 1949. Yet we see as an employment given by you on exhibit No. 3, that you were employed from February 1948 to April 1948 at Modern Distributors, Michigan. Were you so employed there?

"Mr. YELLIN. I will not answer that question, sir, on the grounds already stated.

"Mr. TAVENNER. Your record of employment shows also employment in April 1948 to May 1949 at Reo Motors at Lansing, Mich. Were you ever so employed?

"Mr. YELLIN. I refuse to answer under the grounds already stated, sir.

"Mr. TAVENNER. Why did you give that record of employment and fail to indicate that you had attended college at the City College of New York, and that you had been in the engineering department and the academic department of the University of Michigan?

"Mr. YELLIN. I refuse to answer that question, sir, on the grounds already stated.

"Mr. TAVENNER. Is it not a fact that at the time you sought that employment in Gary, Ind., in steel, you were doing it at the instance or under counseling from the Communist Party or leaders in the Communist Party?

"(The witness conferred with his counsel.)

"Mr. YELLIN. I will have to refuse to answer that question on the grounds already stated.

"Mr. TAVENNER. Will you tell the committee, please, whether or not incidents came to your attention of the colonization of the steel unions in Gary by the Communist Party at any time prior to September 1957?

"Mr. YELLIN. Sir, I cannot answer that question on the grounds already stated.

"Mr. TAVENNER. One of the grounds that you stated was that you did not see the pertinency of what you referred to as 'this line of questioning.' Do you mean to reiterate that as a part of your answer to the question I have just asked you?

"(The witness conferred with his counsel.)

"Mr. YELLIN. Mr. Tavenner, I mean to reiterate all of the reasons I have given——

"The CHAIRMAN. Then explain, Mr. Tavenner, the reasons——

"Mr. YELLIN. As grounds. They are all grounds for refusal to answer.

"The CHAIRMAN. Explain, Mr. Tavenner.

"Mr. TAVENNER. It has been testified here that colonization of young men in the middle of their educational courses in industry was a deep-seated plan of the Communist Party to strengthen itself within basic industry. The chairman's opening statement indicated that the activities of the Communist Party within basic industries was the subject of inquiry here.

"Let me ask you: You were present during the testimony of the former witness?

"Mr. YELLIN. Yes, sir.

"Mr. TAVENNER. The statement was made here of the practice of the Communist Party in colonizing industry at Flint, Mich.; at the University of Colorado, which is at Fort Collins, Colo., where you now reside; and other places.

"In order to understand the full tactics of the Communist Party in its operations here in Gary, it is necessary the committee understand fully the extent of such practices, the full purposes of it, and the methods by which it is put into effect. That is the connective reasoning of the committee in asking the question. It is certainly apparent from that explanation.

"So with that explanation, Mr. Chairman, I ask that the witness be again directed to answer.

"The CHAIRMAN. You are directed to answer the question.

"Mr. YELLIN. Mr. Congressman, I am fully aware, on the basis of the previous witness' testimony and on the basis of what committee counsel has just said, that certain impressions will be created in the public eyes as regards myself as an individual. However, I cannot, in good conscience or within legal protection, answer that question on the grounds I have already stated.

"Mr. SCHERER. I think a very bad impression will be created in the public mind because of your making at least 5 misrepresentations on your application for employment to the Carnegie-Illinois Steel Corp.

"Mr. YELLIN. I realize there will be many bad impressions created but, as I said, I am powerless to straighten out those impressions at this time.

"The CHAIRMAN. I could not conceive of a better place to straighten out all these impressions. All you have to do is answer these questions.

"Did you state, or were you asked, where you are now employed? Where you are employed at the present time?

"Mr. YELLIN. I will decline to answer that question on the grounds I have already stated.

"Mr. SCHERER. I ask you to direct the witness to answer the question.

"The CHAIRMAN. You are directed to answer the question, 'Where are you employed?'

"Mr. YELLIN. I will decline to answer that question, sir, on the grounds stated.

"The CHAIRMAN. Go ahead, Mr. Tavenner.

"Mr. TAVENNER. Were you a member of the Neafus Club of the Communist Party at the University of Michigan?

"Mr. YELLIN. I will decline to answer that question, sir, on the grounds already stated.

"Mr. TAVENNER. Were you acquainted with a person at the University of Michigan by the name of Francis X. T. Crowley?

"Mr. YELLIN. I decline to answer that question on the grounds already stated, sir.

"Mr. TAVENNER. Mr. Crowley testified before the Committee on Un-American Activities in June of 1954, at which time he identified you as a member with him of the Neafus Club of the Communist Party at Ann Arbor. Was he correct in his identification of you?

"Mr. YELLIN. I will decline to answer that question, sir, on the grounds I have already stated.

"Mr. TAVENNER. Were you a member of the Communist Party on the 23d day of June 1949, which is the date of application filed in your name for employment in Gary?

"Mr. YELLIN. I will decline to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Mr. Chairman, may I have a direction that that question be answered in light of the explanation already made?

"The CHAIRMAN. You are directed to answer the question.

"Mr. YELLIN. I decline to answer, sir.

"The CHAIRMAN. Do you understand that when Mr. Tavenner asks you a question about a man who testified that you and he were members of a Communist group at the University of Michigan, this testimony was under oath. This man swore that you and he were members of the Communist Party. Did you understand that?

"(The witness conferred with his counsel.)

"Mr. YELLIN. Do I understand that he was under oath?

"The CHAIRMAN. That is right.

"Mr. YELLIN. Yes, sir.

"Mr. TAVENNER. Were you active in the American Veterans Committee prior to June 1949?

"Mr. YELLIN. I will have to decline to answer that. I think it is a violation of my freedom of associations.

"Mr. TAVENNER. Were you acquainted with a person by the name of Edward Shaffer from Pittsburgh?

"Mr. YELLIN. I decline to answer that question, sir.

"Mr. TAVENNER. During the examination of Edward Shaffer before this committee during the conduct of hearings in 1954, in fact, in May 1954, there was introduced in evidence a photostatic copy of the Detroit News bearing the date of January 7, 1949, entitled 'Three Heed AVC Ban on Reds.' It is exhibit No. 2 in that hearing. I will read part of that exhibit:

" 'Three students resigned today from the University of Michigan chapter of the American Veterans Committee because of a ruling adopted by the national AVC [meaning American Veterans Committee] convention in November calling for the ouster of members who belonged to the Communist Party.

" 'They were [that is, the three who resigned] William Carter, 3473 Townsend Avenue, Detroit; Edward Shaffer, of Pittsburgh; and Edward Yellin, of New York.'

"Was your action at that time correctly reported by the Detroit News?

"Mr. YELLIN. I will decline to answer that question, sir.

"Mr. TAVENNER. Will you tell the committee whether or not in 1957 there were present in any of the steel unions at Gary, Ind., persons who were known to you to have been colonizers of the Communist Party?

"Mr. YELLIN. I decline to answer that question, sir.

"Mr. TAVENNER. Mr. Chairman, in light of the explanation made of the pertinency of this line of questioning, I request the witness be directed to answer the question.

"The CHAIRMAN. You are directed to answer the question, Mr. Yellin.

"Mr. YELLIN. On the grounds I have previously stated, I will not answer the question.

"Mr. SCHERER. Those grounds do not include the invocation of the fifth amendment against self-incrimination.

"(The witness conferred with his counsel.)

"Mr. YELLIN. They do not, sir.

"Mr. TAVENNER. Were you a member of the Communist Party in August of 1957?

"Mr. YELLIN. I will decline to answer that question on the grounds I have stated.

"Mr. TAVENNER. Will you tell the committee what stand the Communist Party took in Gary in any of its units with regard to the acts of the Soviet Union in Hungary in 1956?

"Mr. YELLIN. I will decline to answer that question, sir.

"Mr. TAVENNER. May I have a direction that the witness answer that question?

"The CHAIRMAN. You are directed to answer the question, Mr. Witness.

"Mr. TAVENNER. Are you a member of the Communist Party now?

"Mr. YELLIN. I decline to answer that question on the grounds I have already stated.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"The CHAIRMAN. Do you have any questions, Mr. SCHERER?

"Mr. SCHERER. I have no questions."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Edward Yellin relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Mr. Yellin, where did you reside prior to September 1957?

"Will you tell the committee, please, whether or not incidents came to your attention of the colonization of the steel unions in Gary by the Communist Party at any time prior to September 1957?

"Were you a member of the Communist Party on the 23d of June 1949, which is the date of application filed in your name for employment in Gary?

"Will you tell the committee whether or not in 1957 there were present in any of the steel unions at Gary, Ind., persons who were known to you to have been colonizers of the Communist Party?

"Will you tell the committee what stand the Communist Party took in Gary in any of its units with regard to the acts of the Soviet Union in Hungary in 1956?

"Are you a member of the Communist Party now?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

OTHER PERTINENT COMMITTEE PROCEEDINGS

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"Be it resolved, That the chairman be authorized and empowered from time to time to appoint subcommittees, composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. WILLIAM M. TUCK; and Hon. GORDON H. SCHERER, held on the 16th day of April 1958, in room 225 Old House Office Building, Washington, D. C.:

"The subcommittee was called to order by the chairman who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Gary, Ind., beginning on the

10th day of February 1958, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Gary, Ind., a motion was made by Mr. SCHERER, seconded by Mr. TUCK, and unanimously adopted, that a report of the facts relating to the refusal of Edward Yellin to answer material questions before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer material questions, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer questions therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. WILLIAM M. TUCK; Hon. BERNARD W. KEARNEY; Hon. GORDON H. SCHERER; and Hon. ROBERT J. MCINTOSH, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The report of the facts relating to the refusal of Edward Yellin to answer material question was submitted to the committee, upon which a motion was made by Mr. SCHERER, seconded by Mr. MOULDER, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Edward Yellin to answer material questions before the said subcommittee at the hearing conducted before it in Gary, Ind., on the 10th day of February 1958, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer questions before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such questions to the end that he may be proceeded against in the manner and form provided by law."

[Exhibits not printed in the RECORD.]

Mr. WALTER. Mr. Speaker, I offer a resolution—House Resolution 658—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Edward Yellin to answer questions before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the northern district of Indiana, to the end that the said Edward Yellin may be proceeded against in the manner and form provided by law.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST ROBERT LEHRER

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2335).

The Clerk read as follows:

PROCEEDINGS AGAINST ROBERT LEHRER

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING ROBERT LEHRER

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Robert Lehrer to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on Monday, February 10, 1958, at 10 a. m., at city council chamber, City Hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served on the said Robert Lehrer is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,

"CONGRESS OF THE UNITED STATES.

"To ROBERT LEHRER, *Greeting:*

"Pursuant to lawful authority, you are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Monday, February 10, 1958, at 10 o'clock a. m., at City Council Chamber, City Hall, Gary, Indiana, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States marshal to serve and return.

"Given under my hand this 21st day of January, in the year of our Lord 1958.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by the United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said United States marshal being endorsed thereon, is set forth in words and figures, as follows:

"SUBPENA FOR ROBERT LEHRER, 1073 PIERCE STREET, GARY, IND., BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

"I made service of the within subpena by serving personally the within-named Robert Lehrer at 5634 Blackstone, Chicago, Ill., at 9 o'clock p. m., on the 28th day of January 1958.

"Dated January 28, 1958.

"ROY M. AMOS,
"United States Marshal, Northern District of Indiana.

"By LEE O. JAMES,
"Deputy."

The testimony of other witnesses having lasted through the 10th day of February, the said Robert Lehrer, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on February 11, 1958, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Robert Lehrer having appeared as a witness and having been asked the questions, namely:

"How long have you lived in Gary?

"Are you an employee in the steel industry?

"Where are you employed?

"Mr. Lehrer, I think I should advise you that the committee has received sworn testimony here at this hearing that it was the practice of the Communist Party, it was a Communist Party plan, to induce bright young men in various parts of the United States and in educational institutions, to break off from the completion of their education and go into basic industry for the purpose of strengthening the grassroots of the Communist Party in basic industry and to afford strong leadership to Communist Party groups which for one reason or another had become weakened.

"Now, the committee has heard evidence that you came to Gary, Ind., and that you became identified with the Communist Party, and it is our purpose now to inquire from you as to the exact techniques used by the Communist Party in sponsoring and putting into effect this plan that we call colonization. Now, will you tell the committee, please, whether such a plan of colonization came to your attention and became known to you while you have been in Gary?

"Is it not a fact that you hold an A. B. degree from Rutgers University in New Brunswick, N. J.?

"Were you a member of the Communist Party on August 30, 1949, the date of this application?

"Will you tell the committee whether or not at this time Communist colonization of the steel industry is being practiced in Gary?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions and, as a result of said Robert Lehrer's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon Robert Lehrer.

The record of the proceedings before the subcommittee on February 10, 1958, insofar as it pertains to the appearance of Robert Lehrer on February 11, 1958, is set forth in fact as follows:

"MONDAY, FEBRUARY 10, 1958

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE
"COMMITTEE ON UN-AMERICAN ACTIVITIES,
"Gary, Ind.

"Public hearing

"A subcommittee of the Committee on Un-American Activities met pursuant to call, at 10 a. m., in the council chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: Representatives FRANCIS E. WALTER, of Pennsylvania, and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"The CHAIRMAN. The subcommittee will come to order.

"Let the record show that, pursuant to law and the rules of this committee, I have appointed a subcommittee for the purpose of conducting these hearings composed of Representatives WILLIAM M. TUCK of Virginia, GORDON H. SCHERER of Ohio, and myself as chairman.

"The order of appointment of the subcommittee will be set forth in the record at this point:

"JANUARY 21, 1958.

"To: Mr. Richard Arens, Staff Director, House Committee on Un-American Activities.

"Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER and WILLIAM M. TUCK, associate members, and myself, FRANCIS E. WALTER, as chairman, to

conduct hearings in Gary, Ind., on Monday and Tuesday, February 10 and 11, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"Please make this action a matter of committee record.

"If any member indicates his inability to serve, please notify me.

"Given under my hand this 21st day of January 1958.

"FRANCIS E. WALTER,
"*Chairman, Committee on Un-American Activities.*

"The CHAIRMAN. The subject and legislative purposes of this hearing are reflected by the following extract taken from the minutes of a meeting of the committee held on January 15, 1958.

"'A motion was made by Mr. SCHERER, seconded by Mr. WILLIS and unanimously carried, approving and authorizing the holding of hearings in Gary, Ind., beginning on the 10th day of February 1958, or on such other date as the chairman of the committee may determine, and continuing from day to day, and time to time, until the hearings are completed, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated.

"'1. The extent, character, and objects of Communist infiltration and Communist Party propaganda activities in basic industry in the Gary, Ind., area, the legislative purpose being to obtain additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof, and for the additional legislative purpose of adding to the committee's overall knowledge on the subject, so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense and for internal security when and if the exigencies of the situation require it.

"'2. Execution by administrative agencies concerned of Public Law 637, of the 83d Congress known as the Communist Control Act of 1954, relating to the eligibility to exercise the rights and privileges provided under the National Labor Relations Act of labor organizations determined by the Subversive Activities Control Board to be Communist-infiltrated organizations. The legislative purpose is to assist Congress in appraising the administration of the Communist Control Act of 1954 and to enact such amendments thereto as the exigencies of the situation require.

"'3. Any other matter within the jurisdiction of the committee which it or any subcommittee thereof, appointed to conduct this hearing, may designate.'

"Under the provisions of Public Law 601, 79th Congress, the Congress has placed upon this committee certain legislative and investigative duties and, in addition, the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee. Accordingly, within the framework of this broad jurisdiction and objectives, this subcommittee of the Committee on Un-American Activities is here in Gary for the purpose of receiving testimony concerning Communist techniques and tactics of infiltration and the extent, character, and objects of Communist Party propaganda activities in basic industries. The importance of this area of inquiry from the standpoint of national security, cannot be overemphasized. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress.

"In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, the various espionage statutes, the Communist Control Act of 1954, and similar laws for the purpose of keeping Congress informed of the manner in which laws are being administered and for the purpose of recommending any needed legislative amendments. This mandate will be carried out at this hearing.

"The committee recently formulated an omnibus security bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration of the numerous provisions of this bill.

"The committee is especially desirous of obtaining additional information for use in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willingly becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof.

"When investigating Communists and Communist activities, this committee frequently has been met with the false and unfounded charge that it is merely seeking headlines; that we are a group of Fascists; that we are engaged in witch hunting: and the like. Such charges will not dissuade us from our duty. We seek the facts and only the facts. In the conduct of this hearing, we are not interested in any dispute between labor and management, between one union and another union, or with disputes within a union. We propose to ascertain the facts on Communist activity irrespective of the field in which it occurs.

"In the course of the last several hearings of the Committee on Un-American Activities, we have discovered a new technique practiced by Communists for the purpose of disguising their operations. Persons who have been identified by responsible witnesses, under oath, as Communists have themselves denied present technical membership in the Communist Party for the period of time beginning with the announcement of committee hearings. Time and again we have seen instances in which hard-core leaders of the conspiracy deny, while they are under oath, that they are present members of the Communist Party, but refuse to testify respecting past membership as recent as a week or so prior to the hearings or with respect to their contemplated future courses of action. This situation, coupled with our other sources of information, compel us to conclude that they have merely practiced the ruse of resigning technical membership for the purpose of deceit. It is hoped that this pattern will not develop during the hearings here in Gary.

"It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him.

"I would remind those present that a disturbance of any kind or audible comment during the testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. Any infraction of this rule will result in the offender being ejected from the hearing room.

"I am particularly happy to be able to say that in this eternal struggle against international communism your own Representative in the Congress, RAY MADDEN, has made a great contribution in the work that he did with respect to the Katyn massacres. That was a monumental job, and placing the blame where it belongs was long overdue. Your Representative certainly made a very fine contribution by his efforts in that field.

"After the making of the foregoing opening statement, the committee heard various witnesses on the 10th of February, and the witness Robert Lehrer was not reached until Tuesday, February 11, 1958.

"TUESDAY, FEBRUARY 11, 1958
"UNITED STATES HOUSE OF
"REPRESENTATIVES, SUBCOMMITTEE
"OF THE COMMITTEE ON
"UN-AMERICAN ACTIVITIES,
"*Gary, Ind.*

"*Public hearing*

"The Subcommittee of the Committee on Un-American Activities met pursuant to recess, at 10 a. m. in the Council Chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: FRANCIS E. WALTER, of Pennsylvania (presiding), and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"The CHAIRMAN. The subcommittee will come to order.

"The custodian of the building has requested me to announce that smoking is not permitted. It is impossible to ventilate the room, and the fire hazard, of course, is considerable. So that I request you to refrain from smoking at this session.

"Call your first witness.

"Mr. TAVENNER. Mr. Robert Lehrer, will you come forward, please, sir.

"The CHAIRMAN. Will you raise your right hand, please, sir?

"Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. LEHRER. I do.

"TESTIMONY OF ROBERT LEHRER, ACCOMPANIED BY COUNSEL, WILLARD J. LASSERS

"Mr. TAVENNER. Will you state your name, please, sir?

"Mr. LEHRER. Robert Lehrer.

"Mr. TAVENNER. Will you spell your last name?

"Mr. LEHRER. L-e-h-r-e-r.

"Mr. TAVENNER. Lehrer. It is noted that you are accompanied by counsel.

"Will counsel please identify himself for the record?

"Mr. LASSERS. Yes, certainly. My name is William J. Lassers, 11 South La Salle Street, Chicago, Ill.

"Mr. TAVENNER. When and where were you born, Mr. Lehrer?

"Mr. LEHRER. November 6, 1925, in New Jersey, Stelton, N. J.

"Mr. TAVENNER. Excuse me, I didn't understand where.

"Mr. LEHRER. Stelton, N. J.

"Mr. TAVENNER. Stelton, N. J.?

"Mr. LEHRER. Yes, sir.

"Mr. TAVENNER. Where do you now reside?

"Mr. LEHRER. 1073 Pierce Street, in Gary.

"Mr. TAVENNER. How long have you lived in Gary?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I refuse to answer that question and I would like to state my grounds.

"I respectfully refuse to answer that question on the grounds that I need not do so under the first amendment and the Federal

Due Process clause of the Constitution of the United States that the question under inquiry has not been properly defined, that the question is not pertinent to the question under inquiry, that the question is unrelated to any legislative purpose, that the resolution establishing the Committee on Un-American Activities is indefinite and vague, that the committee and this subcommittee are improperly constituted and lack jurisdiction of the subject matter.

"I do not base my refusal to answer upon the privilege against self-incrimination of the fifth amendment of the Constitution of the United States, but do reserve every other ground, constitutional and otherwise, available to me.

"Mr. TAVENNER. What other constitutional grounds do you rely on? You stated constitutional grounds in general. Let me make it more specific. Are you relying on the constitutional grounds set forth in the fifth amendment relating to self-incrimination testimony?

"Mr. LEHRER. I think that is clear in my statement.

"Mr. TAVENNER. Are you relying on the fifth amendment?

"Mr. LEHRER. May I read again what I said?

"Mr. TAVENNER. No. Just answer the question. Are you refusing to answer on the ground of the self-incriminatory clause of the fifth amendment?

"(The witness conferred with his counsel.)

"Mr. LEHRER. No. But I am relying on other parts of the fifth amendment.

"Mr. TAVENNER. Mr. Chairman, it certainly is self-evident, the pertinency of the question as far as the period of residence of this witness in Gary is concerned, when the subject under inquiry relates to Communist Party activities in Gary. I believe it would need no explanation of the pertinency of the statement other than to state that.

"So, unless the chairman thinks otherwise, I suggest that he be directed to answer.

"The CHAIRMAN. Yes. I think that is correct. You are directed to answer that question.

"(The witness conferred with his counsel.)

"Mr. LEHRER. I decline to answer for the reasons previously stated.

"Mr. TAVENNER. Are you an employee in the steel industry?

"Mr. LEHRER. I refuse to answer that on the same grounds.

"The CHAIRMAN. You are directed to answer that question.

"Mr. LEHRER. I refuse to answer on the grounds previously stated.

"Mr. SCHERER. Where are you employed?

"Mr. LEHRER. I refuse to answer that question, too, on the same grounds.

"Mr. SCHERER. I ask for a direction.

"The CHAIRMAN. You are directed to answer the question as to where you are employed.

"Mr. LEHRER. I refuse to answer that question on the grounds previously stated.

"Mr. TAVENNER. Mr. Lehrer, you have stated that you are a resident of Gary. Let me ask you whether or not, during the period of time that you have been a resident of Gary, there has been practiced in the steel plants in Gary a colonization of young Communists from the eastern part of the country to this area.

"Mr. LEHRER. I refuse to answer that question on the same grounds.

"(The chairman and Mr. Tavenner conferred.)

"Mr. TAVENNER. Were you present in the hearing room yesterday when the chairman made his opening statement?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I refuse to answer that question, too, on the same grounds.

"Mr. SCHERER. Now, Mr. Chairman, I ask you to direct the witness.

"The CHAIRMAN. I direct that you answer the question whether or not you heard my opening statement. Certainly nobody is going to get in trouble for listening to that statement.

"Mr. LEHRER. I refuse to answer on the grounds first stated.

"Mr. TAVENNER. Were you present in the hearing room during the testimony of Mr. Lautner and Mr. LaFleur?

"Mr. LEHRER. I refuse to answer that question, too, on the same grounds.

"Mr. TAVENNER. Mr. Lehrer, I think I should advise you that the committee has received sworn testimony here at this hearing that it was the practice of the Communist Party, it was a Communist Party plan, to induce bright young men in various parts of the United States and in educational institutions, to break off from the completion of their education and go into basic industry for the purpose of strengthening the grassroots of the Communist Party in basic industry and to afford strong leadership to Communist Party groups which for one reason or another had become weakened.

"Now, the committee has heard evidence that you came to Gary, Ind., and that you became identified with the Communist Party, and it is our purpose now to inquire from you as to the exact techniques used by the Communist Party in sponsoring and putting into effect this plan that we call colonization.

"Now, will you tell the committee, please, whether such a plan of colonization came to your attention and became known to you while you have been in Gary?

"Mr. LEHRER. I refuse to answer that question on the same grounds.

"Mr. SCHERER. Now, Mr. Chairman, direct the witness.

"The CHAIRMAN. You are directed to answer that question.

"Mr. SCHERER. I think I should say, Mr. Chairman, to the witness, that when the chairman directs you to answer the question it means that this committee does not accept the reasons you give for refusal to answer the question and that if you persist in refusing to answer the question you subject yourself to possible contempt proceedings.

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

"Mr. LEHRER. I refuse to answer that question on the grounds stated, and I think my education is my own business.

"Mr. TAVENNER. Is it not a fact that you hold a bachelor-of-arts degree from Rutgers University in New Brunswick, N. J.?

"Mr. LEHRER. I refuse to answer that question. I don't see where it is pertinent. I refuse to answer on the grounds I previously stated.

"Mr. TAVENNER. May I have a direction?

"The CHAIRMAN. You are directed to answer the question.

"Mr. LEHRER. I refuse to answer on the grounds I have already stated.

"Mr. TAVENNER. I hand you a photostatic copy of a record in the name of Robert Lehrer from Rutgers University and ask you whether or not that is, as far as you can determine, a correct record of your 3 years' work at Rutgers University.

"(Document handed to witness.)

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked 'Lehrer Exhibit No. 1.'

"The CHAIRMAN. Let it be marked and made a part of the record.

"Mr. TAVENNER. Mr. Lehrer, did you make application for employment in steel on August 30, 1949 in Gary?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. I hand you a photostatic copy of an application for employment at Carnegie-Illinois Steel Corp. bearing date of August 30, 1949, at the end of which there is signed in ink the name, Robert Lehrer.

"(Document handed to witness.)

"Mr. TAVENNER. Will you examine the signature and state whether or not that is your signature?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. That is your name, is it not, signed at the bottom of the application?

"Mr. LEHRER. I refuse to answer that question also on the same grounds.

"Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked 'Lehrer Exhibit No. 2.'

"The CHAIRMAN. Mark it and let it be made a part of the record.

"Mr. TAVENNER. Now, if you will hand it to me.

"Mr. LASSERS. We haven't finished examining it.

"The CHAIRMAN. Take the document, counsel.

"(The document was returned to Mr. Tavenner.)

"Mr. LASSERS. We haven't finished examining it. Can we have a copy?

"Mr. TAVENNER. You have examined that copy. Inasmuch as your witness refused to identify his signature I don't see why he wants to see it.

"Mr. LASSERS. We haven't finished examining the document, Counsel.

"Mr. CHAIRMAN. The witness declined to answer the question so the application can be of no interest to you.

"Mr. LASSERS. We have not finished examining this document.

"The CHAIRMAN. You already refused to answer questions. All right. Go ahead.

"Mr. LASSERS. We have a right to examine the document whether we refused to answer questions on it or not.

"The CHAIRMAN. Go ahead.

"Mr. TAVENNER. May I have the other document?

"(Document handed to Mr. Tavenner).

"Mr. TAVENNER. Exhibit No. 1 showing your record at Rutgers University shows——

"(The witness conferred with his counsel.)

"Mr. TAVENNER. Excuse me. Shows that you were in attendance for your first year at Rutgers for the year 1946–47, the second year 1947–48, the third year 1948–49. During that same period of time were you employed in any industry?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I would like to see that employment application again.

"The CHAIRMAN. This isn't relating to that at all. Were you employed at any place at all while you were at college?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I feel that counsel and I have a right to examine the original document and it was taken away from counsel.

"The CHAIRMAN. This question has nothing at all to do with the original document at all.

"If you will identify your signature on that application there by indicating that you have some legitimate interest in it, you will certainly be permitted to identify it. In view of the fact that you have not identified your signature, I don't know what possible interest you might have in that piece of paper.

"(The witness conferred with his counsel.)

"Mr. LEHRER. I believe that is for us to determine.

"The CHAIRMAN. Yes. All right. Whether or not you see it is for me to determine; so there we are.

"Mr. TAVENNER. Will you answer the question?

"Mr. LEHRER. Would you repeat the question, sir?

"Mr. TAVENNER. The question was whether or not you were employed in industry at any time during the period between 1946 and 1949.

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"(The witness conferred with his counsel.)

"Mr. LEHRER. I would like to see that employment application again. It was taken from my counsel's hand.

"Mr. TAVENNER. Yes, because you refused to testify to anything with regard to the application, either as to the identification of your signature or as to having even made such an application.

"But may I ask you, if I show you this application for the purpose of refreshing your recollection as to employment in industry, would you answer the question?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I will determine that after I see the document.

"The CHAIRMAN. Mr. Tavenner, would you suspend a moment?

"(Announcements off the record.)

"The CHAIRMAN. Go ahead.

"Mr. TAVENNER. Very well.

"I will be very glad to show you the document again but before doing so let me ask you whether this application truthfully stated your educational background when you submitted it to Carnegie Steel?

"(The witness conferred with his counsel.)

"Mr. LEHRER. I insist on seeing the document.

"(Document handed to witness.)

"Mr. TAVENNER. Will you examine the document and tell us whether or not you concealed any facts relating to your educational training? You will find it on the back page—the reverse side.

"Mr. SCHERER. You don't expect him to answer that, do you, Mr. Tavenner?

"The CHAIRMAN. I thought you were interested in the statements with respect to employment.

"Mr. TAVENNER. Both statements.

"The CHAIRMAN. It is quite obvious they are not interested in it now. Have you an extra copy of that?

"Mr. TAVENNER. No, sir.

"Mr. COLLINS. There was only one photostat.

"Mr. TAVENNER. Will you answer the question?

"(The witness conferred with his counsel.)

"The CHAIRMAN. You don't have to go to all that trouble. We will give it to you after we have completed using it.

"Mr. LASSERS. May we retain this copy?

"The CHAIRMAN. After we have finished with it we will give it to you because we have the original.

"Mr. LASSERS. With the understanding we will allow——

"The CHAIRMAN. We will save you the trouble of copying it.

"Mr. LASSERS. With that understanding.

"Mr. TAVENNER. I will have a copy made and sent to you.

"Mr. LASSERS. We will retain this copy.

The CHAIRMAN. We will give you this copy to expedite the hearing.

"Go ahead.

"Mr. LEHRER. Will you repeat the question, please, sir?

"Mr. TAVENNER. My question was whether or not at the time that application was prepared you concealed from your employer your educational background by not putting anything in your application regarding it.

"Mr. LEHRER. I refuse to answer that question on the grounds I previously stated.

"Mr. TAVENNER. Now, I want the record to show that the witness has not looked at this application which he said he had to have before he answered that question. You knew when you asked me for the document you weren't going to answer that question; didn't you?

"The CHAIRMAN. And were not going to look at it.

"Mr. TAVENNER. I told you that the information was on the back of the document. You have not turned it over to look at it, have you? You are practicing the same kind of deceit with this committee now that you practiced in your company when you filed that application; isn't that so?

"Mr. LEHRER. I don't see that it is any of the committee's business what I do on an application.

"The CHAIRMAN. Well, it is the business of the committee and of the Congress of the United States to prevent people from practicing deception in order to conceal the real purpose of their seeking employment in a particular place.

"Go ahead.

"Mr. TAVENNER. Were you a member of the Communist Party—will you let me see the document a minute?

"Mr. LASSERS. On the understanding that I will have it back.

"Mr. SCHERER. Oh, come on.

"The CHAIRMAN. Stop that.

"Mr. SCHERER. You know better.

(Document handed to Mr. Tavenner.)

"Mr. TAVENNER. On August 30, 1949, the date of this application——

"Mr. LEHRER. Would you restate your question?

"Mr. TAVENNER. Were you a member of the Communist Party on August 30, 1949, the date of this application?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"The CHAIRMAN. You are directed to answer the question.

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Were you advised by any member of the Communist Party to come to Gary for the purpose of filing this application for employment?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Mr. Chairman, I would like to read into the record the report of school work as required to be filled out on this application form.

"The CHAIRMAN. Proceed.

"Mr. TAVENNER. Under the title of school work it is stated as kinds of school work, "high school, New Brunswick High, from September 1939 to June 1943." "College" is left entirely in blank.

"Why did you conceal in this application the fact that you had a bachelor-of-arts degree from Rutgers University?

"Mr. LEHRER. I feel that my education is my business and I refuse to answer that question on the grounds that I have already stated.

"The CHAIRMAN. Don't you think it was the business of the United States Steel in appraising your suitability for employment to know that you had been graduated from Rutgers University?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"The CHAIRMAN. Or did you forget that you had gone to college 4 years when you filed that application?

"Mr. LEHRER. Is that a question, sir?

"The CHAIRMAN. That is a question.

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Your application shows during the period of time we have shown by exhibit No. 1 when you were attending Rutgers University, that you were working for the Pennsylvania Railroad Co. in New Brunswick from May 1948 to October 1948 and that you were working for the Aaron Plumbing Supply Co. from November 1948 to June 1949. Is that correct?

"Mr. LEHRER. I refuse to answer that question on the grounds I have already stated.

"Mr. TAVENNER. Were you so employed at those two places?

"Mr. LEHRER. I have already answered that I refuse to answer that question on the grounds that I have already stated.

"Mr. SCHERER. Of course he wasn't. It was another fraud perpetrated.

"(Document handed to Mr. Lassers.)

"Mr. TAVENNER. What was the nature of your employment at the United States Steel Corp.?

"Mr. LEHRER. I refuse to answer that question on the grounds that I have already stated.

"Mr. TAVENNER. Didn't you become a third helper in the melting and pit operations division?

"Mr. LEHRER. I refuse to answer that question on the grounds that I have already stated.

"Mr. TAVENNER. On your arrival in Gary did you immediately identify yourself with the Communist Party by affiliating with it here?

"Mr. LEHRER. I refuse to answer that question on the grounds that I have already stated.

"Mr. TAVENNER. Did you hear the testimony of Mr. LaFleur yesterday in which he testified that you were a member of the section group, the Steel Section Group of the Communist Party——

"(The witness conferred with his counsel.)

"Mr. TAVENNER. Up as late as the time that he left the Communist Party?

"Mr. LEHRER. I refuse to answer that question on the grounds that I have already stated.

"Mr. TAVENNER. Well, were you a member of the section group of the Communist Party, the Steel Section Group?

"Mr. LEHRER. I refuse to answer that question on the grounds that I have already stated.

"Mr. TAVENNER. Will you tell the committee whether or not at this time Communist colonization of the steel industry is being practiced in Gary?

"Mr. LEHRER. I refuse to answer that question on the grounds I have previously stated.

"Mr. TAVENNER. May I have a direction?

"The CHAIRMAN. Yes. You are directed to answer that question.

"Mr. LEHRER. I refuse to answer that question on the grounds that I have previously stated.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"The CHAIRMAN. Have you any questions, Mr. Scherer?

"Mr. SCHERER. Mr. Chairman, this witness is so obviously in contempt of the Congress by his refusal to answer the questions, and not even invoking the fifth amendment, that I move this subcommittee recommend to the full committee that this witness be cited for contempt of Congress.

"The CHAIRMAN. I think we ought to wait until our colleague of the subcommittee, Mr. TUCK, has an opportunity to hear from us. I do not think there is any question about the action that will be taken, but I think we ought to let him know what is in the record. We will defer action on the motion until Governor TUCK sees the record.

"The witness is excused."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Robert Lehrer relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2), of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"How long have you lived in Gary?

"Are you an employee in the steel industry?

"Where are you employed?

"Mr. Lehrer, I think I should advise you that the committee has received sworn testimony here at this hearing that it was the practice of the Communist Party, it was a Communist Party plan, to induce bright young men in various parts of the United States and in educational institutions to break off from the completion of their education and go into basic industry for the purpose of strengthening the grassroots of the Communist Party in basic industry and to afford strong leadership to Communist Party groups which, for one reason or another, had become weakened.

"Now, the committee has heard evidence that you came to Gary, Ind., and that you became identified with the Communist Party; and it is our purpose now to inquire from you as to the exact techniques used by the Communist Party in sponsoring and putting into effect this plan that we call colonization. Now, will you tell the committee, please, whether such a plan of colonization came to your attention and became known to you while you have been in Gary?

"Is it not a fact that you hold an A. B. degree from Rutgers University in New Brunswick, N. J.?

"Were you a member of the Communist Party on August 30, 1949, the date of this application?

"Will you tell the committee whether or not at this time Communist colonization of the steel industry is being practiced in Gary?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions, depriver your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"Be it resolved, That the chairman be authorized and empowered from time to time to appoint subcommittees, composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. WILLIAM M. TUCK; and Hon. GORDON H. SCHERER, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The subcommittee was called to order by the chairman who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Gary, Ind., beginning on the 10th day of February 1958, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Gary, Ind., a motion was made by Mr. SCHERER, seconded by Mr. TUCK, and unanimously adopted, that a report of the facts relating to the refusal of Robert Lehrer to answer material questions before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole with the recommendation that a report of the facts relating to the refusal of said witnesses to answer material questions, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer questions therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. WILLIAM M. TUCK; Hon BERNARD W. KEARNEY; Hon. GORDON H. SCHERER; and Hon. ROBERT J. MCINTOSH, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The report of the facts relating to the refusal of Robert Lehrer to answer material questions was submitted to the committee, upon which a motion was made by Mr. SCHERER, seconded by Mr. MOULDER, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Robert Lehrer to answer material questions before the said subcommittee at the hearing conducted before it in Gary, Ind., on the 11th day of February 1958, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer questions before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such questions to the end that he may be proceeded against in the manner and form provided by law."

[Exhibits not printed in RECORD.]

Mr. WALTER. Mr. Speaker, I offer a privileged resolution—House Resolution 659—and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Robert Lehrer to answer questions before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the northern district of Indiana, to the end that the said Robert Lehrer may be proceeded against in the manner and form provided by law.

The SPEAKER. The question is on the resolution.

Mr. WALTER. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 363, nays 0, not voting 67, as follows:

[Roll No. 150]

YEAS—363

Abbitt
Abernethy
Adair
Addonizio
Albert
Allen, Calif.
Allen, Ill.
Andersen, H. Carl
Anderson, Mont.
Andrews
Arends
Ashley
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barrett
Bass, N. H.
Bates
Baumhart
Beamer
Becker
Beckworth
Belcher
Bennett, Fla.
Bennett, Mich.
Bentley
Berry
Betts
Blatnik
Blitch
Boland
Bolling
Bolton
Bosch
Boykin
Boyle
Bray
Breeding
Brooks, La.
Brooks, Tex.
Broomfield
Brown, Ga.
Brown, Mo.
Brown, Ohio
Brownson
Broyhill
Budge
Burleson
Bush
Byrd
Byrne, Ill.
Byrne, Pa.
Byrnes, Wis.
Canfield
Cannon
Carrigg
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clark
Clevenger
Coad
Coffin
Collier
Colmer
Cooley
Corbett
Coudert
Cramer
Cretella
Cunningham, Iowa
Cunningham, Nebr.
Curtin
Curtis, Mass.
Curtis, Mo.
Dague
Davis, Ga.
Dawson, Utah
Delaney
Dellay
Dennison
Dent
Denton
Derounian
Devereux
Dingell
Dixon
Dollinger
Donohue
Dooley
Dorn, N. Y.
Dorn, S.C.
Dowdy
Doyle
Durham
Dwyer
Edmondson
Elliott
Engle
Everett
Evins
Fallon
Farbstein
Fascell
Fenton
Fino
Fisher
Flood
Flynt
Fogarty
Forand
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Fulton
Garmatz
Gary
Gathings
Gavin
George
Glenn
Granahan
Grant
Gray
Green, Pa.
Gregory
Griffin
Griffiths
Gross
Gubser
Hagen
Hale
Haley
Halleck
Harden
Hardy
Harris
Harrison, Nebr.
Harrison, Va.
Haskell
Hays, Ohio
Healey
Hébert
Hemphill
Henderson
Herlong
Heselton
Hess
Hiestand
Hill
Hoeven
Holifield
Holland
Holmes
Holt
Holtzman
Horan
Hosmer
Huddleston
Hull
Hyde
Ikard
Jarman
Jennings
Jensen
Johansen
Johnson
Jonas
Jones, Ala.
Judd
Karsten
Kean
Kearney
Kearns
Kee
Kelly, N. Y.
Keogh
Kilburn
Kilday
Kilgore
King
Kirwan
Kitchin
Kluczynski
Knox
Knutson
Lafore
Laird
Lane
Lankford
Latham
LeCompte
Lennon
Libonati
Lipscomb
McCormack
McCulloch
McDonough
McFall
McGovern
McGregor
McIntosh
McMillan
McVey
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Mailliard
Martin
Matthews
May
Meader
Merrow
Metcalf
Miller, Calif.
Miller, Md.
Miller, Nebr.
Miller, N. Y.
Mills
Minshall
Mitchell
Montoya
Moore
Morano
Morgan
Morrison
Moss
Moulder
Multer
Mumma
Murray
Natcher
Neal
Nicholson
Nimtz
Nix
Norblad
O'Brien, Ill.
O'Brien, N. Y.
O'Hara, Ill.
O'Hara, Minn.
O'Konski
O'Neill
Osmers
Ostertag
Passman
Patman
Patterson
Pelly
Perkins
Pfost
Philbin
Pilcher
Pillion
Poff
Polk
Porter
Price
Prouty
Quie
Rabaut
Rains
Ray
Reece, Tenn.
Reed
Rees, Kans.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers
Roberts
Robison, N. Y.
Robsion, Ky.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Rooney
Roosevelt
Rutherford
Santangelo
Saund
Saylor
Schenck
Schwengel
Scott, N. C.
Scott, Pa.
Scudder
Seely-Brown
Selden
Sheehan
Sheppard
Sikes
Shelley
Siler
Simpson, Ill.
Sisk
Smith, Calif.
Smith, Miss.
Smith, Va.
Springer
Staggers
Stauffer
Steed
Sullivan
Taber
Teague, Calif.
Teague, Tex.
Teller
Tewes
Thomas
Thompson, N. J.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Udall
Ullman
Utt
Vanik
Van Pelt
Van Zandt
Vinson
Vorys
Vursell
Wainwright
Walter
Watts
Weaver
Westland
Wharton
Whitener
Whitten
Widnall
Wigglesworth
Williams, Miss.
Wilson, Calif.
Wilson, Ind.
Winstead
Withrow
Wolverton
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—0

NOT VOTING—67

Alexander	Gwinn	Preston
Alger	Harvey	Radwan
Anfuso	Hays, Ark.	Robeson, Va.
Barden	Hillings	Sadlak
Baring	Hoffman	St. George
Bass, Tenn.	Jackson	Scherer
Boggs	James	Scrivner
Bonner	Jenkins	Shuford
Bow	Jones, Mo.	Sieminski
Buckley	Keating	Simpson, Pa.
Burdick	Krueger	Smith, Kans.
Carnahan	Landrum	Spence
Celler	Lesinski	Talle
Christopher	Loser	Taylor
Davis, Tenn.	McCarthy	Thompson, La.
Dawson, Ill.	McIntire	Tollefson
Dies	Marshall	Trimble
Diggs	Mason	Tuck
Eberharter	Michel	Wier
Feighan	Morris	Williams, N. Y.
Friedel	Norrell	Willis
Gordon	Poage	
Green, Oreg.	Powell	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays of Arkansas with Mr. McIntire.
Mr. Trimble with Mr. Sadlak.
Mr. Lesinski with Mr. Hillings.
Mr. Loser with Mrs. St. George.
Mr. Baring with Mr. Bow.
Mr. Boggs with Mr. Mason.
Mr. Anfuso with Mr. Harvey.
Mr. Celler with Mr. Keating.
Mr. Buckley with Mr. Radwan.
Mr. Carnahan with Mr. Michel.
Mr. Christopher with Mr. Scherer.
Mr. Marshall with Mr. Simpson of Pennsylvania.
Mr. Friedel with Mr. Hoffman.
Mr. McCarthy with Mr. Krueger.
Mr. Willis with Mr. Taylor.
Mr. Thompson of Louisiana with Mr. Gwinn.
Mr. Sieminski with Mr. Jackson.
Mr. Bonner with Mr. Tollefson.
Mr. Dawson of Illinois with Mr. Talle.
Mr. Diggs with Mr. Burdick.
Mr. Landrum with Mr. Smith of Kansas.
Mr. Preston with Mr. James.
Mr. Alexander with Mr. Alger.
Mr. Gordon with Mr. Williams of New York.
Mrs. Green of Oregon with Mr. Jenkins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST ALFRED JAMES SAMTER

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Report No. 2336).

The Clerk read as follows:

PROCEEDINGS AGAINST ALFRED JAMES SAMTER

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING ALFRED JAMES SAMTER

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Alfred James Samter to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of which the Honorable Francis E. Walter is chairman, on Monday, February 10, 1958, at 10 a. m., at city council chamber, City Hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served on the said Alfred James Samter is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To ALFRED SAMTER, *Greeting:*

"Pursuant to lawful authority, You are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Monday, February 10, 1958, at 10 o'clock a. m., at city council chamber, city hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States marshal, to serve and return.

"Given under my hand this 21st day of January, in the year of our Lord 1958.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by the United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said United States marshal being endorsed thereon, is set forth in words and figures as follows:

"SUBPENA FOR ALFRED SAMTER, 501 EAST 47TH PLACE, GARY, IND., BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

"I made service of the within subpena by serving personally the within-named Alfred Samter at 501 East 47th Place, Gary, Ind., at 8: 15 o'clock p. m. on the 24th day of January 1958.

"Dated January 24, 1958.

"ROY M. AMOS,
"United States Marshal, Northern District of Indiana.
"By LEE O. JAMES,
"Deputy."

The said Alfred James Samter, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on February 10, 1958, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Alfred James Samter having appeared as a witness and having been asked the questions, namely:

"Did you, in your application for employment, refuse to tell your employer what your educational training had been?

"What propaganda activities are being engaged in now by the Communist Party group within the Big Mill where you are now employed?

"When you came to Gary to seek employment, did you confer in New York with any member of the Communist Party with regard to your coming to Gary?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions and, as a result of said Alfred James Samter's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon Alfred James Samter.

The record of the proceedings before the subcommittee on February 10, 1958, during which Alfred James Samter refused to answer the aforesaid questions, pertinent to the subject under inquiry, is set forth in fact as follows:

"MONDAY, FEBRUARY 10, 1958
"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Gary, Ind.
"Public hearing

"A subcommittee of the Committee on Un-American Activities met pursuant to call, at 10 a. m., in the council chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: Representatives FRANCIS E. WALTER, of Pennsylvania, and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"The CHAIRMAN. The subcommittee will come to order.

"Let the record show that, pursuant to law and the rules of this committee, I have appointed a subcommittee for the purpose of conducting these hearings composed of Representatives WILLIAM M. TUCK, of Virginia; GORDON H. SCHERER, of Ohio; and myself as chairman.

"The order of appointment of the subcommittee wil be set forth in the record at this point:

"JANUARY 21, 1958.

"To Mr. RICHARD ARENS,
"Staff Director, House Committee on Un-American Activities:

"Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER and WILLIAM M. TUCK, associate members, and myself, FRANCIS E. WALTER, as chairman, to conduct hearings in Gary, Ind., on Monday and Tuesday, February 10 and 11, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"Please make this action a matter of committee record.

"If any member indicates his inability to serve, please notify me.

"Given under my hand this 21st day of January 1958.

"FRANCIS E. WALTER,
"Chairman, Committee on Un-American Activities.

"The CHAIRMAN. The subject and legislative purposes of this hearing are reflected by the following extract taken from the minutes of a meeting of the committee held on January 15, 1958:

"A motion was made by Mr. SCHERER, seconded by Mr. Willis and unanimously carried, approving and authorizing the holding of hearings in Gary, Ind., beginning on the 10th day of February 1958, or on such other date as the chairman of the committee may determine, and continuing from day to day, and time to time, until the hearings are completed, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated.

"'1. The extent, character, and objects of Communist infiltration and Communist Party propaganda activities in basic industry in the Gary, Ind., area, the legislative purpose being to obtain additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof, and for the

additional legislative purpose of adding to the committee's overall knowledge on the subject, so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense and for internal security when and if the exigencies of the situation require it.

" '2. Execution by administrative agencies concerned of Public Law 637, of the 83d Congress, known as the Communist Control Act of 1954, relating to the eligibility to exercise the rights and privileges provided under the National Labor Relations Act of labor organizations determined by the Subversive Activities Control Board to be Communist-infiltrated organizations. The legislative purpose is to assist Congress in appraising the administration of the Communist Control Act of 1954 and to enact such amendments thereto as the exigencies of the situation require.

" '3. Any other matter within the jurisdiction of the committee which it or any subcommittee thereof, appointed to conduct this hearing, may designate.'

"Under the provisions of Public Law 601, 79th Congress, the Congress has placed upon this committee certain legislative and investigative duties and, in addition, the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee. Accordingly, within the framework of this broad jurisdiction and objectives, this subcommittee of the Committee on Un-American Activities is here in Gary for the purpose of receiving testimony concerning Communist techniques and tactics of infiltration and the extent, character, and objects of Communist Party propaganda activities in basic industries. The importance of this area of inquiry from the standpoint of national security cannot be overemphasized. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress.

"In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, the various espionage statutes, the Communist Control Act of 1954, and similar laws, for the purpose of keeping Congress informed of the manner in which laws are being administered and for the purpose of recommending any needed legislative amendments. This mandate will be carried out at this hearing.

"The committee recently formulated an omnibus security bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration of the numerous provisions of this bill.

"The committee is especially desirous of obtaining additional information for use in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willingly becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof.

"When investigating Communists and Communist activities, this committee frequently has been met with the false and unfounded charge that it is merely seeking headlines; that we are a group of Fascists; that we are engaged in witch hunting; and the like. Such charges will not dissuade us from our duty. We seek the facts and only the facts. In the conduct of this hearing, we are not interested in any dispute between labor and management, between one union and another union, or with disputes within a union. We propose to ascertain the facts on Communist activity irrespective of the field in which it occurs.

"In the course of the last several hearings of the Committee on Un-American Activities, we have discovered a new technique practiced by Communists for the purpose of disguising their operations. Persons who have been identified by responsible witnesses, under oath, as Communists have themselves denied present technical membership in the Communist Party for the period of time beginning with the announcement of committee hearings. Time and again we have seen instances in which hard-core leaders of the conspiracy deny, while they are under oath, that they are present members of the Communist Party, but refuse to testify respecting past membership as recent as a week or so prior to the hearings or with respect to their contemplated future courses of action. This situation, coupled with our other sources of information, compel us to conclude that they have merely practiced the ruse of resigning technical membership for the purpose of deceit. It is hoped that this pattern will not develop during the hearings here in Gary.

"It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him.

"I would remind those present that a disturbance of any kind or audible comment during the testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. Any infraction of this rule will result in the offender being ejected from the hearing room.

"I am particularly happy to be able to say that in this eternal struggle against international communism your own Representative in the Congress, RAY MADDEN, has made a great contribution in the work that he did with respect to the Katyn massacres. That was a monumental job, and placing the blame where it belongs was long overdue. Your Representative certainly made a very fine contribution by his efforts in that field."

After hearing the testimony of other witnesses, Alfred James Samter was called before the committee.

"Mr. TAVENNER. Mr. Alfred Samter.

"The CHAIRMAN. Will you raise your right hand, please? Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. SAMTER. I do.

"TESTIMONY OF ALFRED JAMES SAMTER, ACCOMPANIED BY COUNSEL, IRVING MEYERS

"Mr. TAVENNER. Will you state your name, please, sir?

"Mr. SAMTER. My name is Alfred James Samter.

"Mr. SCHERER. I did not get the last name.

"Mr. SAMTER. Samter.

"Mr. TAVENNER. Will you spell your last name, please?

"Mr. SAMTER. S-a-m-t-e-r.

"Mr. TAVENNER. It is noted that you are accompanied by counsel.

"Will counsel please identify himself for the record?

"Mr. MEYERS. My name is Irving Meyers. I am from Chicago.

"At this time I would like to inquire whether you have seen my telegram of last Saturday. If not, I would like to present it now, and I would like to have a response to it, if I may. It is a telegram requesting an executive hearing.

"The CHAIRMAN. I would like to see it.

"Mr. TAVENNER. I had not seen it because I was here Saturday. I guess your telegram was sent to Washington.

"Mr. MEYERS. That is right. On behalf of this client and a number of others.

"The CHAIRMAN. Of course, this request is based on a false premise. If it is in the nature of a request, we can only do what we have always done in cases of this kind, and that is refuse to grant the request.

"Mr. MEYERS. May I have the request entered in the record on behalf of this client and all the other clients I represent?

"The CHAIRMAN. Yes.

"Mr. TAVENNER. It may be.

"The CHAIRMAN. Yes. Why did you wait until Saturday to send me the telegram?

"Mr. MEYERS. I interviewed my clients on Saturday. A number of them received subpenas during the week, and it took some time for us to get together.

"Mr. TAVENNER. When and where were you born, Mr. Samter?

"The CHAIRMAN. Let us get his address first. We neglected to do that with the last witness.

"Mr. TAVENNER. Where do you reside?

"Mr. SAMTER. I reside in Gary.

"Mr. TAVENNER. Where in Gary?

"Mr. SAMTER. The address is 501 East 47th Place.

"Mr. TAVENNER. When and where were you born?

"Mr. SAMTER. I was born on January 27, 1922, in New York City.

"Mr. TAVENNER. When did you first come to Gary?

"Mr. SAMTER. Approximately 9 years ago.

"Mr. TAVENNER. About 1948 or 1949?

"Mr. SAMTER. 1949.

"Mr. TAVENNER. 1949?

"Mr. SAMTER. Yes, sir.

"Mr. TAVENNER. What time of year?

"Mr. SAMTER. Spring.

"Mr. TAVENNER. Where were you residing immediately prior to your coming to Gary?

"(The witness conferred with his counsel.)

"Mr. SAMTER. New York City.

"Mr. TAVENNER. Have you been in Gary since that time, 1949?

"Mr. SAMTER. I beg your pardon?

"Mr. TAVENNER. Have you lived in Gary continuously since 1949?

"Mr. SAMTER. Yes, sir.

"Mr. TAVENNER. Will you tell the committee, please, briefly what your formal educational training has been?

"Mr. SAMTER. I am a high school graduate.

"Mr. TAVENNER. Have you had any other training—educational training?

"(The witness conferred with his counsel.)

"Mr. SAMTER. Are you referring to college training, Mr. Attorney?

"Mr. TAVENNER. Any school training.

"(The witness conferred with his counsel.)

"Mr. SAMTER. I don't believe that this committee is empowered to inquire into my education under the charter of the committee, which I don't completely understand. Anyhow, I don't believe that the question on my education is pertinent, and I do believe it is an invasion of my civil rights under the first amendment to the Constitution, so I will decline to answer that question.

"Mr. SCHERER. Why did you tell us then, when asked about your education, that you had a high school education and now decline to go further?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I repeat the same answer under the same rights that I previously stated.

"Mr. SCHERER. Have you been a student at any Communist Party training school? Let us get right to it.

"(The witness conferred with his counsel.)

"Mr. SAMTER. Same answer as previously stated.

"Mr. SCHERER. I put it to you as a fact that you have been a student at a Communist Party training school and ask you now, while you are under oath, either to affirm or deny that fact.

"(The witness conferred with his counsel.)

"Mr. SAMTER. Same answer as previously stated.

"Mr. TAVENNER. Did you, in your application for employment, refuse to tell your employer what your educational training had been?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I am sorry. I don't understand your question.

"Mr. TAVENNER. Well, you have refused to tell this committee what educational training you have had. My question was, did you also refuse to tell your employer when you filed your application for employment what your educational training had been?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer that question on the grounds that you have no right to inquire into my personal relationships under the first amendment and also on the previous grounds that I stated.

"Mr. SCHERER. You are not refusing to answer on the basis of any right you might claim to have under the fifth amendment, are you?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I assert my right to due process under the fifth amendment, but as far as any other part of the fifth amendment, I am not asserting that right.

"Mr. SCHERER. You are not refusing to answer on the basis of that part of the fifth amendment which gives you the right to refuse to answer on the grounds that to answer might tend to incriminate you. Is that right?

"(The witness conferred with his counsel.)

"Mr. SAMTER. That is correct.

"Mr. SCHERER. Then I ask, Mr. Chairman, that you direct him to answer the question.

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. SAMTER. I still refuse to answer under the same basis.

"The CHAIRMAN. All right.

"Mr. TAVENNER. Did you attend the American Radio Institute?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer that question under the grounds previously stated.

"Mr. TAVENNER. Upon your coming to Gary in 1949, did you immediately identify yourself in an active way with the Communist Party?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer that question on the same grounds as previously stated.

"Mr. TAVENNER. Have you been a leader in the Communist Party, in the Big Mill Unit of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer that question on the same grounds as previously stated.

"Mr. TAVENNER. What propaganda activities are being engaged in now by the Communist Party group within the Big Mill where you are employed?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer that question on the grounds previously stated.

"Mr. TAVENNER. Is there any question in your mind as to the pertinency of that question to the subject under inquiry here?

"(The witness conferred with his counsel.)

"Mr. SAMTER. Yes, sir. First of all, I do not understand the pertinency. I do not believe it is pertinent to the inquiry. I do not understand the purposes of the inquiry. I do not believe it is pertinent to the powers of the committee, and I do not understand completely what those powers of the committee are. I might add, Mr. Counselor, that I believe that the courts are finding difficulty in determining just exactly what the powers of this committee are, and I certainly don't understand them.

"Mr. TAVENNER. Well, the question of the powers of the committee was not involved in my question in any way. It is hard for me to understand that you, in good faith, do not understand the pertinency of the question. But inasmuch as you say you do not understand it, let me repeat again what the chairman stated in his opening statement.

"You were present at that time, were you not?

"Mr. SAMTER. Yes, sir.

"Mr. TAVENNER. The chairman stated that the subject of this inquiry was the receipt of testimony relating to the tactics and techniques of Communist infiltration in the steel industry and the extent, character, and objects of Communist Party propaganda within the steel industry, that is, within basic industry.

"Now, when I ask you the question, or the committee asks the question, as to what the Communist Party is doing now in the way of propaganda within basic industry, that statement answers the pertinency raised by you.

"So I will have to request that the chairman direct you to answer that question in view of that explanation.

"(The witness conferred with his counsel.)

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer on the same basis that I have on the other question.

"Mr. TAVENNER. Aren't you actually the leader of the Communist Party in the mill group right now?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I refuse to answer on the basis of the same reasons given.

"Mr. SCHERER. What do you actually do in the mill, Witness? What is your job?

"(The witness conferred with his counsel.)

"Mr. SAMTER. Well, I work in a department which manufactures byproducts from the coke-making process in the coke plant.

"Mr. SCHERER. What do you do? What is your exact work?

"Mr. SAMTER. Do you want my exact title, sir?

"Mr. SCHERER. No. I want to know what you do. Do you do clerical work? Do you work on an assembly line? Do you work in a foundry, or what?

"Mr. SAMTER. It is a department which is similar to an oil refinery.

"Mr. SCHERER. I am not asking about the department. I am asking what you do. What is the nature of your work?

"Mr. SAMTER. In order to describe what I do, Mr. Congressman, I have to describe what type of department it is because it is not either an assembly line or foundry, as you suggested. It is a distillation unit, very similar to an oil refinery, in which materials, taken as by-products of coke-making process, are passed through steel and by-product oils are made.

"In this process, I turn valves; I direct the flows of these various pieces of equipment; I look at them to see that they are in working order, and see that the pumps are running correctly and various many duties such as those.

"Mr. SCHERER. All right.

"Mr. TAVENNER. When you came to Gary to seek employment, did you confer in New York with any member of the Communist Party with regard to your coming to Gary?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer that question on the same grounds as previously stated.

"The CHAIRMAN. You are directed to answer that question.

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer on the same grounds as previously stated.

"Mr. TAVENNER. Did you attend any classes or schooling of any kind in New York City preparing young men to go out in the labor field to become leaders in the field of labor?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer on the grounds as previously stated.

"Mr. TAVENNER. Were you a member of the Communist Party in the city of New York before coming to Gary?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer on the grounds as previously stated.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"The CHAIRMAN. Any questions, Mr. Scherer?

"Mr. SCHERER. Have you ever served in the Armed Forces of the United States?

"(The witness conferred with his counsel.)

"Mr. SAMTER. Yes, sir.

"Mr. SCHERER. When was that service?

"Mr. SAMTER. From 1942 until 1945. I don't recall the exact dates.

"Mr. SCHERER. In what branch of the service?

"Mr. SAMTER. Army.

"Mr. SCHERER. What type of work did you do in the Army? What particular assignment did you have?

"Mr. SAMTER. I was a radio operator in an armored division.

"Mr. SCHERER. Radio operator. And did you serve outside the continental United States?

"Mr. SAMTER. Yes, sir.

"Mr. SCHERER. Where?

"Mr. SAMTER. In Europe.

"Mr. SCHERER. And where did you live immediately prior to your service in the Army? What was your home residence?

"Mr. SAMTER. New York City.

"Mr. SCHERER. While you were in the Armed Forces of the United States serving as a radio operator, were you a member of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. SAMTER. I decline to answer that on the same grounds as previously stated.

"Mr. SCHERER. I have no further questions.

"The CHAIRMAN. The witness is excused."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Alfred James Samter, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Did you, in your application for employment, refuse to tell your employer what your educational training had been?

"What propaganda activities are being engaged in now by the Communist Party group within the Big Mill where you are now employed?

"When you came to Gary to seek employment, did you confer in New York with any member of the Communist Party with regard to your coming to Gary?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"*Be it resolved*, That the chairman be authorized and empowered from time to time to appoint subcommittees, composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. WM. M. TUCK; and Hon. GORDON H. SCHERER, held on the 16th day of April 1958, in room 225, Old House Office Building Washington, D. C.:

"The subcommittee was called to order by the chairman, who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Gary, Ind., beginning on the 10th day of February 1958, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Gary, Ind., a motion was made by Mr. SCHERER, seconded by Mr. TUCK, and unanimously adopted, that a report of the facts relating to the refusal of Alfred James Samter to answer material questions before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer material questions, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer questions therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. WM. M. TUCK; Hon. BERNARD W. KEARNEY; Hon. GORDON H. SCHERER; and Hon. ROBERT J. MCINTOSH, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The report of the facts relating to the refusal of Alfred James Samter to answer material questions was submitted to the committee, upon which a motion was made by Mr. SCHERER, seconded by Mr. MOULDER, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Alfred James Samter to answer material questions before the said subcommittee at the hearing conducted before it in Gary, Ind., on the 10th day of February 1958, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer questions before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such questions to the end that he may be proceeded against in the manner and form provided by law."

Mr. ALGER. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. WALTER. I yield.

Mr. ALGER. Mr. Speaker, during rollcall No. 150 on House Resolution 659 I was in the committee. Being near the head of the alphabet in the calling of the roll I just missed it. I simply want to say that had I been present I would have voted "yea."

I thank the gentleman.

Mr. HARVEY. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HARVEY. Mr. Speaker, it was impossible for me to get here when my name was called on rollcall No. 150. Had I been here I would have voted "yea."

Mr. WALTER. Mr. Speaker, I offer a privileged resolution—House Resolution 660—and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Alfred James Samter to answer questions before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the northern district of Indiana, to the end that the said Alfred James Samter may be proceeded against in the manner and form provided by law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST VICTOR MALIS

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2337).

The Clerk read as follows:

PROCEEDINGS AGAINST VICTOR MALIS

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING VICTOR MALIS

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Victor M. Malis to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on Monday, February 10, 1958, at 10 a. m., at city council chamber, city hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served on the said Victor Malis is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To VICTOR M. MALIS, *Greeting:*

"Pursuant to lawful authority, you are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Monday, February 10, 1958, at 10 o'clock a. m., at city council chamber, city hall, Gary, Ind., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States Marshal, to serve and return.

"Given under my hand this 21st day of January, in the year of our Lord 1958.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by the United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said United States marshal, being endorsed thereon is set forth in words and figures, as follows:

"SUBPENA FOR VICTOR M. MALIS, BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

"I made service of the within subpena by personal service on the within-named Victor Malis at R. R. 6, Box 6, Crown Point, Ind., at 7 o'clock a. m. on the 1st day of February 1958.

"Dated February 1, 1958.

"ROY M. AMOS,
"United States Marshal, Northern District of Indiana.
"By LEE O. JAMES, *Deputy."*

The testimony of other witnesses having lasted through the 10th day of February 1958, the said Victor Malis, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on February 11, 1958, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Victor Malis having appeared as a witness and having been asked the questions, namely:

"Whose restaurant was that?

"Did you give up 14 years of seniority in your labor union in order to take that 3 months' job?

"Did the Communist Party meet in its meetings at the location of this restaurant which you operated for a period of 3 months?

"Was the name of the restaurant at which you worked the Gary Cooperative Restaurant at 1428 Broadway, Gary, Ind.?

"Will you tell the committee, please, what means are being used by the Communist Party at this time—that is, right now—to strengthen its hold in labor unions in Gary?

"Are you at this time an active leader of the Communist Party in Gary, Ind.?

"What is the strength of the Communist Party membership, or, in other words, what is the size of the membership of the Communist Party in your union now?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions and, as a result of said Victor Malis' refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon Victor Malis.

The record of the proceedings before the subcommittee on February 10, 1958, insofar as it is pertinent to the appearance of Victor Malis on February 11, 1958, is set forth in fact as follows:

"MONDAY, FEBRUARY 10, 1958

"UNITED STATES
HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Gary, Ind.

"Public hearing

"A subcommittee of the Committee on Un-American Activities met pursuant to call,

at 10 a. m., in the council chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: Representatives FRANCIS E. WALTER, of Pennsylvania, and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"THE CHAIRMAN. The subcommittee will come to order.

"Let the record show that, pursuant to law and the rules of this committee, I have appointed a subcommittee for the purpose of conducting these hearings composed of Representatives WILLIAM M. TUCK, of Virginia; GORDON H. SCHERER, of Ohio; and myself as chairman.

"The order of appointment of the subcommittee will be set forth in the record at this point:

"JANUARY 21, 1958.

"To Mr. RICHARD ARENS,

"Staff Director, House Committee on Un-American Activities:

"Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER and WILLIAM M. TUCK, associate members, and myself, FRANCIS E. WALTER, as chairman, to conduct hearings in Gary, Ind., on Monday and Tuesday, February 10 and 11, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"Please make this action a matter of committee record.

"If any member indicates his inability to serve, please notify me.

"Given under my hand this 21st day of January 1958.

"FRANCIS E. WALTER,

"Chairman, Committee on Un-American Activities.

"The CHAIRMAN. The subject and legislative purposes of this hearing are reflected by the following extract taken from the minutes of a meeting of the committee held on January 1958.

"'A motion was made by Mr. SCHERER, seconded by Mr. WILLIS and unanimously carried, approving and authorizing the holding of hearings in Gary, Ind., beginning on the 10th day of February, 1958, or on such other date as the chairman of the committee may determine, and continuing from day to day, and time to time, until the hearings are completed, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated.

"'1. The extent, character, and objects of Communist infiltration and Communist Party propaganda activities in basic industry in the Gary, Ind., area, the legislative purpose being to obtain additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof, and for the additional legislative purpose of adding to the committee's overall knowledge on the subject, so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense and for internal security when and if the exigencies of the situation require it.

"'2. Execution by administrative agencies concerned of Public Law 637, of the 83d Congress known as the "Communist Control Act of 1954," relating to the eligibility to exercise the rights and privileges provided under the National Labor Relations Act of labor organizations determined by the Subversive Activities Control Board to be Communist-infiltrated organizations. The legislative purpose is to assist Congress in appraising the administration of the Communist Control Act of 1954 and to enact such amendments thereto as the exigencies of the situation require.

"'3. Any other matter within the jurisdiction of the committee which it or any subcommittee thereof, appointed to conduct this hearing, may designate.'

"Under the provisions of Public Law 601, 79th Congress, the Congress has placed upon this committee certain legislative and investigative duties and, in addition, the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee. Accordingly, within the framework of this broad jurisdiction and objectives, this subcommittee of the Committee on Un-American Activities is here in Gary for the purpose of receiving testimony concerning Communist techniques and tactics of infiltration and the extent, character, and objects of Communist Party propaganda activities in basic industries. The importance of this area of inquiry from the standpoint of national security cannot be overemphasized. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress.

"In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, the various espionage statutes, the Communist Control Act of 1954, and similar laws for the purpose of keeping Congress informed of the manner in which laws are being administered and for the purpose of recommending any needed legislative amendments. This mandate will be carried out at this hearing.

"The committee recently formulated an Omnibus Security Bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration of the numerous provisions of this bill.

"The committee is especially desirous of obtaining additional information for use in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willingly becoming or remaining a member of the Communist Party with knowledge of the purpose or objective thereof.

"When investigating Communists and Communist activities, this committee frequently has been met with the false and unfounded charge that it is merely seeking headlines; that we are a group of Fascists; that we are engaged in witch-hunting; and the like. Such charges will not dissuade us from our duty. We seek the facts and only the facts. In the conduct of this hearing, we are not interested in any dispute between labor and management, between one union and another union, or with disputes within a union. We propose to ascertain the facts on Communist activity irrespective of the field in which it occurs.

"In the course of the last several hearings of the Committee on Un-American Activities, we have discovered a new technique practiced by Communists for the purpose of disguising their operations. Persons who have been identified by responsible witnesses, under oath, as Communists have themselves denied present technical membership in the Communist Party for the period of time beginning with the announcement of committee hearings. Time and again we have seen instances in which hard-core leaders of the conspiracy deny, while they are under oath, that they are present members of the Communist Party, but refuse to testify respecting past membership as recent as a week or so prior to the hearings or with respect to their contemplated future courses of action. This situation, coupled with our other sources of information, compel us to conclude that they have merely practiced the ruse of resigning technical membership for the purpose of deceit. It is hoped that this pattern will not develop during the hearings here in Gary.

"It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him.

"I would remind those present that a disturbance of any kind of audible comment during the testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. Any infraction of this rule will result in the offender being ejected from the hearing room.

"I am particularly happy to be able to say that in this eternal struggle against international communism your own Representative in the Congress, RAY MADDEN, has made a great contribution in the work that he did with respect to the Katyn massacres. That was a monumental job, and placing the blame where it belongs was long overdue. Your Representative certainly made a very fine contribution by his efforts in that field."

After the making of the foregoing opening statement, the committee heard various witnesses on the 10th day of February, and the witness Victor Malis was not reached until Tuesday, February 11, 1958.

"TUESDAY, FEBRUARY 11, 1958

"UNITED STATES HOUSE
OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN
ACTIVITIES,
"Gary, Ind.

"Public hearing

"The subcommittee of the Committee on Un-American Activities met pursuant to recess, at 10 a. m. in the Council Chamber, Municipal Building, Gary, Ind., Hon. FRANCIS E. WALTER (chairman of the committee) presiding.

"Committee members present: FRANCIS E. WALTER, of Pennsylvania (presiding), and GORDON H. SCHERER, of Ohio.

"Staff members present: Frank S. Tavenner, Jr., counsel, and Raymond T. Collins, investigator.

"The CHAIRMAN. The subcommittee will come to order.

"The custodian of the building has requested me to announce that smoking is not permitted. It is impossible to ventilate the room, and the fire hazard, of course, is considerable. So that I request you to refrain from smoking at this session."

After hearing the testimony of other witnesses, Victor Malis was then called before the committee.

"Mr. TAVENNER. Mr. Victor Malis.

"The CHAIRMAN. Raise your right hand, please.

"Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God.

"Mr. MALIS. I do.

"TESTIMONY OF VICTOR MALIS, ACCOMPANIED BY COUNSEL, IRVING MEYERS

"Mr. TAVENNER. Will you state your name, please?

"Mr. MALIS. Victor Malis.

"Mr. TAVENNER. Will counsel identify himself for the record, please.

"Mr. MEYERS. My name is Irving Meyers. I am from Chicago.

"At this time I would like to call to the committee's attention that I sent a telegram on Saturday last requesting that an executive session be held in lieu of this open session in reference to this witness and others. And I would like to have that. I repeat the request. I would like to have it rendered of record and I would like to have an answer to my request.

"The CHAIRMAN. In view of the fact that the telegram has never been received by the chairman of this committee, it was delivered in Washington while the chairman was in Gary, Ind., and because no opportunity has been had to study it to determine whether or not it was sent in good faith, the request to delay or defer hearing this witness is denied.

"Mr. MEYERS. I didn't ask to defer it or delay. I merely asked for an executive session and you had the telegram in your hands yesterday, a copy of it, which I presented in another matter.

"The CHAIRMAN. A copy, yes.

"Mr. MEYERS. Yes, and I sent it on Saturday.

"The CHAIRMAN. I said the telegram will be considered. Go ahead, Mr. Tavenner.

"Mr. TAVENNER. When and where were you born, Mr. Malis?

"Mr. MALIS. Gary, Ind.

"Mr. TAVENNER. What is the date of your birth?

"Mr. MALIS. October 30, 1912.

"Mr. TAVENNER. What is the nature of your employment?

"Mr. MALIS. Steel worker.

"Mr. TAVENNER. How long have you been a steel worker?

"Mr. MALIS. Well, all of my adult life.

"Mr. TAVENNER. Did you serve in the Armed Forces of the United States?

(The witness conferred with his counsel.)

"The CHAIRMAN. You are directed to answer that question.

"Mr. MEYERS. What was that question?

"Mr. MALIS. Repeat that question.

"The CHAIRMAN. If you would pay some attention to us you would know what this is all about, Mr. Malis.

"Mr. TAVENNER. My question was whether or not you served in the Armed Forces of the United States.

"Mr. MALIS. Yes; I did.

"Mr. TAVENNER. Over what period of time?

"Mr. MALIS. From April 1941 to October 1945.

"Mr. TAVENNER. So with the exception of the period you were in the armed services you have been an employee in steel at least from 1940 until the present time, haven't you?

"(The witness conferred with his counsel.)

"Mr. MALIS. By far the biggest part.

"Mr. TAVENNER. Was there some part of that time when you were employed elsewhere?

"(The witness conferred with his counsel.)

"Mr. MALIS. Yes. I worked somewhere else.

"Mr. TAVENNER. When and where was that?

"(The witness conferred with his counsel.)

"Mr. MALIS. I am not too sure—3 or 4 months in the year of 1950.

"Mr. TAVENNER. Where did you work during that period?

"(The witness conferred with his counsel.)

"Mr. MALIS. I don't think it is pertinent to this committee and I am going to exercise my right under the first amendment. I don't think this committee has got any right to infringe on my thinking and my political beliefs.

"The CHAIRMAN. We are not asking you about your political beliefs at all. Are you anticipating a question when you say that?

"(The witness conferred with his counsel.)

"The CHAIRMAN. We are merely asking where you were employed, not whether or not you were a Communist.

"Mr. MALIS. I refuse to tell you that because I don't think it is within your power to ask me that.

"Mr. SCHERER. I ask you to direct the witness to answer the question.

"The CHAIRMAN. You are directed to answer the question—where you were employed.

"Mr. MALIS. Pardon?

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with counsel.)

"Mr. MALIS. Well, for 3 or 4 months in 1950 I did not work in the steel industry, and I just refuse to answer the question.

"The CHAIRMAN. Were you an employee then of the Communist Party? Is that why you refuse to answer?

"(The witness conferred with his counsel.)

"Mr. MALIS. I worked in a restaurant. After that I am using my first amendment.

"Mr. SCHERER. What is that?

"Mr. MALIS. First amendment rights.

"Mr. TAVENNER. I think, Mr. Chairman, we better swear in counsel.

"Mr. SCHERER. I am beginning to think so, too.

"Mr. MEYERS. I must tell you I represent a steel worker who is not too literate. He certainly knows nothing of the law. He certainly doesn't understand your purposes because the Supreme Court doesn't quite understand it.

"Mr. TAVENNER. He is the one that knows the facts, though.

"Mr. MEYERS. He doesn't understand your questions.

"The CHAIRMAN. We are not asking him any legal questions. We are asking him questions of fact.

"Mr. MEYERS. But your questions may carry legal implications.

"The CHAIRMAN. Well, have you read the rules of this committee?

"Mr. MEYERS. I have.

"The CHAIRMAN. I wish you would observe them.

"Mr. MEYERS. I intend to and try to.

"The CHAIRMAN. Don't interrupt, Counsel. Don't prevent the witness from listening to the questions that are being propounded and don't put the answers in his mouth.

"Mr. MEYERS. Will you ask my witness if I am doing that?

"The CHAIRMAN. I do not have to. I can see you telling him. I am not entirely blind.

"Mr. MEYERS. I am sorry. You are misinterpreting what occurs.

"The CHAIRMAN. Go ahead, Mr. Tavenner.

"Mr. TAVENNER. You state, then, that you worked in a restaurant during those 3 or 4 months in 1950, is that what I understood you to say?

"Mr. MALIS. Yes, I did.

"Mr. TAVENNER. Where was that restaurant located?

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer that under the first amendment.

"Mr. TAVENNER. Whose restaurant was that?

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer.

"Mr. TAVENNER. Why?

"(The witness conferred with his counsel.)

"Mr. MALIS. I just refuse to answer under the first amendment.

"Mr. SCHERER. I ask you to direct the witness.

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. TAVENNER. Did you give up 14 years of seniority in your labor union in order to take that 3 months job?

"(The witness conferred with his counsel.)

"Mr. MALIS. I think under the first amendment this committee isn't empowered to ask me that question. Therefore, I use the first amendment.

"The CHAIRMAN. Wait a minute. You are directed to answer that question. And may I say to you under the law if you assume something improperly then you must answer the consequences. I direct you to answer this last question.

"(The witness conferred with his counsel.)

"Mr. MALIS. I repeat that I don't think that this committee has a right to ask me that type of question, and I would also like to state that from time to time I would like to confer with my attorney here because I——

"The CHAIRMAN. We have no objection to that.

"Mr. MALIS. I can't face a bunch of smart men like you.

"The CHAIRMAN. Before you have a chance to confer with him he leans over and tells you what to say.

"Mr. MALIS. I am for it.

"The CHAIRMAN. Of course you are. I can understand that.

"Mr. SCHERER. Mr. Chairman, I think the record should reflect that on practically every question that has been asked this witness there has been a lengthy conference between him and his counsel before he has answered.

"Mr. MEYERS. I would dispute the length of your reference. It is true that we confer frequently but I have a person unlettered in law.

"The CHAIRMAN. I could understand how important it would be to get legal advice for the question where you were employed for a few months. I can understand that.

"Go ahead, Mr. Tavenner. Ask the next question.

"Mr. TAVENNER. Did the Communist Party meet in its meetings at the location of this restaurant which you operated for a period of 3 months?

"(The witness conferred with his counsel.)

"Mr. MALIS. I decline on the first amendment.

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. MALIS. I decline for all the reasons I have stated.

"Mr. TAVENNER. Were you induced by the Communist Party to undertake the management of that restaurant so that it would have a place to meet?

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse for the same reason as given before.

"Mr. TAVENNER. Was the Communist Party at that particular time, 1950, having difficulty in maintaining a place where it could meet in secrecy?

"(The witness conferred with his counsel.)

"Mr. MALIS. Same answer as before.

"Mr. TAVENNER. For what reason did you terminate your employment, or for what reason was your employment terminated at that restaurant?

"(The witness conferred with his counsel.)

"Mr. MALIS. Same answer.

"Mr. TAVENNER. Was the name of the restaurant at which you worked the Gary Cooperative Restaurant at 1428 Broadway, Gary, Ind.?

"Mr. MALIS. Same answer on that.

"The CHAIRMAN. You are directed to answer the question.

"Mr. MALIS. I have to repeat I am using the same answer.

"The CHAIRMAN. All right.

"Mr. TAVENNER. Will you tell the committee, please, what means are being used by the Communist Party at this time, that is, right now, to strengthen its hold in labor unions in Gary?

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer that question for the same reasons I have stated before.

"Mr. TAVENNER. Could I have a direction?

"The CHAIRMAN. You are directed to answer the question.

"Mr. MALIS. I still refuse.

"Mr. TAVENNER. Are you at this time an active leader in the Communist Party in Gary, Ind.?

"(The witness conferred with his counsel.)

"Mr. MALIS. Same answer.

"Mr. TAVENNER. Could I have a direction?

"The CHAIRMAN. You are directed to answer the question, Mr. Malis.

"Mr. MALIS. Just a minute.

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer that, using the first amendment and the other reasons I have stated.

"Mr. SCHERER. Did the other reasons include the use of the fifth amendment?

"(The witness conferred with his counsel.)

"Mr. MALIS. Well, I would like to have someone clarify the fifth amendment. I really don't know too much about the fifth amendment.

"Mr. SCHERER. You have a lawyer to clarify the fifth amendment. He has been clarifying everything else.

"(The witness conferred with his counsel.)

"Mr. MEYERS. You objected to my attempts before.

"Mr. SCHERER. No; just on telling him what to say on factual questions, Counsel.

"(The witness conferred with his counsel.)

"Mr. MEYERS. There is a due process in the first amendment that he doesn't understand. but he doesn't waive that, but if you are talking about the——

"The CHAIRMAN. That due process clause is in the fifth amendment.

"Mr. MEYERS. In the fifth, I mean.

"The CHAIRMAN. You said the first.

"Mr. MEYERS. I meant the the fifth. So he doesn't waive that.

"The CHAIRMAN. All right.

"Mr. MEYERS. Nor does he waive the section which says that every man shall be protected as to his life, liberty, or property. Nor does he waive some other section, if you please, but he certainly is not asserting his privilege against self-incrimination if that is what you mean.

"Is that right?

"Mr. MALIS. That is correct.

"The CHAIRMAN. This is not as funny as you think it is.

"Mr. MALIS. I just laughed because they made me laugh. They laughed back there. I know it is not funny.

"The CHAIRMAN. In a few weeks the Congress will be called upon to appropriate huge sums of money in another phase of this cold war. I say another phase advisedly. Why don't you help us in the phase that we are responsible for combating?

"(The witness conferred with his counsel.)

"The CHAIRMAN. I withdraw that. Go ahead and ask a question, Mr. Counsel.

"Mr. TAVENNER. What is the strength of the Communist Party membership, or in other words, what is the size of the membership of the Communist Party in your union now?

"(The witness conferred with his counsel.)

"Mr. MADIS. I decline to answer that question.

"Mr. TAVENNER. May I have a direction?

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. MALIS. I decline for all the reasons I have given.

"Mr. TAVENNER. One of those reasons was that of pertinency and here I think I will explain a little something, in addition to what has already been said, and that is that this committee has for consideration a House resolution which provides for the amendment of the Communist Control Act of 1954, placing a penalty under section 4 of that act to remain a member of the Communist Party with knowledge of its purposes.

"Now, it is important to this committee and the Congress to obtain the information which it is now asking in order that it may properly consider that bill. That is an additional reason to those already assigned.

"May I ask that the witness be directed to answer, Mr. Chairman?

"The CHAIRMAN. You are directed to answer the question.

"(The witness conferred with his counsel.)

"Mr. MALIS. Well, I didn't attend the opening session yesterday and I wasn't here and I don't understand it. I would like to have it explained to me.

"The CHAIRMAN. What would you like to have explained to you?

"(The witness conferred with his counsel.)

"Mr. MALIS. The purpose of the questioning me. The purpose of this committee.

"Mr. TAVENNER. Have you read the opening statement that the chairman made or had it read to you?

"(The witness conferred with his counsel.)

"Mr. MALIS. No, I haven't.

"Mr. SCHERER. Counsel was derelict in his duty, then.

"Mr. TAVENNER. Yes.

"Has your counsel explained it to you?

"Mr. MALIS. No, he hasn't.

"Mr. TAVENNER. All right. I hand it to you now.

"(Statement handed to witness.)

"Mr. MEYERS. This is the first time counsel has seen it.

"Mr. TAVENNER. We will let you examine it.

"Mr. MEYERS. Have you seen it before?

"Mr. SCHERER. It is an indication to me, counsel, that since you are representing witnesses before this committee that you would have gotten one of those copies.

"The CHAIRMAN. It was read yesterday.

"Mr. MEYERS. It may have been read yesterday but this is the first time I have seen it and my witness was not here when it was read. Now I will turn it over to him to read.

"The CHAIRMAN. You heard it read, didn't you?

"Mr. MEYERS. I heard it read but he didn't, and I will explain it.

"The CHAIRMAN. Then you are in a position to advise him.

"Mr. TAVENNER. Let him read it over the lunch hour and then call him back.

"The CHAIRMAN. We will adjourn now and over the lunch hour you can read it and you will be back after lunch having read it and being advised fully.

"Mr. MEYERS. I will ask my client to read it over lunch time.

"(Whereupon, at 1:03 p. m., the subcommittee recessed, to reconvene at 2 p. m. the same day.)

"Afternoon session—Tuesday, February 11, 1958

"(Members present at the convening of the session were Congressmen WALTER and SCHERER.)

"The CHAIRMAN. The committee will be in order.

"May I again admonish you not to smoke.

"Mr. Malis will resume the stand, please.

"TESTIMONY OF VICTOR MALIS, ACCOMPANIED BY COUNSEL IRVING MEYERS—RESUMED

"Mr. TAVENNER. Mr. Malis, you were directed to answer a question at which time you answered that you were not present during the making of the opening statement and you desired to see it.

"We made it available for you during the noon recess. Have you read the statement, the chairman's opening statement?

"Mr. MALIS. Yes; I read it and certain things are very vague to me here. I underlined it. I can't understand it and I asked my attorney——

"Mr. SCHERER. He can't understand it?

"Mr. MALIS. He doesn't seem to understand it, either.

"Shall I read it to you?

"The CHAIRMAN. Don't bother to read it. I wrote it.

"Mr. TAVENNER. You have read the statement of the chairman and you have studied it and you conferred with your counsel about it?

"Mr. MALIS. Yes, sir.

"Mr. TAVENNER. Is there any question now in your mind as to the pertinency of the question that was asked of you?

"(The witness conferred with his counsel.)

"Mr. MEYERS. What question was that, Mr. Tavenner?

"Mr. TAVENNER. The question which he refused to answer, and I believe I will ask the reporter to read it back to the witness:

"(The record was read as follows:

"('What is the strength of the Communist Party membership, or, in other words, what is the size of the membership of the Communist Party in your union now?')

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer that for the reasons I have given before.

"The CHAIRMAN. I think in view of the fact that you had so much time to reflect over the question and to read the purposes that I will have to direct you to answer that question.

"(The witness conferred with his counsel.)

"Mr. MALIS. I am sorry, Mr. Chairman, but I will have to refuse again.

"The CHAIRMAN. You do not have to. You are not under any compulsion.

"Mr. MALIS. Well, I will refuse.

"The CHAIRMAN. You refuse. All right.

"Mr. TAVENNER. Will you tell the committee, please, whether to your knowledge young men have been brought in by the Communist Party to the Gary, Ind., area and placed in work in labor unions since 1949?

"(The witness conferred with his counsel.)

"Mr. MALIS. Well, the answer is the same as before. I refuse to answer it.

"Mr. TAVENNER. Are you acquainted with Edward Yellin?

"Mr. MALIS. I refuse to answer it.

"Mr. TAVENNER. Are you acquainted with Robert Kates?

"Mr. MALIS. Same answer.

"Mr. TAVENNER. Are you acquainted with Robert Lehrer?

"Mr. MALIS. Refuse to answer.

"Mr. TAVENNER. Are you acquainted with Al Samter?

"Mr. MALIS. Refuse to answer.

"Mr. TAVENNER. Do you know whether or not Katherine Hyndman, who was ordered deported in 1953, is now actively engaged in Communist Party organizational work in Gary, Ind?

"(The witness conferred with his counsel.)

"Mr. MALIS. I refuse to answer that under the first amendment.

"Mr. TAVENNER. I have no further questions, Mr. Chairman.

"The CHAIRMAN. The witness is excused."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded

to the said Victor Malis relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Whose restaurant was that?

"Did you give up 14 years of seniority in your labor union in order to take that 3 months' job?

"Did the Communist Party meet in its meetings at the location of this restaurant which you operated for a period of 3 months?

"Was the name of the restaurant at which you worked the Gary Cooperative Restaurant at 1428 Broadway, Gary, Ind.?

"Will you tell the committee, please, what means are being used by the Communist Party at this time, that is, right now, to strengthen its hold in labor unions in Gary?

"Are you at this time an active leader of the Communist Party in Gary, Ind.?

"What is the strength of the Communist Party membership, or, in other words, what is the size of the membership of the Communist Party in your union now?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions, deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"Be it resolved, That the chairman be authorized and empowered from time to time to appoint subcommittees composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. WILLIAM M. TUCK; and Hon. GORDON H. SCHERER, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.

"The subcommittee was called to order by the chairman, who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Gary, Ind., beginning on the 10th day of February 1958, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Gary, Ind., a motion was made by Mr. SCHERER, seconded by Mr. TUCK, and unanimously adopted, that a report of the facts relating to the refusal of Victor Malis to answer material questions before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer material questions, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer questions therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. WM. M. TUCK; Hon. BERNARD W. KEARNEY; Hon. GORDON H. SCHERER; and Hon. ROBERT J. MCINTOSH, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The report of the facts relating to the refusal of Victor Malis to answer material questions was submitted to the committee, upon which a motion was made by Mr. SCHERER, seconded by Mr. MOULDER, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Victor Malis to answer material questions before the said subcommittee at the hearing conducted before it in Gary, Ind., on the 11th day of February 1958, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer questions before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives, with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such questions, to the end that he may be proceeded against in the manner and form provided by law."

Mr. WALTER. Mr. Speaker, I offer a privileged resolution—House Resolution 661—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Victor Malis to answer questions before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the northern district of Indiana, to the end that the said Victor Malis may be proceeded against in the manner and form provided by law.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST SIDNEY TUROFF

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities I submit a privileged report (Rept. No. 2338).

The Clerk read as follows:

PROCEEDINGS AGAINST SIDNEY TUROFF

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING SIDNEY TUROFF

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Sidney Turoff. The said subpena directed Sidney Turoff to be and appear before the said Committee on Un-American Activities or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on Tuesday, October 1, 1957, at 10 a. m., at their committee room, room 600, United States courthouse, Buffalo, N. Y., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon the said Sidney Turoff is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To SIDNEY TUROFF, *Greeting*:

"Pursuant to lawful authority. You are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on Tuesday, October 1, 1957, at 10 o'clock, a. m., at their committee room, room 600, United States courthouse, Buffalo, N. Y., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To George C. Williams or United States marshal, to serve and return.

"Given under my hand this 18th day of September, in the year of our Lord, 1957.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by Richard V. Coffy, deputy United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said Richard V. Coffy, deputy United States marshal, being endorsed thereon, is set forth in words and figures, as follows:

"SUBPENA FOR SIDNEY TUROFF BEFORE THE COMMITTEE ON THE 1ST DAY OF OCTOBER 1957, AT 10 A. M.

"I made service of the within subpena by personally serving the within-named Sidney Turoff, at Tube Mainfid [Manifold] Plant, 415 Bryant Street, North Tonawanda, N. Y., at 11:55 a. m., on the 20th day of September 1957.

"Dated September 20, 1957.

"RICHARD V. COFFY,
"Deputy United States Marshal."

The said Sidney Turoff, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on October 1, 1957, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Sidney Turoff, having appeared as a witness and having been asked the questions, namely:

"Now, kindly tell us, sir, who were the members of the steel section of the Communist Party to which you were attached as of the time you dissociated yourself from the Communist Party in April of 1957?

"Will you now give to the committee the names of persons who, to a certainty, were known by you while a member of each of these several entities of this Communist Party which you have described?

"Will you give us the name of any person in the course of the history of your association, affiliation, identification in the Communist Party, at any time, who was known by you to a certainty to be a Communist or a member of the Communist Party?

"I should like to ask you now to whom did you deliver this printing equipment which was delivered to you by Mr. Alan Dietch?"

Which questions were pertinent to the subject under inquiry, refused to answer said questions, and as a result of said Sidney Turoff's refusal to answer the aforesaid questions your committee was prevented from

receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon said Sidney Turoff.

The record of the proceedings before the subcommittee on October 1, 1957, during which Sidney Turoff refused to answer the aforesaid questions pertinent to the subject under inquiry is set forth in fact as follows:

"TUESDAY, OCTOBER 1, 1957

"UNITED STATES
HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Buffalo, N. Y.

"*Public hearing*

"A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., in room 600, United States Courthouse, Buffalo, N. Y., Hon. EDWIN E. WILLIS (chairman of the subcommittee), presiding.

"Committee members present: Representatives EDWIN E. WILLIS, Louisiana, and GORDON H. SCHERER, Ohio.

"Staff members present: Richard Arens, director; W. Jackson Jones and George C. Williams, investigators.

"Mr. WILLIS. The subcommittee will be in order.

"This subcommittee, consisting of Hon. FRANCIS E. WALTER, of Pennsylvania, Hon. GORDON H. SCHERER, of Ohio, seated here, and myself, EDWIN E. WILLIS, of Louisiana has been duly appointed by the chairman of the Committee on Un-American Activities, Hon. FRANCIS E. WALTER, to conduct hearings here in Buffalo, N. Y. Unfortunately, Mr. WALTER is unable to be present because of a physical injury from which he is recuperating. There is, however, a quorum present and the subcommittee will accordingly proceed with its duties.

"Let the record at this point include the authorization by the committee (July 10, 1957) for the holding of these hearings in Buffalo, N. Y., which I have designated appendix I.

" 'APPENDIX I

" 'COMMITTEE AUTHORIZATION FOR BUFFALO HEARINGS

" 'A motion was made by Mr. JACKSON, seconded by Mr. DOYLE, and unanimously carried, approving and authorizing the holding of hearings in Buffalo, N. Y., beginning September 17, 1957, or on any other date determined by the chairman of the committee, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated:

" 'I. Entry and dissemination in the Buffalo area of foreign Communist Party propaganda, the legislative purpose being to determine the necessity for, and advisability of, amendments to the Foreign Agents Registration Act designed more effectively to counteract the Communist schemes and devices now used in avoiding the prohibitions of the act;

" '2. Execution by administrative agencies concerned of laws requiring the listing of printing presses and machines capable of being used to produce or publish printed matter, in the possession, custody, ownership or control of the Communist Party or Communist fronts, the legislative purpose being to assist Congress in appraising the administration of title 50, United States Code, section 786 (6), and in developing such amendments to the Internal Security Act of 1950, as it may deem necessary;

" '3. The extent, character, and objects of Communist infiltration into industrial, civic, and political organizations of the Buffalo area, the legislative purpose being to add to the committee's overall knowledge on the subject so that Congress may be kept informed and thus prepare to enact remedial legislation in the national defense and for internal security, when and if the exigencies of the situation require it;

" '4. Misuse of passports by subversives and concealment of material facts in applications for passports, the legislative purpose being to enact legislation in the field of un-American activities relating to the misuse of passports, designed to amend and strengthen the provisions of H. R. 5612 now being considered by the Committee on the Judiciary; and

" '5. All other matters within the jurisdiction of the committee which may be developed in the course of the staff's investigation.'

"Likewise, let the record reflect at this point the order of appointment of the subcommittee which order I have designated appendix II.

" 'APPENDIX II

" 'APPOINTMENT OF SUBCOMMITTEE FOR BUFFALO HEARINGS

" 'AUGUST 29, 1957.

" 'To Mr. RICHARD ARENS,

" '*Director, House Committee on Un-American Activities:*

" 'Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER and EDWIN E. WILLIS, associate members, and myself, FRANCIS E. WALTER, as chairman, to conduct hearings in Buffalo, N. Y., on October 1, 2, and 3, 1957, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

" 'Please make this action a matter of committee record.

" 'If any member indicates his inability to serve, please notify me.

" 'Given under my hand this 29th day of August 1957.

" 'FRANCIS E. WALTER,

" '*Chairman, Committee on Un-American Activities.*'

"Under the provisions of Public Law 601 of the 79th Congress, the Congress has placed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation. Congress has also placed upon this committee the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee.

"For the past 2 years, the committee has engaged in an extensive investigation to ascertain the amount and variety of foreign Communist propaganda disseminated in the United States. The committee has held hearings and taken testimony relating to the three principal ports of entry of this material, namely, New York, San Francisco, and New Orleans. The committee is vitally interested in the type and volume of material entering the United States from the Soviet and satellite countries through all ports of entry of the United States. Ports such as Buffalo do not have regularly constituted officials whose sole and exclusive function is examining this material and confiscating that which enters this country illegally. However, at the request of the committee, the United States Customs Service has conducted a survey of this and other ports of entry along the Canadian border relating to Communist propaganda entering the country in this area and will give us the benefit of their findings today.

"We shall also receive testimony from individuals in this area concerning Communist techniques and tactics of infiltration or attempted infiltration of basic industries. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress and the American people. In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, espionage statutes, the Communist Control Act of 1954, and similar laws.

"The committee, operating through its staff recently formulated an omnibus security bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws.

"We hope to obtain here in Buffalo factual information which will help us in refining this omnibus security bill on which we will be working further as soon as the Congress convenes in January.

It is a standing rule of this committee that any person named in the course of committee hearings be given an early opportunity to appear before this committee if he so desires, for the purpose of denying or explaining any testimony adversely affecting him. In the event there are such persons, they should immediately communicate with any member of the staff and make their request known.

"I would remind those present that we are here at the direction of the Congress of the United States to discharge an important legislative function. You are here by permission of this committee, and I trust will conduct yourselves as guests of the committee at all times. A disturbance of any kind or audible comment during the course of testimony, whether favorable or unfavorable to any witness, will not be tolerated.

"In every hearing, the committee has encouraged witnesses to have counsel with them if they so desire, and has always welcomed the presence of counsel. In fact, the rules of the committee expressly provide that at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

"The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising the witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

"I wish to say also, finally, that I admonish those present not to smoke in the courtroom."

After hearing the testimony of several other witnesses, including Alan Dietch, Sidney Turoff was then called to the witness stand.

"Mr. ARENS. Mr. Sidney Turoff, would you kindly come forward?

"Mr. Dietch, would you move over here, please?

"Mr. WILLIS. Raise your right hand.

"Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. TUROFF. I do.

"TESTIMONY OF SIDNEY TUROFF (ALIAS MICHAEL NAPOLI), ACCOMPANIED BY COUNSEL, RICHARD LIPSITZ

"Mr. ARENS. Will you identify yourself by name, residence, and occupation?

"Mr. TUROFF. Sidney Turoff, 115 Warren Avenue, Kenmore, N. Y. Occupation, general factory worker, I imagine would be the only classification for it.

"Mr. ARENS. You are appearing today, Mr. Turoff, in response to a subpena which was

served upon you by the House Committee on Un-American Activities?

"Mr. TUROFF. Yes; I am, sir.

"Mr. ARENS. You are represented by counsel?

"Mr. TUROFF. Yes, sir.

"Mr. LIPSITZ. Richard Lipsitz, 35 Court Street, Buffalo, N. Y.

"TESTIMONY OF ALAN DIETCH—RESUMED

"Mr. ARENS. Mr. Dietch, do you see in the courtroom today the person to whom you sold this printing equipment to be used in the Communist Party underground, and who was identified to you as 'Jack'?

"Mr. DIETCH. Yes; I do.

"Mr. ARENS. Would you kindly identify him now?

"Mr. DIETCH. Mr. Turoff is the person whom I knew as "Jack."

"Mr. ARENS. We have no further questions at this time of Mr. Dietch.

"TESTIMONY OF SIDNEY TUROFF—RESUMED

"Mr. ARENS. Mr. Turoff, you just heard the testimony of Mr. Dietch identifying you as the person known by him as 'Jack' to whom he sold certain printing equipment to be used in the Communist Party underground. Do you care to avail yourself of the opportunity to deny that allegation?

"(Witness conferred with his counsel.)

"Mr. TUROFF. No; I do not, sir.

"Mr. ARENS. Was Mr. Dietch telling the truth or was he in error when he just now, while he was under oath, identified you as the person to whom he sold printing equipment to be used in the Communist Party underground?

"(Witness conferred with his counsel.)

"Mr. TUROFF. I am the person Mr. Dietch is referring to. There is no doubt about that. There is a difference, however; the equipment was not sold to me. It was purchased at my request.

"Mr. ARENS. Were you a Communist when you bought the equipment?

"Mr. TUROFF. Yes, sir; I was.

"Mr. ARENS. Are you now a Communist?

"(Witness conferred with his counsel.)

"Mr. TUROFF. I do not at this time consider myself a member of the Communist Party.

"Mr. ARENS. Were you a Communist at any time in the course of the last year?

"Mr. TUROFF. Yes, sir; I was.

"Mr. ARENS. And when did you disassociate yourself from the Communist Party?

"Mr. TUROFF. I couldn't give the exact date. It was the day after the State convention of the Communist Party. It was either April 1 or April 2.

"Mr. SCHERER. I did not get your answer.

"Mr. TUROFF. Either April 1 or April 2 of this year.

"Mr. SCHERER. I understand that. But what did you say it was—the day after what?

"Mr. TUROFF. The State convention, the New York State Convention of the Communist Party.

"Mr. ARENS. Are you presently under Communist Party discipline?

"Mr. TUROFF. No, sir, I am not.

"Mr. ARENS. Now, will you kindly tell us, then, Mr. Turoff, where and when you joined the Communist Party?

"(Witness conferred with his counsel.)

"Mr. TUROFF. New York City, in April 1947.

"Mr. ARENS. And where were you engaged at that time? What line of work?

"Mr. TUROFF. I have a problem of memory.

"Mr. WILLIS. What is the pending question? I am sorry.

"Mr. ARENS. Where he was employed at the time.

"Mr. TUROFF. I don't recall whether I had just stopped working in order to go to college, or whether I was still working. In fact, I believe I was still working at the time at a mortgage and title company, the exact name of which I don't remember.

"Mr ARENS. Can you tell us the circumstances of your joining the Communist Party?

"(Witness conferred with his counsel.)

"Mr TUROFF. I don't believe I understand the meaning of the question.

"Mr. ARENS. What caused you to join the Communist Party?

"Mr TUROFF. It was my feeling at the time that I joined the Communist Party that the Communist Party in America was that organization which had an approach to the solution of certain very important problems, such as economic insecurity, the question of discrimination, which I felt very deeply as a Jewish person, and which I was very concerned with in regard to the Negro people, the Puerto Rican people in New York City, and also the question of war and peace. I felt that at that time they had an answer which suited my purposes, or that I felt would be helpful.

"Mr ARENS. Kindly tell us, if you please, sir, the unit of the Communist Party to which you were first allied.

"(The witness conferred with his counsel.)

"Mr. TUROFF. What is the purpose, sir, if I may ask, as to identification of a particular unit that I joined?

"Mr ARENS. I would be very happy to make that explanation to you. You are asking, I take it, the pertinency of the question; is that correct?

"Mr TUROFF. I guess.

"Mr ARENS. I see you have been in consultation with your counsel, and it is perfectly proper that you should be, and it is perfectly proper that you should ask that question.

"This Committee on Un-American Activities is under a mandate from the United States Congress to develop certain facts so that the Congress can legislate intelligently on the subject of communism. As you know, undoubtedly, as we will call you now, a onetime member of the Communist Party, the Communist Party is a conspiratorial apparatus operating in the United States as part of a worldwide web of 25 million people, with target U S. A., to destroy this country.

"There is pending before this Committee on Un-American Activities at the present time, a bill, H. R. 9352, which has numerous provisions, each of which is designed to cope with some particular facet of the Communist operation.

"The Communist Party, as you know as a onetime member of the Communist Party, is constantly changing its strategy, its tactics, its techniques, constantly demanding Congressional surveillance of its operations in this land in which you and I live.

"This Committee on Un-American Activities is trying to develop as much factual material as it can upon the operation of the Communist Party over the course of the last several years, comparing that operation with the operation today, its techniques, its designs, its purposes, and the like, all with the overall objective of being able to recommend to the Congress amendments to existing law, modifications of existing law, new law, new regulations, and the like, so that the Congress of the United States can legislate continuously in undertaking to cope with this conspiratorial apparatus of an atheistic, godless, criminally directed force, which today encompasses approximately one-third of this globe, and has enmeshed approximately one-fourth of humanity.

"Now, sir, would you kindly answer the question and tell this committee while you are under oath the name of the unit to which you were first attached when you joined the Communist Party in 1947?

"(Witness conferred with his counsel.)

"Mr. WILLIS. Let me supplement that. I understand from your testimony that you withdrew from the Communist Party—in April of this year, did you say?

"Mr. TUROFF. That is correct, sir.

"Mr. WILLIS. Well, obviously, as of that time, and I am not going to press it, you belonged to some unit. Some go, some come. That is fairly recently. It is fairly important to us to bring to date old units, changed units, units under new names, so that we can follow those patterns. That is what makes it important, pertinent, for our inquiry, to carry out the objectives and purposes of the Congress in establishing this committee, which is not an easy job—it is no particular pleasure for us to travel around and conduct these hearings. We have to make a report to Congress every year, and they reinstate the committee. This year we were reinstated, as every year, without any dissenting vote. I do not think there was one vote in the whole Congress against it on the appropriations for the committee; I am talking about—for operations. Obviously, that is a widespread and bipartisan and universal feeling that the job must go on, and we are designated to do it. However distasteful it may be, that is it.

"I suspect that if we should fold up overnight, in that proportion the Communists would mushroom. We have to do it. So we have to do it. So don't you see, the deadly importance of this inquiry to check up on the continuous operation, and machinations and change of operations and techniques, and so on? That is the importance and pertinency of these questions to you.

"I think you could be of considerable help to us. Up to now you have been very helpful. For instance, I did not know you were going to admit your participation in the past. Up to this extent, up to now, I congratulate you. And I hope you will continue answering the questions.

"(The witness conferred with his counsel.)

"Mr. SCHERER. I might make this further observation as to pertinency. Mr. Arens, isn't it the 1954 Communist Control Act which provides for the registration of printing equipment used in connection with the printing of Communist propaganda?

"Mr. ARENS. Yes. It was an act approved July 29, 1954.

"Mr. SCHERER. And we are considering—particularly since some of the recent Supreme Court decisions—considering the amending of that act?

"Mr. ARENS. That is under advisement at the present time; yes, sir.

"Mr. TUROFF. Would you repeat the question, please?

"Mr. ARENS. The outstanding question is, sir, please tell us the name, identification, and any description you can give us of the first unit to which you were attached in the Communist Party.

"Mr. TUROFF. It would have been a community club in Queens County, N. Y. As for a name, I don't know of any particular name that it did bear.

"Mr. ARENS. How many members were there in the unit? Could you help us on that, please?

"Mr. TUROFF. There, again, I don't think I would have the least idea. I never functioned with that unit. I was assigned to it.

"Mr. ARENS. All right. What is the next unit to which you were assigned?

"Mr. TUROFF. At New York University, it was a club, a unit, that existed at the school itself.

"Mr. ARENS. And that was in what year, please? Was it 1948?

"(Witness conferred with his counsel.)

"Mr. TUROFF. No, it would have been, as—as I recall, I started school in September of 1947, I believe.

"Mr. SCHERER. When did you finish?

"Mr. TUROFF. I did not finish. I left.

"Mr. ARENS. When did you leave?

"Mr. TUROFF. Left NYU?

"Mr. ARENS. I beg your pardon?

"Mr. TUROFF. Left New York University?

"Mr. ARENS. Yes.

"Mr. TUROFF. It would be before the end

of the spring term of 1949, the spring semester of 1949.

"Mr. SCHERER. Did you continue your higher education at any other institution after you left there?

"Mr. TUROFF. No, sir.

"Mr. ARENS. Now, just take for a while, please, Mr. Turoff, this period when you were in New York University from 1947 to 1949. You surely have information to give this committee which will help us on what happened in the Communist group to which you were attached.

"What did you do? What went on? What were the techniques? What did they do? How many members were there and the like? Can't you help us on that please sir?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I find it quite difficult to answer a question of that nature, mostly because it is a long time ago.

"Mr. ARENS. I understand how a person's memory might not be too clear. Let's do this: Let's go the other way, the other direction. You told us a little while ago you left the Communist Party last year, is that correct?

"Mr. TUROFF. That is correct. This year.

"Mr. ARENS. I beg your pardon. April of this year. That has just been a few months ago.

"Mr. TUROFF. About six.

"Mr. ARENS. About 6 months ago. Now, let's just go backward. What unit were you in when you left the Community Party?

"Mr. TUROFF. In the steel section of the Communist Party of Erie County.

"Mr. SCHERER. In the steel section?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. Was there at that time more than one section, more than one steel section?

"(The witness conferred with his counsel.)

"Mr. TUROFF. To the best of my knowledge, there were two.

"Mr. ARENS. How many persons were in your section?

"(The witness conferred with his counsel.)

"Mr. WILLIS. We know that for quite a number of years the cells are becoming smaller and smaller and smaller because the Communists do not want to expose themselves, and they have to have their own security measures. Sometimes a man in one cell has no idea what is going on in the other cell or who belongs to it.

"We know there are numerous cells, but you could help out with the cells you know about.

"(The witness conferred with his counsel.)

"Mr. TUROFF. Could I ask just what is meant by how many persons were in the unit, in the section to which I belonged?

"Mr. ARENS. On the basis of our knowledge we know of section levels and we know of clubs below the section levels. We would like to have you tell us how many people—

"Mr. WILLIS. Would you explain the three general terms I guess he knows them.

"Mr. ARENS. Your section level was your highest level within the conspiratorial apparatus within steel, isn't that correct, in April of 1957?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I would answer that question on the basis that it was the highest level in the organization in the steel industry. I would not accept your definition which included the conspiratorial——

"Mr. ARENS. That is what I mean, within the steel industry.

"Mr. TUROFF. But definitely without accepting the question of conspiratorial. I mean for my purposes, my answer does not include that aspect of your statement.

"Mr. ARENS. I understand what you are saying. How many persons were in the steel section to which you were attached of the Communist Party?

"Mr. TUROFF. Again——

"Mr. ARENS. That is in April of 1957.

"Mr. TUROFF. Again, I find myself unable to answer that question, unless I get some kind of definition about what is meant by people who were in, by what is meant by membership.

"Mr. ARENS. How many operated within the section, the Steel Section, to which you were attached?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I still find myself in a very difficult position for answering that question.

"Mr. ARENS. Well, do the best you can. You know what we are driving at. Now help us, please.

"Mr. TUROFF. Please don't push because I get nervous and then I wouldn't be able to help at all.

"Mr. ARENS. We don't want you to get nervous. We want you to keep calm.

"Mr. TUROFF. The number varied tremendously. I don't know what is meant by the question, really. Is it meant dues-paying members?

"Mr. ARENS. Let's start with dues-paying members.

"Mr. TUROFF. Dues-paying members, very few people.

"Mr. ARENS. How many?

"Mr. TUROFF. Four or five.

"Mr. ARENS. That would be in the steel section to which you were attached?

"Mr. TUROFF. That is right.

"Mr. ARENS. Where was that section operating?

"Mr. TUROFF. In Buffalo, N. Y.

"Mr. ARENS. Were there also 4 or 5 dues-paying members in the alternate section, in April of 1957?

"Mr. TUROFF. I could give no figure at all for April of 1957 of that section.

"Mr. ARENS. Do you have a figure at any time on the other section?

"Mr. TUROFF. To the best of my knowledge, it would be between 5 and 8.

"Mr. ARENS. Now, below each of these two sections, were there clubs, in April of 1957, the steel clubs of the Communist Party, steel fractions, or steel units, or steel cells?

"Mr. TUROFF. In the section to which I was working with, with which I was working, there were no functioning clubs.

"Mr. ARENS. In April of 1957?

"Mr. TUROFF. That is right.

"Mr. ARENS. Were there, at any time in the course of your attachment to this section, clubs?

"Mr. TUROFF. Yes; there were.

"Mr. ARENS. When were they in existence?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Over a period of several years, you would have one club that would disintegrate and another one would come. I really couldn't give any precise picture of how many there were at any one time. I really don't know. I can't recall.

"Mr. ARENS. Then let's move over to the other section, the alternate section, of the steel section, in the Buffalo area. Were there clubs in April of 1957 allied with the steel section, the alternate steel section?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I am not sure whether there were or were not.

"Mr. ARENS. Did the party have what they call a cut-out system, whereby people in one section were not apprised of the identity of people in another section?

"Mr. TUROFF. Yes; I would say that was so.

"Mr. ARENS. What was the duration of your affiliation with the one steel section of the Communist Party?

"Mr. TUROFF. Which one?

"Mr. ARENS. The one to which you were attached, that you have been talking about.

"Mr. WILLIS. The one that we started with in April of this year going back.

"Mr. ARENS. How long were you with that one?

"(The witness conferred with his counsel.)

"Mr. TUROFF. In the neighborhood of 2 years, give or take.

"Mr. ARENS. Was that the only entity of the Communist Party to which you were attached from 1957 going backward to, say, 1955?

"The witness conferred with his counsel.)

"Mr. TUROFF. No.

"(The witness conferred with his counsel.)

"Mr. TUROFF. No; I was attached to another group.

"Mr. ARENS. During that period?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. Tell us what group that was.

"Mr. TUROFF. The county committee or the county board, I don't know which was the correct name of the Erie County Communist Party.

"Mr. ARENS. And what post did you have in the County Committee of the Communist Party?

"Mr. TUROFF. No post in the committee itself. I was there as a representative from the steel section.

"Mr. ARENS. And over what period of time did you occupy that post?

"Mr. WILLIS. Would it be during those 2 years when you were connected with the steel section?

"Mr. TUROFF. It would be during those 2 years, but not the full 2 years.

"Mr. ARENS. Where were you employed in 1957, April of 1957?

"Mr. TUROFF. At my present place of employment, which is the Tube Manifold, North Tonawanda.

"Mr. ARENS. How long have you been employed at Tube Manifold?

"Mr. TUROFF. Approximately 2½ years.

"Mr. ARENS. And in what capacity?

"Mr. TUROFF. General factory workman.

"Mr. ARENS. Did you do any Communist Party work on the plant?

"Mr. TUROFF. No, sir.

"Mr. ARENS. All right, sir, let's keep going backward, if you please——

"Mr. SCHERER. Before we go backward any further, Mr. Chairman, I would like to know the circumstances under which he left the Communist Party in April of this year.

"Mr. WILLIS. Before you inquire into the period of time prior to 1957, Mr. Arens, he might have belonged to some other units besides being in the steel section and affiliated with the county committee.

"Mr. ARENS. I propose to ask him along that line, Mr. Chairman, as the very next item.

"During the period that we are now considering, between 1955 and 1957, did you have a connection, an affiliation with any other unit or entity of the Communist Party?

"Mr. TUROFF. I don't follow. Didn't we just go through that?

"Mr. ARENS. You told us of two. I wondered if there might be a third.

"(The witness conferred with his counsel.)

"Mr. TUROFF. I would say from about the middle of 1956, and again I am not sure of the dates, I was appointed as a member of the New York State Committee of the Communist Party.

"Mr. SCHERER. In what capacity?

"Mr. TUROFF. None. None at all. Just a member.

"Mr. WILLIS. You were a member of the New York State committee?

"Mr. TUROFF. That is right, sir.

"Mr. SCHERER. I misunderstood him. I thought he said he was employed.

"Mr. ARENS. We are still in the period between 1955 and 1957. Is there any other entity of the Communist Party during that period with which you were allied, affiliated, or identified?

"(The witness conferred with his counsel.)

"Mr. TUROFF. No; I don't believe I was a member of anything else.

"Mr. ARENS. Let's take another year or two backward. Let's get back to 1954. That is agreeable to you now? Your memory is following us? What was your identification, affiliation, or connection with the Commu-

nist Party or an entity of the Communist Party in 1954?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Do you mean by that what group I was affiliated with?

"Mr. ARENS. Yes; that is correct.

"Mr. WILLIS. In other words, prior to your connection with this steel section.

"Mr. ARENS. You have told us of 3 connections, 1 of the 2 steel sections; you have told us of your connection with the county committee of the Communist Party here in Erie County; and you have told us of your connection with the State committee of the Communist Party, all within the last 2 years.

"Now, I am going back in the chronology of your career in the Communist Party and asking you in 1954 what were your connections or affiliations in the Communist Party?

"Mr. TUROFF. I was at that time affiliated with the other steel section of the Communist Party in Erie County.

"Mr. ARENS. And how long was your affiliation with that other steel section?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I don't remember for sure. It might have been in the neighborhood of 3 years.

"Mr. ARENS. And where were you employed at that time?

"Mr. TUROFF. Various places; a number of places.

"Mr. ARENS. Give us the principal places, would you please, sir?

"Mr. TUROFF. Republic Steel, Worthington, J. H. Williams. I would say those were the principal ones.

"Mr. ARENS. They are all located in the Buffalo area?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. Did you do any recruiting of other persons into the Communist Party any time from 1952 to 1957, this period we are now covering?

"Mr. TUROFF. Would you repeat that, please?

"Mr. ARENS. Did you do any recruiting of other persons into the Communist Party at any time from 1952 to 1957?

"Mr. TUROFF. In the steel section?

"Mr. ARENS. In any section, any entity of the party.

"(The witness conferred with his counsel.)

"Mr. TUROFF. I can't remember whether anyone was recruited in that period or not. Occasionally I would see a new face, but I had no idea of knowing when they became members of the party or not, and in some cases whether they even were members.

"Mr. ARENS. All right, sir. Now, let's move backward in the chronology of the party. You told us a few moments ago you were in the alternate or other steel section of the Communist Party between 1952, approximately, and 1954.

"During that period of time were you connected with any other entity of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I don't know if it is considered an entity of the party or not. There was a kind of council of these alternate sections that did meet and I was a member of that. It didn't have any particular name, to the best of my knowledge.

"Mr. ARENS. Where did it meet?

"Mr. TUROFF. Nor was it an official function—you know, an official part of the organizational setup of the party.

"Mr. ARENS. It has been suggested to us from confidential sources, Mr. Turoff, that you were in the Communist Party underground about this period. Can you tell us about that?

"(The witness conferred with his counsel.)

"Mr. TUROFF. What is meant by underground, sir?

"Mr. ARENS. I think you know. You are an adult and you have been in the Communist Party and you have been reading the papers.

"Mr. TUROFF. Frankly, sir, I don't mean to be impolite, but I don't know. I would appreciate——

"Mr. ARENS. Let's try it this way: Were you in secret Communist Party activity about this time?

"(The witness conferred with his counsel.)

"Mr. TUROFF. The question is a difficult one to answer. Obviously, it wasn't too big a secret as you have the information there. We did try not to be too openly known because of the Smith Act and the implications of it, and no one being particularly anxious to be charged with the Smith Act.

"Mr. ARENS. What other entity of the Communist Party did you ally yourself with or were you allied with, from 1952 to 1954, other then the alternate steel section and this little informal group you were telling us about a few moments ago?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I can't recall belonging to any other entity, as you have termed it.

"Mr. ARENS. All right, sir. Now, may we leave that area? We are going to come back to all of this in a little while.

"We have a number of questions to ask. But I want to get the pattern. We will go back another year or so. We are now in 1952. Let us go back, say, to 1951.

"With what group were you connected in the Communist apparatus in 1951?

"Mr. TUROFF. I was at that time not working with any particular group. I was just an individual along with several other individuals.

"Mr. ARENS. In the Communist Party?

"Mr. TUROFF. In the Communist Party.

"Mr. ARENS. And how long did that situation prevail in reverse chronological order in 1951? Was the same situation prevailing in 1950?

"Mr. TUROFF. The end of 1950, the latter part.

"Mr. ARENS. We will group here, for the purpose on this little pad I am writing on, 1950 and 1951 together. Part of 1950 and all of 1951——

"Mr. TUROFF. I don't know if it is all of 1951.

"Mr. ARENS. Your best recollection is the approximate time. We appreciate the difficulty of recollecting precisely.

"In this period, I am going to make a notation here. Would you call it open party membership or just general party membership?

"Mr. TUROFF. It was not open party membership.

"Mr. ARENS. Well, we will call it general party secret membership; is that correct? Well, let's back up then, beyond 1950. Let's start in with 1949. What was your connection with the Communist Party in 1949?

"I appreciate we are moving in a little bit into 1950 there, too.

"(The witness conferred with his counsel.)

"Mr. TUROFF. From the end of 1949 up until the latter part of 1950, I believe, if I recollect correctly, that I was connected with the steel section.

"Mr. ARENS. Was that the first steel section or the second one?

"Mr. TUROFF. I guess it would be the first one that we talked about.

"Mr. ARENS. All right, sir.

"Mr. TUROFF. With no particular function in that.

"Mr. ARENS. You just had a connection?

"Mr. TUROFF. Just had a connection.

"Mr. ARENS. Before I forget about it, we are going to ask you a number of other questions that I have been asking about here.

"When did the party quit using cards?

"Mr. TUROFF. I don't know the answer to that question.

"Mr. ARENS. When did you last have a card?

"Mr. TUROFF. I am not even sure I had one. I may have had one the first year I came in. I am not sure.

"Mr. ARENS. You were in in 1947?

"Mr. TUROFF. That is right.

"Mr. ARENS. And although you have been a Communist, up until, according to your sworn testimony, April of 1957, you at no time had a card, is that correct?

"Mr. TUROFF. No, I didn't say that. I said I may have had one the first year I was a member. I am positive not after that.

"Mr. ARENS. I did not mean to misquote you. At least from 1948 on you have not had a card, is that correct?

"Mr. TUROFF. I don't believe so.

"Mr. WILLIS. Isn't that just about the evidence before us heretofore?

"Mr. ARENS. That confirms, Mr. Chairman, the evidence we have had. Since about 1948 we began work on the Internal Security Act and the party disbanded the use of cards, membership records, and the like.

"To your knowledge has there been a membership record entry of your membership in the Communist Party of any kind since, say, 1948 on?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I would not know whether such records were kept or not.

"Mr. ARENS. You have just used various aliases in the Communist Party, have you not?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I used one other name. I lived with one other name other than my own, for a period of years, which I suppose could be—it is an alias.

"As to the rest, for a particular meeting, for a particular get-together, I might have been called Jack or Joe or Jim or something of the sort.

"Mr. ARENS. What was your alias, would you tell us?

"Mr. TUROFF. Michael Napoli.

"Mr. ARENS. N-a-p-o-l-i?

"Mr. TUROFF. Correct.

"Mr. ARENS. Let's now, before we lose track of the chronology, the skeleton of your operations within the Communist Party, please, Mr. Turoff, go on back into 1948. What entity were you connected with in the Communist Party in 1948?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I believe that is the same question as before. I was a student at New York University and I was connected with——

"Mr. ARENS. I see. Now have we traced your entire career in the Communist Party from the standpoint of chronology?

"Mr. TUROFF. Pretty close, yes.

"Mr. ARENS. Have you, without equivocation, broken from the Communist Party?

"Mr. TUROFF. What do you mean by "without equivocation"?

"Mr. ARENS. Well, there again I thought that was rather commonly understood terminology. Have you finally, decisively, completely, severed your relationship, membership connection, allegiance to the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. The answer to that would have to be that I did sever all allegiance, all organizational relationship with the Communist Party.

"Mr. ARENS. Are you under Communist Party discipline now?

"Mr. TUROFF. No, sir; I am not.

"Mr. ARENS. What caused you to sever your connections with the Communist Party? I take it that was April of 1957; is that right?

"Mr. TUROFF. That is right.

"Mr. ARENS. What caused you to take that step?

"(The witness conferred with his counsel.)

"Mr. TUROFF. The reason for leaving cannot be too briefly stated because it goes back

over a year to the time when Khrushchev made his report to the 20th Congress of the Soviet Union in which he made certain disclosements of crimes that had been committed there which came as quite a shock to myself and many thousands of other Communists at the time.

"The reason for leaving concretely is that the American party would not adopt such a policy which would condemn this lack of democracy in the Soviet Union, condemn the crimes of the Soviet Union and probably most particularly, the question of no position on the intervention in Hungary and the question of no position on the question of existing anti-Semitism within the Soviet Union.

"Mr. ARENS. Are you still a Marxist?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Might I ask, sir, what is the purpose of that question?

"Mr. ARENS. If you would rather not answer it, you are not obliged to answer it. It is just to be helpful to us. We not only develop information for legislation, but we develop information which is disseminated in the form of reports and the like on what makes a Communist, why does a person want to get himself enmeshed in this materialistic, ruthless, barbaric force, and why would he sever his connection with it.

"And if he does sever his connection with it, does he do it only because he has been disillusioned with the promises of Marxism, or has he generally had a change of heart and the like.

"I would earnestly solicit you to answer, but you are under no compulsion to answer it. You would be helpful to this committee and helpful to this Government if you would care to answer it.

"Mr. SCHERER. I think he gave a pretty cogent reason as to why he got out of the party.

"Mr. TUROFF. No, I would decline to answer that. I don't think I could do justice to my beliefs and thinking in just a few minutes without adequate preparation.

"Mr. ARENS. Have you gone to the Federal Bureau of Investigation at any time since you broke with the Communist Party and told them all about this operation in which you, for a decade, were enmeshed?

"Mr. TUROFF. No, sir.

"Mr. ARENS. Have you come to any Congressional committee that is seeking facts by which they could legislate on this subject and revealed to them voluntarily the facts respecting this operation in which you were enmeshed?

"Mr. TUROFF. No, sir.

"Mr. ARENS. Now, kindly tell us, sir, who were the members of the Steel Section of the Communist Party to which you were attached as of the time you disassociated yourself from the Communist Party in April of 1957?

"Mr. TUROFF. May I ask, sir, what is the purpose of that question?

"Mr. ARENS. Yes, sir. The purpose of that question is this, that if you tell us the names of the people who were members of the Steel Section of the Communist Party in April of 1957 this committee will, if we have not already done so, forthwith cause to be issued for their appearance before this committee subpenas, so that we can undertake to elicit from them, as we have from you today, such information as we are able to procure from them respecting the operation of the Communist Party in this industrial area for the purpose of enabling the Congress of the United States to better enact legislation or amendments to existing legislation undertaking to cope with this existing situation.

"The Internal Security Act of 1950, as amended by the Communist Control Act of 1954, undertakes in many particulars to deal right with this problem of Communist penetration of heavy industry.

"This committee is under a mandate to maintain a surveillance, over the operation and administration of that legislation. I now repeat: Would you kindly tell this committee the names of the persons who, in April of 1957, just some few months ago, were known to a certainty by you to be members of the Steel Section of the Communist Party in this heavy industrial area of Buffalo?

"(The witness conferred with his counsel.)

"Mr. SCHERER. Mr. Chairman, up to this point I think this witness has answered frankly the questions asked by our counsel. Before he is required to answer questions with reference to his associates, I think we should give him time to consider the question and talk to his attorney. Maybe at a later date he might be willing to give to our staff the information that we need.

"(The witness conferred with his counsel.)

"Mr. WILLIS. Suppose we let the witness choose whether he decides to answer or not answer or avail himself of the suggestion of Mr. Scherer.

"Mr. TUROFF. I appreciate the offer of additional time. I feel, however, that I would prefer to have the questions now and have the answers as I see fit now.

"Mr. WILLIS. All right.

"Mr. ARENS. Kindly answer the question, then, please, sir.

"Mr. TUROFF. I still fail to see any purpose for the question based on your explanation. I further feel that it violates my constitutional rights of association under the first amendment and I do sincerely feel that it is beyond the scope of this committee to ask questions of that nature.

"I, therefore, decline to answer.

"Mr. ARENS. Now, Mr. Chairman, I respectfully suggest this record now reflect an order and direction to this witness to answer the last outstanding principal question, namely, the names of those persons known to a certainty by him to have been a member of the Steel Section of the Communist Party in the Buffalo area, to which he, the witness, was attached in April of 1957.

"Mr. WILLIS. I order and direct you to answer the question. Personally, there has been a very kind suggestion made by Mr. SCHERER, whether you would like to reflect over it. But, in support of our job, in support of the mandate of Congress, we must have the information. I direct you to answer the question.

"(The witness conferred with his counsel.)

"Mr. TUROFF. In response to the direction, I must repeat the same answer: The first amendment, for the reasons I gave.

"Mr. ARENS. Mr. Turoff, I do not want at this time to unnecessarily burden the record with a series of questions and declinations. Will you now give to the committee the names of persons who, to a certainty, were known by you while a member of each of these several entities of this Communist Party which you have described?

"Mr. SCHERER. I think you could make it more specific, and who were members at the time he left the party as recently as April of 1957.

"Mr. TUROFF. Is that part of the question?

"Mr. SCHERER. Yes.

"Mr. ARENS. That is part of the question, as amended by the Congressman, but I want to come back and be sure that we have every entity encompassed in here at any time.

"Mr. TUROFF. I must decline to answer that question on the same ground as before.

"Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer this question.

"Mr. WILLIS. For the same reasons, you are directed to answer the question.

"Mr. TUROFF. And, without seeming cute or anything, for the same reasons, I must decline, sir.

"Mr. ARENS. Let the record also reflect, if you please, Mr. Chairman, an explanation to this witness that it is pertinent to the inquiry of this committee, pertinent to the jurisdiction of this committee, pertinent to the duty of this committee, for this committee to know the names of persons who, at least in the course of the last few years, were members of the Communist Party, so that this committee can undertake to solicit from them information respecting the operation of the Communist Party.

"With that explanation, Mr. Witness, I should like to ask you this question: Will you give us the name of any person in the course of the history of your association, affiliation, identification in the Communist Party, at any time, who was known by you to a certainty to be a Communist or a member of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Again, I invoke the first, for the same reasons stated before.

"Mr. ARENS. Now, Mr. Chairman, so that this record is abundantly clear, I respectfully suggest that the witness be ordered and directed now to answer the query which was just posed to him, to please give us the name of some person or persons who at any time was known by him to be a member of the Communist Party.

"Is the record clear that you have been directed to answer that last question?

"Mr. TUROFF. Yes sir.

"Mr. ARENS. Mr. Chairman, so that we can be abundantly clear, I now respectfully suggest that the record reflect an abundantly clear direction and order to answer these questions.

"Mr. WILLIS. I direct you to answer the questions.

"(The witness conferred with his counsel.)

"Mr. TUROFF. In respect to the general direction to answer that, I still do not understand the purpose or the pertinency; I still feel that it is a violation of my rights under the first amendment to be directed to answer this question, and I fail very honestly to see a question of this type within the scope of this committee's investigation, and I, therefore, decline.

"Mr. ARENS. Since the time that you have disassociated yourself from the Communist Party here in April of 1957, have you entertained in your home a person or persons in the leadership echelons of the Communist Party of this community?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I am not certain here today who is and who is not a member of the Communist Party at all. People whom I have known as Communists in the past have been to my house since my resignation from the party.

"Mr. SCHERER. Mr. Witness, you questioned the pertinency of this committee asking you about persons who were members of the Communist Party as late as April of this year. I think you can see that that is extremely pertinent. We are not asking you about people who were in the party 3, 5, 10 years ago and who may have gotten out. We are asking you about people who remained in the party after you got out, as late as April of 1957. You said, as I remember, that you got out of the party because Khrushchev made certain revelations about the Communist Party in Russia.

"Mr. TUROFF. No; may I correct you?

"Mr. SCHERER. Yes.

"Mr. TUROFF. Because the American party would not condemn these revelations or the continuance of such policies, not because they were permitted there. I don't feel I have any control over any other country or organization or anything else.

"Mr. SCHERER. Your reason is even stronger than the one I was going to advance for you, because the American party would not even condemn the so-called crimes of Stalin, is that not right, as revealed by Khrushchev? That was one reason. The second reason, I think you said, that caused you to get out of the party was because they would not take any action on the anti-Semitism in Russia; is that right?

"Mr. TUROFF. Yes.

"Mr. SCHERER. What was the third reason you gave? Oh, yes; because they would not take any position on condemning the Russians for the intervention in Hungary. Those are the three reasons, are they not?

"Mr. TUROFF. Generally; yes.

"Mr. SCHERER. Do you not think it is very important for us, then, to know what individuals remained in the party after those three events took place, as late as April 1957?

"(The witness conferred with his counsel.)

"Mr. TUROFF. No; I am afraid I don't. I don't see where it makes any difference who the individuals are.

"Mr. ARENS. Have you entertained in your home Al Lutsky in the course of the period of time since you disassociated yourself from the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I must respectfully decline to name the names of any people whom I have entertained in my home as guests.

"Mr. SCHERER. Let me give you this as an example: Suppose, just for the purpose of an argument, you had been identified with a narcotics ring up until April of 1957, and you had broken from it, and you admitted you broke away from it. Do you think it would be pertinent to a proper committee investigating laws dealing with narcotics to ask you who the persons were with you in that conspiracy at the time you broke in April?

"(The witness conferred with his counsel.)

"Mr. SCHERER. Is there any difference? Is not the Communist conspiracy more dangerous to the safety and security of this Nation than any narcotics ring?

"Mr. TUROFF. I don't like to appear backward in any sense, but I do not see them as the same thing. No; I do not see them as the same thing, and I still don't understand the purpose or the necessity for indicating who has visited my home as a guest.

"Mr. ARENS. We were going to pursue that a little further with: After he got there as a guest, what did he do? What happened, and what information could you give us about what he was, and what he did that would be of interest to your Government? I should like to ask you now to whom did you deliver this printing equipment which was delivered to you by Mr. Alan Dietch?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Again, sir, I fail to understand the purpose of that question, and decline to answer it on the same grounds stated before.

"Mr. ARENS. The purpose is very clear. I don't mean to appear impatient with you here, Mr. Turoff. We have here, and I have in my hand, a copy of the law of the United States Congress, and an amendment to this law is presently under consideration.

"It is an act of July 1954, dealing with the registration of printing equipment which will be or has been in the custody or control of a Communist-action or a Communist-front organization.

"This committee, believe me, is seriously developing facts so that we can, if possible, amend this act to compel registration of Communist printing equipment, underground printing equipment, and the like. Now, I am asking you again, please, sir, tell this committee while you are under oath to whom did you deliver that printing equipment?

"(The witness conferred with his counsel.)

"Mr. SCHERER. We certainly have a right to know where that equipment is now and who is operating it.

"Mr. TUROFF. To the best of my recollection, I kept that equipment myself for some time, I don't remember how long. I decline for the same reasons as stated before to indicate to whom it was given.

"Mr. SCHERER. May I ask one question? You said you declined to reveal to us the identity of the person to whom it was given. Let me ask you this question: Without revealing his identity, was the person known to you to be a member of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Yes.

"Mr. SCHERER. I ask that you direct the witness, Mr. Chairman, to name that individual.

"Mr. WILLIS. Yes; I think that is pertinent.

"I direct you to name that individual, since he was known to you to be a member of the Communist Party.

"Mr. TUROFF. I still answer with the same explanation. I don't understand the purpose for it. I do think it is a violation of the constitutional right under the first, and I do feel it is beyond the scope of this committee's jurisdiction.

"Mr. ARENS. So there can be no possible question on this record, I want to again invite your attention to the law presently under scrutiny by this committee relating to printing equipment.

"If you can tell us the name of the person to whom you delivered this printing equipment, which was used by you as a Communist, we understand, we will then, by our investigative sources, try to find that individual, try to find that printing equipment, try to find information about its use and operation so that this committee and the Congress might, with those facts, better appraise the existing law, better appraise and devise legislation to cope with the very situation which we are presently confronted with, the use of printing equipment by the Communist Party.

"With that explanation, Mr. Chairman, I again respectfully suggest that the witness be directed and ordered to answer the question as to whom he delivered the printing equipment.

"Mr. WILLIS. I order and direct you to answer the question.

"Mr. TUROFF. I must, sir, respectfully repeat the same answer as to the prior question.

"Mr. ARENS. What did you do with the equipment while you had it?

"(The witness conferred with his counsel.)

"Mr. TUROFF. To the best of my knowledge, it was never used, if I recollect correctly. I think it just sat in the closet and took up room.

"Mr. ARENS. It was never used by you?

"Mr. TUROFF. Well, in the time that I had it.

"Mr. ARENS. Where is the equipment now?

"Mr. TUROFF. I wouldn't have the least idea.

"Mr. ARENS. Where was it the last time that you knew where it was?

"Mr. TUROFF. One piece was in my house. One piece was in my house the last time I knew where it was. After that I don't know.

"Mr. ARENS. You delivered it to someone?

"Mr. TUROFF. One piece.

"Mr. ARENS. Yes.

"Mr. TUROFF. One piece I delivered to someone.

"Mr. ARENS. And where was that one piece going?

"(The witness conferred with his counsel.)

"Mr. SCHERER. He said to a party known to him to be a member of the Communist Party.

"Mr. TUROFF. To someone in the Communist Party.

"Mr. ARENS. Where was he going to use it, in his home, in his basement, or in a store? Could you tell us on that?

"Mr. TUROFF. I wouldn't know.

"Mr. ARENS. What caused you to turn the printing equipment over to this individual? How did you happen to do that?

"(The witness conferred with his counsel.)

"Mr. TUROFF. One piece was given away at the request of the party leadership in the area some time ago. The other piece was given away——

"Mr. SCHERER. Was that after you withdrew from the party that this last piece of equipment was transferred to someone else?

"(The witness conferred with his counsel.)

"Mr. TUROFF. About the same time; yes, sir.

"Mr. ARENS. Do you fear reprisals from the Communist Party if you should tell this committee the names of the people who, to a certainty, were known by you to be Communists?

"Mr. TUROFF. No, sir; I don't.

"Mr. ARENS. What did you do under this alias, Napoli, that you told us about? What was your activity as Napoli?

"Mr. TUROFF. Just what do you mean by that, sir? Activity in the Communist Party?

"Mr. ARENS. Any place, as Napoli. You told us you used an alias of Napoli. Kindly tell us what did you do as Napoli?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I worked and rasied a family.

"Mr. ARENS. How long did you assume this alias as Napoli?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Approximately 5 years.

"Mr. WILLIS. Let me ask you this: Was that name assumed by you for general purposes and all other purposes, or just the purposes of the Communist activities?

"Mr. TUROFF. No; it was a name that I used for all purposes.

"Mr. ARENS. What name did you use in the party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Could you be more specific?

"Mr. ARENS. What name did you use in the Communist Party? Did you use your own name or did you use an alias?

"Mr. TUROFF. Well, before I assumed the name Napoli, I used my own name.

"Mr. ARENS. And then after you discarded the name of Napoli, did you again assume your own name in the Communist Party?

"Mr. TUROFF. Yes, generally, though there was a hangover. Some people called me one thing and some people another.

"Mr. ARENS. Who told you to go get this printing equipment from Mr. Dietch?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Again I must decline to identify the name of the person for the same reasons stated before.

"Mr. ARENS. How much education have you had?

"Mr. TUROFF. I had—I guess I got credit for a year and a half of college, which I attended on the GI bill. I left school at the age of 16 and finished high school at the age of 26, after getting out of the service.

"Mr. ARENS. When you applied at Tube Manifold, did you tell them about your college education?

"Mr. TUROFF. No, sir; I did not.

"Mr. ARENS. Why not?

"Mr. TUROFF. Because it is very often difficult to get a job and because of the information you have elicited from me I certainly could not give them that kind of background, and I did need a job.

"Mr. ARENS. Was your employment at the tube company where you are presently engaged suggested to you by any person or persons known by you to be Communists?

"(The witness conferred with his counsel.)

"Mr. TUROFF. No, sir. I went around and made a tour of a number of plants. I didn't even know the name of the place, in fact, when I went into it.

"Mr. ARENS. Have you ever applied for a United States passport?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. When was that?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I believe it was in the spring of 1949.

"Mr. ARENS. And was the passport issued to you?

"Mr. TUROFF. Yes, sir; it was.

"Mr. ARENS. Where did you say you were going to go on this passport when you made your application?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I don't remember for sure. I think I listed about 4 or 5 countries.

"Mr. ARENS. And where did you go?

"Mr. TUROFF. To 4 or 5 countries, or possibly more.

"Mr. ARENS. What 4 or 5 countries did you go to? Can you tell us?

"Mr. TUROFF. I will try. Holland, Belgium, France, Italy, Austria, Hungary, and I believe the return was through various of those countries again.

"Mr. ARENS. Did you get into Czechoslovakia?

"Mr. TUROFF. I am sorry. And Canada.

"Mr. ARENS. Did you get into Czechoslovakia?

"Mr. TUROFF. No, sir.

"Mr. ARENS. Hungary had been taken over by the Communists at that time, 1949, had it not?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I frankly don't remember whether they had the popular front government or——

"Mr. ARENS. Did you intend to go to Hungary as of the time you made your application for the passport?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I had a pretty good idea that we would go there. I will put it that way. There was some reservation as to the certainty of it, but I thought I would go.

"Mr. ARENS. What was your idea as to what you thought you were going to do when you got into Hungary?

"(The witness conferred with his counsel.)

"Mr. TUROFF. There was a youth festival, as described earlier, in Budapest at the time. I didn't have any idea what we would do, not having any idea of what these things were like or about.

"Mr. ARENS. Did you intend to go to the youth festival at the time you filed your application for your passport?

"Mr. TUROFF. If I went to Hungary, I intended to go to the youth festival.

"Mr. ARENS. Let's get the question absolutely clear. Did you intend to go to Hungary, to the youth festival, as of the time in 1949 that you filed your application for a passport?

"(The witness conferred with his counsel.)

"Mr. SCHERER. It is sort of obvious, is it not, Mr. Arens?

"Mr. TUROFF. The answer would be much as it was before. I thought I might go. I made certain plans to go, but it was uncertain. I did not know for absolutely sure whether I would go or not.

"Mr. SCHERER. Mr. Witness, was that not your real purpose of going there, to attend this festival?

"Mr. TUROFF. No, sir; that was not. The real purpose was a very personal family problem, which I would certainly not discuss here.

"Mr. ARENS. You did not on your application for a passport, when they asked you for the purpose of your proposed trip, make any reference to the possibility of going to Hungary; did you?

"Mr. TUROFF. No, sir; I did not.

"Mr. ARENS. Why not?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I wanted to make that trip to Europe for the reasons which I have indicated, which were not all going down there and I felt that if I put 'planning to go to Hungary' down, my passport would be refused.

"Mr. ARENS. Now, on this trip to Europe that you made with a falsified passport, procured by fraud, did you contact, or were you in communication with, any Communists?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I could not answer the question on the basis of fraudulent and—I don't remember the words you used, fraud, and so on.

"Mr. ARENS. A fraudulent procured passport, yes, sir, where you misrepresented to the State Department on your application.

"Mr. TUROFF. I don't accept that. I will answer the other part of the question, that I did see people who were Communists from other countries.

"Mr. ARENS. You attended the youth festival there?

"Mr. TUROFF. Yes.

"Mr. ARENS. Did you attend as a delegate from any group in this country?

"Mr. TUROFF. No.

"Mr. ARENS. Did you have any difficulty getting into Hungary?

"Mr. TUROFF. No.

"Mr. ARENS. Where did you get your visa to get into Hungary?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I believe it was in Austria.

"Mr. ARENS. You did not make application for your visa before you left the United States; is that correct?

"Mr. TUROFF. I can't remember.

"Mr. ARENS. Was your visa to get into Hungary procured for you by any person known by you to be a Communist?

"Mr. TUROFF. I procured it myself in Austria.

"Mr. ARENS. Why didn't you make application for that visa before you left the United States?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I may have. I just don't remember whether I did or did not. I may have.

"Mr. SCHERER. You just said a minute ago you didn't because you did not know if they would give you the passport if you showed that. Now why do you say you may have or may not have?

"Mr. TUROFF. No. We are talking about different things, sir. I am not talking about the passport. The counsel asked about the entrance visa to get into Hungary, and I plain don't just remember where I applied for it.

"Mr. SCHERER. You would not have applied for it in the United States, would you?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I am not sure whether you can or can't. Would you have to go to Washington for it, to apply for it?

"If so, then I definitely did not apply here. I just don't remember where I applied for it.

"Mr. ARENS. You applied for a visa to get to England; didn't you?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I can't remember.

"Mr. ARENS. You applied for a visa to get into France; didn't you?

"Mr. TUROFF. No; as a matter of fact, I don't think you needed a visa for any of these countries. The Marshall plan countries, I think, you could cross without visas. If I remember correctly, I don't think you needed any prior authorization if you carried an American passport.

"Mr. ARENS. How long did you work with the Imco Manufacturing Co.?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I never worked there.

"Mr. ARENS. Well, I have here an application signed Sidney Turoff for employment, an application for employment at this tube company where you are presently employed, and I see on the back 'Previous employment: 5 years at Imco Manufacturing Co.'

"Could you look at this application and see if that refreshes your recollection and see if that is your signature? If so, perhaps you can help us on why that Imco Manufacturing 5 years' employment appears on that application.

"(A document was handed to the witness.)

"(The witness conferred with his counsel.)

"Mr. TUROFF. It looks like the one I filled out.

"(Document marked 'Turoff Exhibit No. 1' and retained in committee files.)

"Mr. ARENS. Can you help us? How does that Imco Manufacturing Co., 5 years' employment——

"Mr. WILLIS. What period of time is that?

"Mr. ARENS. 1950 to 1955 or thereabouts.

"Can you help us on that? How did that happen to appear on your application?

"Mr. SCHERER. It appears on his application as a previous employment by the applicant?

"Mr. ARENS. Yes.

"(The witness conferred with his counsel.)

"Mr. TUROFF. I wanted a job and I didn't want to divulge that I had lived under another name. Consequently, I made up that work reference.

"Mr. WILLIS. Was it because of your use of another name during that period of time. Is that it?

"Mr. TUROFF. I don't follow you.

"Mr. WILLIS. You stated that the reason for it was connected with your use of an alias at that time. I did not quite catch that.

"Mr. TUROFF. Well, that is right. It covers the period, approximately, when I was living under the name of Michael Napoli.

"Mr. WILLIS. That is what I understood.

"Mr. TUROFF. I could not give those references, which were all in Buffalo, and which could be checked.

"Mr. ARENS. Did you at any time work at the Spar Metal Products Co.?

"Mr. TUROFF. Yes; I did.

"Mr. ARENS. How long did you work there?

"(The witness conferred with his counsel.)

"Mr. TUROFF. It must have been in the neighborhood of a year.

"Mr. ARENS. On your application you told them you had been there about 4 or 5 years; did you not?

"Mr. TUROFF. That is right.

"Mr. ARENS. At any time, did you ever use a false social-security number?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Would you explain what you mean by a false social-security number?

"Mr. ARENS. Have you ever falsified your application for a social-security card?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I decline to answer that question on the basis of the first and fifth amendments.

"Mr. ARENS. So this record may be abundantly clear, may I say to you, sir, that this bill, H. R. 9352, and other legislation which is pending in the Congress of the United States, is directed directly at that proposition, because we have had innumerable instances in the course of a number of hearings by this committee, or subcommittees of this committee, to the effect that Communists, and those under Communist discipline, have used false applications for social-security cards. They have used false cards.

"Mr. WILLIS. And false passports.

"Mr. ARENS. And false passports. Now, with that explanation, I respectfully suggest, Mr. Chairman, the witness now be ordered and directed to answer the principal question outstanding.

"(The witness conferred with his counsel.)

"Mr. WILLIS. I order you to answer that question for the obvious reasons stated, that if reasons for it were connected with your Communist activities, we want to pick up that pattern and justify passing such a law.

"Mr. TUROFF. I must decline to answer on the basis of the first and fifth amendments.

"Mr. ARENS. If you gave us a truthful answer to this last outstanding principal question, would you, in your judgment, be supplying information which might be used against you in a criminal proceeding?

"Mr. TUROFF. I repeat, sir, on this question, the first and fifth amendments.

"Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed

to answer the last outstanding question, namely whether or not he truly apprehends possible criminal prosecution if he gives us a truthful answer to the preceding principal question.

"Mr. WILLIS. That is the test of the justification for invoking the privilege of the fifth amendment. I can see where you might have justification, frankly, if you fear that it would involve you in a criminal prosecution, but you cannot invoke the fifth amendment unless you honestly feel it might get you into trouble.

"Mr. TUROFF. I honestly feel there is an element of danger in answering that question any other way.

"Mr. ARENS. Now, kindly tell us what you did while you were a Communist, what you did to further the work of the Communist Party, what assignments you had, and the like.

"(The witness conferred with his counsel.)

"Mr. TUROFF. In general, I was the section organizer of the steel section.

"Mr. ARENS. What did you do as section organizer of the Steel Section of the Communist Party?

"Mr. TUROFF. Coordinated the activities of the members of that section.

"Mr. ARENS. How many members did you coordinate?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I refer to my previous answer around that question of how many members. It varied, it fluctuated. I think we established that if it meant people who paid dues, there is a very small number.

"Mr. ARENS. What did it mean by others, who were under discipline but did not pay dues?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I don't know of people who were under discipline who did not pay dues.

"Mr. ARENS. What is the other category? Category 1 is the one you just alluded to. What is the other category?

"Mr. TUROFF. As far as I am concerned, that is the basic category.

"Mr. ARENS. What did you do to coordinate their efforts?

"Mr. TUROFF. I would meet with them, find out what is happening at the various places of work.

"Mr. ARENS. What places of work were they engaged in in April of 1957?

"(The witness conferred with his counsel.)

"Mr. TUROFF. At Bethlehem Steel.

"Mr. ARENS. How many were there in April of 1957?

"(The witness conferred with his counsel.)

"Mr. ARENS. That is, that you knew as Communists.

"Mr. TUROFF. On the basis of the definition I used before in my answer, I would say 3 or 4.

"Mr. ARENS. And where were they engaged with Bethlehem?

"(The witness conferred with his counsel.)

"Mr. TUROFF. In Lackawanna, N. Y.

"Mr. ARENS. Is there a plant here called the Lackawanna plant?

"Mr. TUROFF. Yes.

"Mr. ARENS. And where were they within the Lackawanna plant please, sir?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I would say they were in various facilities of the plant.

"Mr. ARENS. Tell us first of all what did they do there at the behest of the Communist Party? You said you coordinated their work. What was it that they did that you had to coordinate?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Their main function was going to work. I mean, they were earning a living by working in the plant.

"Mr. ARENS. This is not amusing.

"Mr. TUROFF. No, I don't——

"Mr. ARENS. You did not coordinate them going to work. Tell this Committee on Un-American Activities, please, sir, while you are under oath and under subpena by this committee, what they did in behalf and at the direction of the Communist Party, which you as the director coordinated.

"(The witness conferred with his counsel.)

"Mr. TUROFF. We discussed, when we met, we discussed the question of what was happening at the plant, what kind of grievances there were, what kind of problems the workers in the plant had, and what they as individuals in that plant could do and attempted, where possible, to coordinate the efforts if it was a problem that was mutual to more than one person.

"Mr. ARENS. Why didn't you come out in the open, if you were doing such humanitarian work for the uplift of people, if you were doing work to help workmen in the plants? Why didn't you come out in the open? Why did you have to be secretive about it?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I think, sir, for the very obvious reason that a person coming out openly as a member of the Communist Party would not have survived in that plant. He would have been fired.

"Mr. ARENS. Why did you have to be identified with the Communist Party in your efforts to settle grievances?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Because we believed that they had a perspective to these problems that others did not have. Obviously, speaking for myself personally, I have left the Communist Party because I feel that there are other means by which I can work for the best interests of the workers of the shop.

"Mr. ARENS. Did colonizers come in here from outside Buffalo, colonizers of the party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Would you explain what you mean by colonizers?

"Mr. ARENS. Do you mean to tell me that you do not know what a colonizer is in the Communist Party?

"Mr. TUROFF. I know what I think it is, sir.

"Mr. ARENS. Then tell us whether or not there were sent into this community, people who were colonizers as you think they were.

"Mr. TUROFF. I think there were people who were sent into this area to go to work in shops for the purpose of——

"Mr. ARENS. Sent in, first of all, by whom?

"Mr. TUROFF. Sent in——

"(The witness conferred with his counsel.)

"Mr. TUROFF. Not sent. I could only go by my own case. I was not sent anywhere. I voluntarily came to Buffalo.

"Mr. ARENS. Let's get back to the principal question now, as to colonizers being sent in here. You started to address yourself to that proposition. Continue, please, sir.

"Mr. TUROFF. There were people who came into the area to go to work in the various industries around here.

"Mr. ARENS. Communists?

"Mr. TUROFF. Communists.

"Mr. ARENS. And did they come at the behest of the Communist Party?

"Mr. TUROFF. They came, surely, after discussion with the Communist Party. How each individual came, I could not speak for.

"Mr. ARENS. How many, and over what period of time, to your knowledge?

"Mr. TUROFF. Well, I came in 1949. I could not give any kind of number.

"Mr. ARENS. As many as a dozen?

"Mr. TUROFF. I would say yes, sir.

"Mr. ARENS. As many as two dozen?

"Mr. TUROFF. I am not sure.

"Mr. ARENS. Well, as many as 15 in the course of a year?

"(The witness conferred with his counsel.)

"Mr. ARENS. Remember, we are in the period now of around April of 1957 or in 1957, 1956.

"Mr. TUROFF. As far as I know in that period no one came that I know of.

"Mr. ARENS. Then in what period did they come in that you know of?

"Mr. TUROFF. In an early period, probably 1950, 1951, 1952.

"Mr. ARENS. And why were they sent in here by the Communist Party?

"Mr. TUROFF. As I said before, I don't know who was sent or who was not sent.

"Mr. ARENS. I did not ask you that. I asked you why.

"Mr. TUROFF. They came to go to work in shops in the area.

"Mr. ARENS. Why?

"(The witness conferred with his counsel.)

"Mr. TUROFF. It was, to the best of my knowledge, part of a policy that was established at one of the conventions, I am not sure which one——

"Mr. ARENS. Conventions of what?

"Mr. TUROFF. The Communist Party. It might have been the 15th convention in which it was indicated that the composition of the Communist Party had an insufficient number of workers in it, that the workers were the most important section of the American population and that if Communist influence should be felt, it should be felt among the working people.

"Mr. ARENS. And did the party, to your knowledge, take people who were high echelon, intellectually, from the standpoint of educational background, college graduates, masters, Ph. D.'s, and the like, and have them come into this heavy industrial area and apply for menial tasks, just to get themselves within the operation here?

"(The witness conferred with his counsel.)

"Mr. ARENS. Can you help us on that?

"(The witness conferred with his counsel.)

"Mr. TUROFF. This falls into the realm of speculation unfortunately.

"Mr. ARENS. Let's get back to your definition of colonizing, then.

"Mr. TUROFF. Would you please let me finish my answer to your question?

"Mr. ARENS. I beg your pardon.

"Mr. TUROFF. There were a number of people that came, I suppose, with that background.

"Mr. ARENS. High educational background?

"Mr. TUROFF. High educational background. I don't think it was a deliberate choice. I think these people responded to the thinking that it was necessary to go out of New York and other big cities into areas where they could work in shops.

"Mr. ARENS. What is a colonizer as you understand that term in party lingo?

"Mr. TUROFF. As I have always understood it, from my point of view it was always an unfortunate term, even as a Communist. My position on it has always been that it is a person who came into an area to go to work, who left his prior background, whatever it may be, whether it was work, or school or academic, whatever it was, and came to go to work.

"Mr. SCHERER. And while at work advanced the interests of the Communist Party among the workers in that particular factory, is that right?

"Mr. TUROFF. Well, I would say in a particular geographical area rather than a geographical factory. When people come here, they don't know where they are going to work. They just come to an area.

"Mr. ARENS. Would you regard yourself as a colonizer?

"Mr. TUROFF. At the present time?

"Mr. ARENS. As of the time you were in the party?

"Mr. TUROFF. I don't think so.

"Mr. ARENS. The party at no time——

"Mr. TUROFF. Could I finish?

"Mr. ARENS. Excuse me. I beg your pardon.

"Mr. TUROFF. I don't have any higher degrees, Ph. D.'s, M. A.'s, or so forth.

"Mr. ARENS. You have a college education.

"Mr. TUROFF. I have 2 years of college which prepared me for nothing. I have had, since the age of 16, accumulated work experience. I had to get a job if I was going to raise a family; $110 a month, the GI subsistence, was insufficient. I did discuss with the Communist Party where would be a good place to go.

"But I came here of my own free will. I as not under direction or any kind of compulsion and, therefore, I don't know how to answer the question.

"Mr. SCHERER. You said you discussed it with the Communist Party where you were going to go. Did they suggest Buffalo?

"Mr. TUROFF. In answer to that last question, Buffalo is one of a whole number of cities that were suggested as places where employment possibilities were good.

"Mr. ARENS. Did the party emphasize heavy industry?

"Mr. TUROFF. I would say 'Yes.' Rather actually, the emphasis was not heavy. It was industry that had a large number of workers.

"Mr. ARENS. Was there any espionage operation conducted to your knowledge by the colonizers, or was that separate and distinct?

"Mr. TUROFF. I have absolutely and unequivocably no knowledge of anyone in the Communist Party mentioning the subject, no less mentioning it.

"Mr. ARENS. Our information is that it is a separate channel. Did the party, in your experience have its sabotage operations operating through the conduits or channels of the colonizers?

"Mr. TUROFF. I could not even begin to answer such a question. I don't know what existed besides those things that I am familiar with.

"Mr. ARENS. That confirms our information of elsewhere, that that is a separate operation.

"Mr. TUROFF. I don't know what it is.

"Mr. ARENS. Could you kindly tell us, if you please, sir, the training which you had in the Communist Party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. If by training you mean classes and that sort of thing, to the best of my recollection I attended a class in New York City in 1947 or 1948 for about 2 or 3 days.

"Mr. ARENS. Where was that, the Jefferson School of Social Science?

"(The witness conferred with his counsel.)

"Mr. TUROFF. It was probably there. It might have been at the 12th Street, the 35 East 12th Street address.

"Mr. ARENS. Headquarters?

"Mr. TUROFF. Yes.

"Mr. ARENS. The party must have had its eye on you very young, then, to have you at the headquarters?

"Mr. TUROFF. No. it was quite open then and people went there. Also, I attended a class for a week here in Buffalo.

"Mr. ARENS. Where was that?

"Mr. TUROFF. I don't know the address.

"Mr. ARENS. What was the general neighborhood? Was it in a home? A store?

"(The witness conferred with his counsel.)

"Mr. ARENS. Was it in a basement? Where was it?

"(The witness conferred with his counsel.)

"Mr. TUROFF. It was in a home in the North Park area.

"Mr. ARENS. When, just your best recollection? What year approximately?

"Mr. TUROFF. It must have been between 2½ or 3 years ago.

"Mr. ARENS. Two and a half years ago?

"Mr. TUROFF. I think so.

"Mr. ARENS. How many people were engaged in the courses there or the course?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I think it was 8 or 9, somewhere. I am not positive.

"Mr. ARENS. Normally I would ask you who they were, but I know there is no use wasting my breath. That is right, is it not?

"Mr. TUROFF. I will not divulge the names; that is right, sir.

"Mr. ARENS. Now, kindly tell us the fronts with which you were connected in the course of your affiliation in the Communist Party. You know what a Communist front is, surely?

"(The witness conferred with his counsel.)

"Mr. ARENS. Those are organizations penetrated or controlled by the Communists of which there are about 300 in the United States and about 2,000 or 3,000 fronts within fronts. Tell us the fronts within which you were connected.

"(The witness conferred with his counsel.)

"Mr. TUROFF. I really don't remember joining too many other organizations of any sort.

"Mr. ARENS. Well, not too many. How many?

"Mr. TUROFF. No, I mean I frankly can't—if you throw out some names of what you consider——

"Mr. ARENS. The Labor Youth League?

"Mr. TUROFF. No.

"Mr. ARENS. The American Committee for Protection of Foreign Born?

"Mr. TUROFF. No.

"Mr. ARENS. The Civil Rights Congress?

"Mr. TUROFF. I had made a contribution to the Civil Rights Congress. I don't know if that constitutes membership.

"Mr. ARENS. Were you under direction by the party to engage in any activities in non-Communist-front groups, to penetrate even anti-Communist groups? Did you belong to any groups other than your regular assignments within the party?

"(The witness conferred with his counsel.)

"Mr. TUROFF. To the best of my recollection, no. I belonged to several groups on my own free will and volition in the course of my years, but——

"Mr. ARENS. What were some of those groups? Could you tell us?

"Mr. TUROFF. Well, I guess during one of the election campaigns, I guess it was during the Wallace campaign——

"Mr. ARENS. The Progressive Party?

"Mr. TUROFF (continuing). I worked with the Young Progressives of America.

"Mr. ARENS. Was that penetrated by the Communists here in this area?

"Mr. TUROFF. It was not in this area, where I was. It was not penetrated——

"Mr. ARENS. It was in New York City?

"Mr. TUROFF. It was the students in New York University.

"Mr. ARENS. Could you give us an estimate, by the way, of the number of Communists who where in New York University while you were there?

"(The witness conferred with his counsel.)

"Mr. TUROFF. If I ever knew, I don't remember.

"Mr. ARENS. Tell me this: To what extent did the Communist Party in 1957 use non-Communists, dupes, intellectuals, fools, and the like, which they could trick into pursuing the Communist Party line as a technique of the conspiracy?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I don't know how to answer the question, primarily because I have not worked in the direction——

"Mr. ARENS. You were a specialist of the party, is that correct, in steel?

"Mr. TUROFF. If you could call it that.

"Mr. ARENS. Tell us what you did for the Communist Party besides coordinate, as you said, the work of these associates of yours, the comrades who were in April 1957 in this one steel section with which you were identified? What else did you do as a Communist for the Communist Party?

"Mr. TUROFF. I attended the county committee meetings, the State committee meetings; I was a delegate to both the State and National conventions.

"Mr. ARENS. How many are there on the county committee? Just your best judgment.

"Mr. TUROFF. Now? I have no idea.

"Mr. ARENS. As of the time you were a member, sir?

"(The witness conferred with his counsel.)

"Mr. TUROFF. There must be about eight people, somewhere in that neighborhood.

"Mr. ARENS. And, of course, it would be fruitless for me to ask you who they were?

"Mr. TUROFF. On the same basis; yes, sir.

"Mr. ARENS. Now, how many are there on the State committee?

"Mr. TUROFF. Now? I don't know.

"Mr. ARENS. As of the time you were on the State committee?

"Mr. TUROFF. The last time I was there the number varied from maybe 30 to 50.

"Mr. ARENS. And when was that?

"Mr. TUROFF. That was in the half-year or 7 months or so.

"Mr. ARENS. When did you last meet with the county committee? Did you meet with them during 1957?

"Mr. TUROFF. Yes; before my resignation.

"Mr. ARENS. Where did you meet?

"Mr. TUROFF. At homes.

"Mr. ARENS. It would be fruitless for me to ask you whose home; would it not?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. Were they homes here in the Buffalo area?

"Mr. TUROFF. Yes, sir.

"Mr. ARENS. And what transpired at a typical meeting, the last meeting you recall?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I could not really remember any one particular meeting because there were quite a few meetings that I attended that year. I would say this: That in the main mostly higher level meetings, say, from county on upwards, most of the discussion was very bitter.

"It was conflict and controversy over major disagreements of policy, which resulted in people such as myself leaving the party.

"Mr. ARENS. Do you know the names of other persons besides yourself who have in the course of the last several months left the Communist Party in that area?

"(The witness conferred with his counsel.)

"Mr. TUROFF. Yes, I know them, but my answer as to who they are would be the same.

"Mr. ARENS. Could you not help this committee of your Government by giving us the names of those people so we can contact them and see if they cannot give us information that will help us evolve legislation for the United States Congress to cope with the problems posed by the Communist apparatus within the United States?

"Can you not please do that and serve your Government?

"(The witness conferred with his counsel.)

"Mr. WILLIS. Before you answer that question, was the disassociation of others about the time of your disassociation or later on?

"Mr. TUROFF. Within the general period.

"Mr. WILLIS. And was it generally for the reasons that you have assigned, if you remember?

"Mr. TUROFF. The people I am referring to, the people that I know, I would say yes, the same general reasons. There might be a specific difference.

"Mr. WILLIS. I think you would be doing them a compliment.

"(The witness conferred with his counsel.)

"Mr. TUROFF. In answer to that question, I do not feel I could give those names. I feel that I have attempted to give information, anything that was asked, about myself with just one exception.

"I do not feel that morally I could give my friends or people I know to the kind of sit-

uation that I am in, where I have been threatened with discharge, where there has been an attempt to create a hysteria in my shop in order to have me fired.

"I do not feel that there is any guaranty for anyone. They know about these committee meetings and if anyone felt they wanted to come and voluntarily testify, they are intelligent people and would do so.

"Mr. ARENS. Would you tell us in executive session?

"Mr. TUROFF. No, sir. I would not tell you anything in executive session. I am not afraid of anything that I have said in public. I think it is——

"Mr. ARENS. Are you against the Communist Party? You said you broke with it. Are you against it?

"Mr. TUROFF. What does that mean?

"Mr. ARENS. Do you mean to say you do not know what that means?

"Mr. TUROFF. No, sir; I do not know what it means, not put as vaguely as that. I do not know what it means?

"Mr. ARENS. Are you for the Communist Party?

"Mr. TUROFF. I do not know what that means, either. There is a question. If you ask me what do I stand for, I can tell you the things I want.

"Mr. ARENS. Would you like to see the Communist Party, the Communist operation in this country, eradicated?

"Mr. TUROFF. If it continues along the pattern that it chooses to follow now, absolutely.

"Mr. ARENS. Then why do you not give us the information we seek here, the names of people who are engaged in the very activity which you now say you should like to see eradicated?

"Mr. TUROFF. I believe I have already explained that question, sir.

"Mr. ARENS. You have abundantly.

"Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

"Mr. WILLIS. Mr. Scherer?

"Mr. SCHERER. There are 1 or 2 things I would like to clear up with the witness.

"When you were asked about your application for a passport I believe you said one of the reasons you were going abroad was a family matter. Did you say that?

"Mr. TUROFF. I said a personal matter. The word 'family' might have entered into it.

"Mr. SCHERER. Did that personal matter involve any Communist Party activity?

"Mr. TUROFF. Absolutely none. It was purely personal between my wife and myself.

"Mr. SCHERER. Was she abroad at that time?

"Mr. TUROFF. I decline to answer any questions about my wife, sir. I think that privilege should be respected by the committee as you suggest you customarily do.

"Mr. SCHERER. I am not asking you about any difficulties that might have existed. I was just wondering whether she was in Europe at that time.

"(The witness conferred with his counsel.)

"Mr. TUROFF. I think, sir, your own rules specify that you only on the rarest occasions do that and I don't think the situation warrants it.

"Mr. SCHERER. I am familiar with the rule. Did you go to visit your wife abroad?

"Mr. TUROFF. No, sir.

"(The witness conferred with his counsel.)

"Mr. SCHERER. You said the purpose of your trip and your application for passport was to visit relatives in England. Who were the relatives you had in England? Your family came from Russia originally, according to the passport.

"Mr. TUROFF. I do have some relatives by marriage in England. We did not, however, get to visit them.

"Mr. SCHERER. You did not visit your relatives in England? Although you did indicate when you made your application for a passport the purpose of the trip was to visit these relatives in England and investigate the educational possibilities?

"Mr. TUROFF. Yes. That is correct. I was an economics student at New York University. I was majoring in economics and I had considered the possibility of trying to get into the London School of Economics.

"Mr. SCHERER. And I believe you said you did not visit relatives in England. Who is Joseph Needleman who was the witness who signed the affidavit of identification on your passport?

"(The witness conferred with his counsel.)

"Mr. TUROFF. I am inclined to think you do not have the right name there. I don't know anybody of that name.

"Mr. SCHERER. Well, I may not. Would you show him this signature?

"(A document was handed to the witness.)

"Mr. TUROFF. That is a friend of mine who I have not seen in several years.

"Mr. SCHERER. What is his name?

"Mr. TUROFF. Needleman, Joseph Needleman.

"Mr. SCHERER. You say that is Needleman?

"Mr. TUROFF. Yes.

"(Document marked 'Turoff exhibit No. 2' and retained in committee files.)

"Mr. SCHERER. Was he a member of the Communist Party?

"Mr. TUROFF. I don't know.

"Mr. SCHERER. I have no further questions."

Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to the said Sidney Turoff, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the questions, namely:

"Now, kindly tell us, sir, who were the members of the Steel Section of the Communist Party to which you were attached as of the time you disassociated yourself from the Communist Party in April of 1957?

"Will you now give to the committee the names of persons who, to a certainty, were known by you while a member of each of these several entities of this Communist Party which you have described?

"Will you give us the name of any person in the course of the history of your association, affiliation, identification in the Communist Party, at any time, who was known by you to a certainty to be a Communist or a member of the Communist Party?

"I should like to ask you now to whom did you deliver this printing equipment which was delivered to you by Mr. Alan Dietch?"

Which questions were pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"Be it resolved, That the chairman be authorized and empowered from time to time to appoint subcommittees, composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. EDWIN E. WILLIS; and Hon. GORDON H. SCHERER, held on the 15th day of January 1958, in room 225, Old House Office Building, Washington, D. C.:

"The subcommittee was called to order by the chairman, who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Buffalo, N. Y., beginning October 1, 1957, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Buffalo, a motion was made by Mr. WILLIS, seconded by Mr. SCHERER, and unanimously adopted, that a report of the facts relating to the refusal of Sidney Turoff to answer material questions before the said subcommittee at the hearing aforesaid be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer material questions, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer questions therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. EDWIN E. WILLIS; Hon. BERNARD W. KEARNEY; Hon. DONALD L. JACKSON; and Hon. GORDON H. SCHERER, held on the 15th day of January 1958, in room 225, Old House Office Building, Washington, D. C.:

The report of the facts relating to the refusal of Sidney Turoff to answer material questions was submitted to the committee, upon which a motion was made by Mr. JACKSON, seconded by Mr. DOYLE, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Sidney Turoff to answer material questions before the said subcommittee at the hearing conducted before it in Buffalo, N. Y., on the 1st day of October 1957, be and the same is hereby approved and adopted and that the Committee on Un-American Activities report and refer the said refusal to answer questions before the said subcommittee together with all the facts in connection therewith, to the House of Representatives, with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such questions to the end that he may be proceeded against in the manner and form provided by law.

Mr. WALTER. Mr. Speaker, I offer a privileged resolution—House Resolution 662—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Sidney Turoff to answer questions before a duly constituted subcommittee of the Com-

mittee on Un-American Activities. together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the Western District of New York, to the end that the said Sidney Turoff may be proceeded against in the manner and form provided by law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST SIDNEY HERBERT INGERMAN

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2339).

The Clerk read as follows:

PROCEEDINGS AGAINST SIDNEY HERBERT INGERMAN

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING SIDNEY HERBERT INGERMAN

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Sidney Herbert Ingerman. The said subpena directed Sidney Herbert Ingerman to be and appear before the said Committee on Un-American Activities or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on October 2, 1957, at 10 a. m., at their committee room, room 600, United States Courthouse, Buffalo, N. Y., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee. The subpena served upon the said Sidney Herbert Ingerman is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To SIDNEY INGERMAN, *Greeting:*

"Pursuant to lawful authority, You are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or duly appointed subcommittee thereof, on October 2, 1957, at 10 o'clock a. m., at their committee room, room 600, United States Courthouse, Buffalo, N. Y., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States marshal, to serve and return.

"Given under my hand this 18th day of September, in the year of our Lord, 1957.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served as appears by the return made thereon by Richard V. Coffy, deputy United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said Richard V. Coffy, deputy United States marshal, being endorsed thereon, is set forth in words and figures, as follows:

"SUBPENA FOR SIDNEY INGERMAN BEFORE THE COMMITTEE ON THE 2D DAY OF OCTOBER, 1957, AT 10 A. M.

"I made service of the within subpena by personally serving Sidney Ingerman, the within-named, at Tube Manifold Plant, 415 Bryant St., North Tonawanda, N. Y., at 11:55 o'clock a. m., on the 20th day of September, 1957. Dated September 20, 1957.

"RICHARD V. COFFY,
"Deputy United States Marshal."

The said Sidney Herbert Ingerman, pursuant to the said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on October 2, 1957, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Sidney Herbert Ingerman, having appeared as a witness and having been asked the question, namely:

"Will you tell this committee the names of persons who, in 1957, were known by you to a certainty to be members of the Communist Party so that this committee can undertake to elicit from them information respecting the operation of this very entity which you would like to see defeated?"

Which question was pertinent to the subject under inquiry, refused to answer said question, and as a result of said Sidney Herbert Ingerman's refusal to answer the aforesaid question your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon the said Sidney Herbert Ingerman.

The record of the proceedings before the subcommittee on October 2, 1957, during which Sidney Herbert Ingerman refused to answer the aforesaid question pertinent to the subject under inquiry, is set forth in fact as follows:

"WEDNESDAY, OCTOBER 2, 1957
"UNITED STATES HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
"Buffalo, N. Y.

"A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m. in room 600, United States Courthouse, Buffalo, N. Y., Hon. EDWIN E. WILLIS (chairman of the subcommittee) presiding.

"Committee members present: Representatives EDWIN E. WILLIS, of Louisiana, and GORDON H. SCHERER, of Ohio.

"Also present: Representative JOHN R. PILLION.

"Staff members present: Richard Arens, director; George C. Williams, and W. Jackson Jones, investigators.

"Mr. WILLIS. The subcommittee will come to order.

"This subcommittee consisting of Hon. FRANCIS E. WALTER, of Pennsylvania, Hon. GORDON H. SCHERER, of Ohio, seated here, and myself, EDWIN E. WILLIS, of Louisiana, has been duly appointed by the chairman of the Committee on Un-American Activities, Hon. FRANCIS E. WALTER, to conduct hearings here in Buffalo, N. Y. Unfortunately, Mr. WALTER is unable to be present because of a physical injury from which he is recuperating. There is, however, a quorum present and the subcommittee will accordingly proceed with its duties.

"Let the record at this point include the authorization by the committee (July 10, 1957) for the holding of these hearings in Buffalo, N. Y., which I have designated appendix I.

"'APPENDIX I

"'Committee anthorization for Buffalo hearings

"'A motion was made by Mr. JACKSON, seconded by Mr. DOYLE and unanimously carried, approving and authorizing the holding of hearings in Buffalo, N. Y., beginning September 17, 1957, or on any other date determined by the chairman of the committee, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated:

"'1. Entry and dissemination in the Buffalo area of foreign Communist Party propaganda, the legislative purpose being to determine the necessity for, and advisability of, amendments to the Foreign Agents Registration Act designed more effectively to counteract the Communist schemes and devices now used in avoiding the prohibitions of the act;

"'2. Execution by administrative agencies concerned of laws requiring the listing of printing presses and machines capable of being used to produce or publish printed matter, in the possession, custody, ownership, or control of the Communist Party or Communist fronts, the legislative purpose being to assist Congress in appraising the administration of title 50, United States Code, section 786 (6), and in developing such amendments to the Internal Security Act of 1950, as it may deem necessary;

"'3. The extent, character, and objects of Communist infiltration into industrial, civic, and political organizations of the Buffalo area, the legislative purpose being to add to the committee's overall knowledge on the subject so that Congress may be kept informed and thus prepare to enact remedial legislation in the national defense and for internal security, when and if the exigencies of the situation require it;

"'4. Misuse of passports by subversives and concealment of material facts in applications for passports, the legislative purpose being to enact legislation in the field of un-American activities relating to the misuse of passports, designed to amend and strengthen the provisions of H. R. 5612, now being considered by the Committee on the Judiciary; and

"'5. All other matters within the jurisdiction of the committee which may be developed in the course of the staff's investigation.'

"Likewise, let the record reflect at this point the order of appointment of the subcommittee which order I have designated appendix II.

"'APPENDIX II

"'Appointment of subcommittee for Buffalo hearings

"'AUGUST 29, 1957.

"'To: Mr. RICHARD ARENS,

"'Director, House Committee on Un-American Activities:

"'Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives GORDON H. SCHERER and EDWIN E. WILLIS, associate members, and myself, FRANCIS E. WALTER, as chairman, to conduct hearings in Buffalo, N. Y., on October 1, 2, and 3, 1957, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"'Please make this action a matter of committee record.

"'If any member indicates his inability to serve, please notify me.

"'Given under my hand this 29th day of August 1957.

"'FRANCIS E. WALTER,
"'Chairman, Committee on Un-American Activities.'

"Under the provisions of Public Law 601 of the 79th Congress, the Congress has placed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin

and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation. Congress has also placed upon this committee the duty of exercising continuous watchfulness over the execution of any laws, the subject matter of which is within the jurisdiction of this committee.

"For the past 2 years, the committee has engaged in an extensive investigation to ascertain the amount and variety of foreign Communist propaganda disseminated in the United States. The committee has held hearings and taken testimony relating to the three principal ports of entry of this material, namely, New York, San Francisco, and New Orleans. The committee is vitally interested in the type and volume of material entering the United States from the Soviet and satellite countries through all ports of entry of the United States. Ports such as Buffalo do not have regularly constituted officials whose sole and exclusive function is examining this material and confiscating that which enters this country illegally. However, at the request of the committee, the United States customs service has conducted a survey of this and other ports of entry along the Canadian border relating to Communist propaganda entering the country in this area and will give us the benefit of their findings today.

"We shall also receive testimony from individuals in this area concerning Communist techniques and tactics of infiltration or attempted infiltration of basic industries. Without this information, it would be impossible for the committee to carry out its legislative duties as required of it by the Congress and the American people. In response to the mandate from the Congress to keep constant surveillance over existing security legislation, the committee is constantly surveying the operation of the Internal Security Act of 1950, the Foreign Agents Registration Act, espionage statutes, the Communist Control Act of 1954, and similar laws.

"The committee, operating through its staff, recently formulated an omnibus security bill, H. R. 9352, which represents the most comprehensive effort ever made to deal with all problems in the field of internal security. This bill combines numerous proposals for empowering the Government to combat the various aspects of the Communist conspiracy which are not dealt with adequately in our present laws.

"We hope to obtain here in Buffalo factual information which will help us in refining this omnibus security bill on which we will be working further as soon as the Congress convenes in January.

"It is a standing rule of this committee that any person named in the course of committee hearings be given an early opportunity to appear before this committee if he so desires, for the purpose of denying or explaining any testimony adversely affecting him. In the event there are such persons, they should immediately communicate with any member of the staff and make their request known.

"I would remind those present that we are here at the direction of the Congress of the United States to discharge an important legislative function. You are here by permission of this committee, and I trust will conduct yourselves as guests of the committee at all times. A disturbance of any kind or audible comment during the course of testimony, whether favorable or unfavorable to any witness, will not be tolerated.

"In every hearing, the committee has encouraged witnesses to have counsel with them if they so desire, and has always welcomed the presence of counsel. In fact, the rules of the committee expressly provide that at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

"The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising the witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

"I wish to say also, finally, that I admonish those present not to smoke in the courtroom."

After hearing the testimony of several other witnesses, Sidney Herbert Ingerman was then called before the committee.

"Mr. ARENS. The next witness, if you please, Mr. Chairman, is Sidney H. Ingerman. Kindly come forward.

"(Members of committee present: Representatives WILLIS and SCHERER.)

"Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. INGERMAN. Yes, I do.

"TESTIMONY OF SIDNEY HERBERT INGERMAN, ACCOMPANIED BY COUNSEL, PETER L. PARRINO

"Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

"Mr. INGERMAN. My name is Sidney Herbert Ingerman. I live at 334 14th Street, in the city of Buffalo. I am a production worker.

"Mr. SCHERER. Where?

"Mr. INGERMAN. Tube Manifold Corp.

"Mr. ARENS. You are appearing today, Mr. Ingerman, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

"Mr. INGERMAN. Yes, I am.

"Mr. ARENS. And you are represented by counsel?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. Counsel, kindly identify yourself?

"Mr. PARRINO. Peter L. Parrino, 466 Ellicott Square Building, Buffalo.

"Mr. ARENS. Where and when were you born?

"Mr. INGERMAN. I was born in Brooklyn, N. Y., November 8, 1928.

"Mr. ARENS. And a word about your education, please, sir.

"Mr. INGERMAN. I attended the Brooklyn High School for Specialty Trades, and while I was attending that school, I attended the Brooklyn Evening Technical High School. I attended Champlain College, in Plattsburg, N. Y., for 2 years, and I attended the University of Buffalo for approximately 2 years.

"Mr. ARENS. When did you complete your formal education?

"Mr. INGERMAN. I have not completed my formal education.

"Mr. ARENS. I say when did you complete it? When did you complete that which you did acquire?

"Mr. INGERMAN. I am still attending school.

"Mr. ARENS. Where are you attending school?

"Mr. INGERMAN. The University of Buffalo Evening School.

"Mr. ARENS. How long have you lived in the Buffalo area?

"Mr. INGERMAN. I have lived in the Buffalo area since 1948.

"Mr. ARENS. Now, kindly give us, if you please, sir, just a brief sketch of the principal employments you have had since you reached adulthood.

"Mr. INGERMAN. Well, when do you consider adulthood, sir?

"Mr. ARENS. Well, the principal jobs after you were able to support yourself. We will put it that way.

"Mr. INGERMAN. I see. I worked for the Buffalo Steel Corp. for a period of about a year.

"Mr. ARENS. Beginning when, please?

"Mr. INGERMAN. I think it was in early 1950.

"Mr. ARENS. All right, sir.

"Mr. INGERMAN. From there I worked on the Great Lakes for one season as a seaman. From there I worked at the Fedders Manufacturing Corp. for a few months, on the second shift, and from there I went to work at the Hanna Coke Corp. I worked there until 1953. In 1955 I think it was, I went to work at Tube Manifold, and I am presently employed there.

"Mr. ARENS. Have you been continuously employed at Tube Manifold since you first started there in 1955?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. Have you had a period of service in the armed services?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. And what was the period of your service in the Armed Forces?

"Mr. INGERMAN. From July 1953 to December 1954.

"Mr. ARENS. And did you receive an honorable discharge?

"Mr. INGERMAN. No, sir, I did not receive an honorable discharge.

"Mr. ARENS. What type of discharge did you receive?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, I would like to know what the purpose and pertinency of this particular question is.

"Mr. ARENS. Yes. This Committee on Un-American Activities has pending before it a considerable amount of legislation dealing with the Communist Party and the Communist conspiracy, principally in the United States, which threatens the United States. One of those bills is H. R. 9352, which has probably 50 to 75 specific provisions dealing with communism. This Committee on Un-American Activities likewise, under Public Law 601 of the 79th Congress, is under a mandate to maintain a continuing surveillance over the administration and operation of numerous laws dealing with the internal security matters, such laws as the Internal Security Act of 1950 and the Communist Control Act of 1954, the Foreign Agents Registration Act, espionage statutes, and the like.

"Pursuant to that duty, this committee is constantly undertaking to develop the facts respecting the operation of the Communist Party, of Communists, of Communist techniques, and the like.

"In this particular bill, H. R. 9352, part of the provisions deal with security within the Armed Forces, techniques that the Government may use in separating from the Armed Forces people who are security threats to this Government. It is on that basis that I feel that the question which I have asked you is pertinent.

"Therefore, I ask you again, kindly answer the question as to the nature of the discharge which you received from the Armed Forces.

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, the discharge I received was neither honorable nor dishonorable. It is what is called an undesirable discharge. At present in courts these types of discharges are being questioned.

"Mr. ARENS. What was the nature of the undesirability which caused the discharge, do you know?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. While I was in the Army, I was presented with a series of allegations regarding certain of my activities prior to entrance into the Army. Some of these allegations dealt with things that happened before I entered the Army.

"Mr. ARENS. What kind of things?

"Mr. INGERMAN. Well, I can just generally indicate the type of allegations. I don't remember them specifically.

"Mr. ARENS. Well, do that, if you please, sir.

"(The witness conferred with his counsel.)

"Mr. INGERMAN. There were certain allegations as to membership.

"Mr. ARENS. Certain allegations as to membership in what, please?

"Mr. INGERMAN. The Communist Party. There were allegations as to the selling——

"Mr. SCHERER. May I interrupt at that point? Were the allegations true insofar as membership in the Communist Party was concerned?

"Mr. INGERMAN. At the time that these allegations were presented to me, while I was in the Army, I made clear that at that time I was not a member of the Communist Party while I was in the United States Army, and at that time I refused to answer on the basis of the appropriate regulations in the Uniform Code of Military Justice.

"Mr. ARENS. Did you disassociate yourself from the Communist Party so that you could be in technical status as a non-Communist while you were in the Armed Forces?

"Mr. INGERMAN. No, sir.

"Mr. ARENS. Did you resume membership in the Communist Party after the termination of your service in the Armed Forces?

"Mr. INGERMAN. Yes, sir; I did.

"Mr. ARENS. Did you have a membership in the Communist Party prior to your service in the Armed Forces?

"Mr. INGERMAN. Yes, sir; I did.

"Mr. ARENS. Tell us, if you please, sir, the period of membership by yourself in the Communist Party.

"Mr. INGERMAN. From 1948 until 1957.

"Mr. WILLIS. Fifty what?

"Mr. INGERMAN. Seven.

"Mr. ARENS. You were in the Armed Forces, you said——

"Mr. INGERMAN. With the exclusion of that period.

"Mr. ARENS. Then you were not a technical member of the Communist Party during the period of time you were in the Armed Forces, is that correct?

"Mr. INGERMAN. Would you explain to me what you mean by technical member?

"Mr. ARENS. Were you a member of the Communist Party during the time you were in the Armed Forces?

"Mr. INGERMAN. No, sir.

"Mr. ARENS. Then your period of membership in the Communist Party was not from 1948 to 1957. There was a hiatus there, is that correct?

"Mr. INGERMAN. I stand corrected.

"Mr. SCHERER. Mr. Arens, he started to tell us what allegations were made by the Army against him. He got to the first one, namely, the allegation of Communist Party membership. Then I interrupted him. He was in the process of telling us what the other allegations were in the discharge proceedings from the Army. Will you continue?

"Mr. INGERMAN. Yes, sir. As best I can remember, it involved membership, it involved the sale of the Daily Worker, it involved payment of dues. Possibly—I don't recollect too clearly—I think it involved contributions. That is the substance, I think, of the allegations.

"Mr. ARENS. Let us, if you please, then, start with the first period of your membership in the Communist Party and bring it down to the time of 1957 when you say——

"Mr. WILLIS. 1956, I think he said. Did you say 1956 or 1957?

"Mr. INGERMAN. 1957, sir.

"Mr. ARENS. To 1957, when your membership in the Communist Party terminated.

"Where were you when you joined the Communist Party in 1948?

"Mr. INGERMAN. Plattsburg, N. Y.

"Mr. ARENS. And what unit or cell of the Communist Party did you join?

"Mr. INGERMAN. To the best of my understanding and recollection, it was no unit, but I joined—I did not join any specific unit at that time.

"Mr. ARENS. What did you join?

"Mr. INGERMAN. I just joined.

"Mr. ARENS. Did you receive a membership card?

"Mr. INGERMAN. I think I received a membership card; yes, sir.

"Mr. ARENS. And did you pay dues?

"Mr. INGERMAN. I really can't remember at this time whether I did.

"Mr. ARENS. Where did you join within the city? What club? What edifice did you go to, to join?

"Mr. INGERMAN. As far as I know, where I participated—there was no club or edifice at that time I joined the function.

"Mr. SCHERER. When you joined the Army, did you notify the Communist Party that you were withdrawing temporarily?

"Mr. INGERMAN. No, sir; I just notified the Communist Party that I was withdrawing.

"Mr. SCHERER. You did notify them?

"Mr. INGERMAN. Yes, sir.

"Mr. SCHERER. For the period you were in the Army. Did you withdraw because you were familiar with the oath that a member of the Communist Party takes in this country upon becoming a member of the Communist Party?

"Mr. INGERMAN. Would you repeat the question?

"Mr. SCHERER. Did you withdraw from the party because you were familiar with the oath a member of the Communist Party takes when he joins the Communist Party in the United States?

"Mr. INGERMAN. I am sorry, sir; I am not familiar with any particular oath.

"Mr. SCHERER. Can I read it to you and see if this refreshes your recollection:

"'I pledge myself to rally the masses to defend the Soviet Union, a land of victorious socialism. I pledge myself at all times to remain a vigilant and firm defender of the Leninist line of the party, the only line that insures the triumph of Soviet power in the United States.'

"Do you remember that oath?

"Mr. INGERMAN. Sir, to the best of my recollection, I never took any such oath, nor have I ever until this very moment heard of such oath, nor do I think I ever would subscribe to such oath.

"Mr. SCHERER. You have never heard that?

"Mr. INGERMAN. To the best——

"Mr. SCHERER. Such an oath would prevent you from serving, though, in the Armed Forces of the United States, would it not?

"(The witness conferred with his counsel.)

"Mr. ARENS. How long were you allied with this group within the Communist Party which you first joined?

"Mr. INGERMAN. I left Plattsburg shortly after I joined. As I say, there was no—I did not understand there was the existence of a group at this time.

"Mr. ARENS. All right. What was the next entity within the Communist Party to which you were attached?

"Mr. INGERMAN. I was attached, to the best of my recollection, to the John Reed Club of the Communist Party.

"Mr. ARENS. Where was that?

"Mr. INGERMAN. At the University of Buffalo.

"Mr. ARENS. When were you attached to the John Reed Club?

"Mr. INGERMAN. To the best of my recollection, from mid-1948—I would say some time toward the latter part of 1948 through 1950. Yes; through 1950, until I left the university.

"Mr. ARENS. How many members were there in the John Reed Club of the Communist Party at the University of Buffalo?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. I will give you the closest estimate that I can make. I would say there was about 5 or 6 members.

"Mr. ARENS. How long were you there? Until 1950, did you say?

"Mr. INGERMAN. Actually until the end of 1949.

"Mr. ARENS. All right. What was the next entity of the Communist operation to which you were attached?

"Mr. INGERMAN. I believe it was the Buffalo Steel Club.

"Mr. ARENS. And when was that?

"Mr. INGERMAN. From 1950 until I—I can't be too sure, but I assume it was until I left the employment of the Buffalo Steel Co.

"Mr. ARENS. And what was the approximate date on that, please, sir?

"Mr. INGERMAN. I seem to recollect it was December of 1950, but I am not sure.

"Mr. ARENS. How many members were there of the Buffalo Steel Club in 1950 when you were a member?

"Mr. INGERMAN. To the best of my recollection, 3 or 4.

"Mr. ARENS. Were there other steel clubs besides the one to which you were attached?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, I respectfully ask, would you make the question a little clearer?

"Mr. ARENS. Yes. Did you have knowledge of the existence of other Communist steel clubs, other than the one to which you were attached?

"Mr. INGERMAN. I find it difficult at this time to recall if at that time I had such knowledge. I may have, and I may not have had at that time.

"Mr. ARENS. Was your employment at Buffalo Steel suggested to you by any person known to you to be a Communist?

"Mr. INGERMAN. No, sir, it was not. I don't recall that it was.

"Mr. ARENS. Did you confer with anyone known by you to be a Communist in anticipation of your employment at Buffalo Steel?

"Mr. INGERMAN. No, sir; not to my recollection.

"Mr. ARENS. Kindly tell us the next entity of the Communist Party to which you were attached, after your disassociation from the Buffalo Steel club.

"Mr. INGERMAN. The next entity I recall it was the steel section of the Communist Party.

"Mr. ARENS. Would you pardon an aversion to the Buffalo Steel club? Did you hold a post of responsibility in that particular club? Were you a leader?

"Mr. INGERMAN. To be quite honest, I am not sure. I don't recall too vividly.

"Mr. ARENS. Then let us proceed with the Steel Section. When did you become associated with the steel section of the Communist Party?

"Mr. INGERMAN. I would say roughly the early part of—some time during 1951.

"Mr. ARENS. And how long did you maintain the connection with the steel section of the Communist Party?

"Mr. INGERMAN. To the early part of 1953.

"Mr. ARENS. How many members were there in the steel section of the Communist Party to which you were attached?

"Mr. INGERMAN. Would you make clear to me what you mean by members, sir?

"Mr. ARENS. How many other persons in like status were there in the Steel Section of the Communist Party, to your certain knowledge?

"(The witness conferred with his counsel.)

"Mr. WILLIS. Did they come and go during that time?

"Mr. INGERMAN. Excuse me, sir?

"Mr. WILLIS. Did they come and go during that time? Is that what is causing you the concern as to an approximation?

"Mr. INGERMAN. I am not able to decide whether I was even aware of the full information. Therefore, I am hesitant in quoting a figure.

"Mr. ARENS. What is your best statement as to the number?

"Mr. INGERMAN. I would estimate—I would say possibly 6 or 7. This is a very hazy and rough estimate.

"Mr. ARENS. What was the next entity to which you were attached in the chronology of your service in the Communist Party?

"Mr. INGERMAN. I was attached to no other—well——

"(The witness conferred with his counsel.)

"Mr. INGERMAN. To the best of my recollection, I formally belonged to no other entity.

"Mr. ARENS. Was it about this time in 1953 when you disassociated yourself from the Communist Party?

"Mr. INGERMAN. I disassociated myself from the Communist Party prior to my entrance into the United States Army.

"Mr. ARENS. That was in 1953, was it not?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. Then you were out of the Communist Party for a period of some year or more; is that correct?

"Mr. INGERMAN. Yes, sir.

"Mr. SCHERER. I am interested in knowing why he disassociated himself from the Communist Party upon his entrance into the Army, and why he resumed membership immediately after he got out. Would you tell us why you got out of the party?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. As simply as I can explain it to you, sir, when I was drafted, I felt that for the period of my service in the United States Army, my whole and entire obligation was to the United States Army and to the mission that the Army was to accomplish, and I felt when I took the oath to join the Army that I meant to take it in the fullest and freest fashion I could, and I felt that encumbrances with any type of active political movements would be—well, it was just not in place with my complete——

"Mr. SCHERER. Actually you felt, then, as I understand, that your obligation to the Government of the United States as a member in the Armed Forces conflicted with your obligations and loyalties to the Communist Party. There was a conflict of interest?

"Mr. INGERMAN. Sir, at that time, I did not feel that way. I felt, as an American citizen who was fulfilling my obligations, that I had to serve and serve in the best interest——

"Mr. SCHERER. Don't you think you could have fulfilled those obligations to the Government of the United States and still remained a member of the Communist Party, if you say there is no conflict of interest?

"Mr. INGERMAN. I would like to sort of bring you back to that time. There was a great deal of storm and hysteria surrounding this type of political affiliation, which I at that time had seen no evil in, and rather than to allow any shadow to be cast upon my willingness to serve fully as a soldier, I disassociated myself.

"Mr. SCHERER. When did you begin that service?

"Mr. INGERMAN. I believe it was in July of 1953.

"Mr. ARENS. After you were discharged from the United States military as, I believe you said, an undesirable, or something of that type, what group did you ally yourself with in the Communist Party?

"Mr. INGERMAN. When I returned from the service, I rejoined the Steel Section.

"Mr. WILLIS. And when was that, about?

"Mr. INGERMAN. I would say a few months after I returned.

"Mr. WILLIS. Would that be 1954?

"Mr. INGERMAN. Actually, sir, I think it was already in 1955, early 1955.

"Mr. ARENS. It is the information of this committee that at that period of time, 1955, there were no longer party cards or membership records, as such. Kindly tell us how you realined yourself with the Communist Party. What were the mechanics which you pursued in accomplishing that objective of reaffiliation with the Steel Club of the Communist Party?

"Mr. INGERMAN. I assumed that when I again paid dues, that I was again a member.

"Mr. ARENS. Did you approach a person who was known to you to be a leader in the Steel Club, and let him know your intent and purpose of again assuming membership?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, would you please repeat the question?

"Mr. ARENS. Did you approach a person of your own volition who was a Communist to your knowledge and solicit him to cause you to be reaffiliated with the Communist Party?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. And what were the mechanics of that reaffiliation?

"Mr. INGERMAN. I paid my dues and I assumed I was a member of that Steel Section.

"Mr. ARENS. I did not get that last comment, please, sir.

"Mr. INGERMAN. Mainly the payment of dues was sufficient at that time.

"Mr. ARENS. Were you given any credentials?

"Mr. INGERMAN. No, sir.

"Mr. ARENS. Was any record entry made of your reaffiliation, to your knowledge.

"Mr. INGERMAN. No, not to my knowledge.

"Mr. ARENS. This disassociation which you caused to come about prior to the time you went into the Army, was it precipitated or caused by an instrument in writing or was it an oral disassociation?

"Mr. INGERMAN. This was an oral disassociation I meant.

"Mr. WILLIS. Did you communicate that disassociation orally to someone, or just to yourself?

"Mr. INGERMAN. No, sir. I communicated it orally to the person I thought was the appropriate person to communicate with.

"Mr. ARENS. Was that person your superior in the Communist apparatus?

"Mr. INGERMAN. I wish you would explain what you mean by my superior.

"Mr. ARENS. Was he an officer of the club with which you were identified at that time, prior to the time you went to the Army?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. It was not an officer of the club, of the section, but it was an officer of the county.

"Mr. SCHERER. At that time, if members of the Communist Party went into the armed services, didn't the party provide that they would be relieved of paying dues at the time they were serving in the armed services?

"Mr. INGERMAN. I am sorry, sir——

"Mr. SCHERER. Aren't you familiar with that regulation?

"Mr. INGERMAN. Not specifically familiar with such regulation?

"Mr. SCHERER. You did not pay any dues, of course, while you were in the armed services?

"Mr. INGERMAN. I had no association with the Communist Party while I was in the armed services.

"Mr. SCHERER. I understand, but wasn't there a rule or a practice whenever a Communist entered the armed services that he would be relieved for the duration from paying his dues to the party? Isn't that the reason you notified a Communist Party official that you were going to be in the Armed Forces and therefore you would be relieved from paying dues? In other words, you would not be delinquent? Wasn't that the notification you gave?

"Mr. INGERMAN. I have already stated the reasons why I disassociated myself wth the Communist Party.

"Mr. SCHERER. What I said is not true, then, is that right?

"(The witness conferred with his counsel.)

"Mr. SCHERER. You don't deny that that was a rule or regulation or practice of the Communist Party, insofar as the members of the armed services were concerned, do you?

"Mr. INGERMAN. To the best of my recollection, such specific instructions were never given to me.

"Mr. SCHERER. Without being specific instructions, that was pretty generally known.

"Mr. INGERMAN. Nor did I understand that this was the case with every single Communist who went into the armed services.

"Mr. ARENS. The week after you disassociated yourself from the Communist Party, in 1953, and joined the Armed Forces, or were drafted into the Armed Forces, the week after you did that, were you against the Communist Party?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. When I entered the armed services, as I have indicated, I felt my full duties, allegiance, and energies were to be and would be devoted to this job, and so they were.

"Mr. SCHERER. Did you resign from any other organizations to which you belonged when you went in the Army?

"Mr. INGERMAN. To the best of my recollection, I don't really remember belonging to any other organizations to which such action would be necessary.

"Mr. ARENS. Now, kindly answer the outstanding question on the record. Were you against the Communist Party a week after you resigned from it and went into the Armed Forces?

"Mr. INGERMAN. I feel this is a question involving my beliefs, sir. I wish you would explain the pertinency of this question.

"Mr. ARENS. The purpose of it is to ascertain whether or not your disassociation from the Communist Party was in good faith. Now, kindly tell us, were you against the Communist Party the week after you disassociated yourself from the Communist Party, or were you for it?

"Mr. INGERMAN. I will answer you in this fashion. Prior to my disassociation with the Communist—the fact of my disassociation at that time did not involve the question of my beliefs. It involved the question of my duty. So I will answer your question directly by saying that my beliefs had not changed in that 2- or 3-week or 4-week period.

"Mr. ARENS. Now, let us revert to 1955, when you have come out of the Army, reaffiliated yourself with the Steel Club of the Communist Party here in Buffalo. Did you assume a post of responsibility in the Steel Club?

"Mr. INGERMAN. To the best of my recollection, no, sir.

"Mr. ARENS. Was your association with the Steel Club a voluntary act of association on your part?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. Were you solicited to join the Steel Club or did you solicit someone to line you up in the Steel Club?

"Mr. INGERMAN. To be quite honest, I really am not sure exactly which way it went.

"Mr. ARENS. So that we may have your employment activity and your Communist Party activity running parallel, from the standpoint of chronology, kindly tell us where you were then employed in 1955, as of the time you reaffiliated with the Steel Club.

"Mr. INGERMAN. I was employed at the Tube Manifold Corp.

"Mr. ARENS. What was your next official connection with the Communist Party or the next entity to which you were attached?

"Mr. INGERMAN. To the best of my recollection there were no others.

"Mr. ARENS. How did you maintain a connection with the steel club, the 1955 steel connection?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Pardon me, sir. You keep referring to the steel club. I think I made the point——

"Mr. ARENS. Steel section—I beg your pardon. Yes, steel section.

"Mr. INGERMAN. Would you repeat the question again?

"Mr. ARENS. How long did you maintain your connection with the steel section of the Communist Party, which connection began in 1955?

"Mr. INGERMAN. I no longer considered myself a member of the Communist Party at the end of July of this year. I formally disassociated myself at the end of August of this year.

"Mr. ARENS. Of 1957?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. But were you until July of 1957 connected with the steel section of the Communist Party?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. And was there in addition to the steel section of the Communist Party to which you were attached another steel section of the Communist Party?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. For the largest part of the time following my reassociation in 1955, I was not aware of the existence of any but the steel section that I belonged to. Toward the end, I began to hear of—I would describe it as murmurings of the existence of this other section.

"Mr. ARENS. What caused you to disassociate yourself from the Communist Party in July or August of 1957?

"Mr. INGERMAN. The events that preceded, really beginning in late 1955, made me come to question very seriously many of the policies of the American Communist Party. The main points of disagreement and the main points of questioning and the issues around which I could no longer feel as I had once felt about the program of the Communist Party centered primarily around the inability and unwillingness of the American Communist Party to forthrightly condemn the interference of the Soviet Union in the affairs of Poland, to forthrightly condemn the interference in the affairs of the Hungarian working people, and because there was not an unequivocal condemnation of, what was then apparent to me, the serious acts of anti-Semitism that existed in the Soviet Union.

"Mr. ARENS. Was your disassociation from the Communist Party in July or August 1957, without equivocation, complete and final?

"Mr. INGERMAN. Yes, sir.

"Mr. ARENS. Did you go to the Federal Bureau of Investigation or any intelligence agency of this Government and reveal to them such information as you possessed respecting the Communist Party?

"Mr. INGERMAN. No, sir; I did not.

"Mr. ARENS. Are you now against the Communist Party of the United States?

"Mr. INGERMAN. I at this time do not agree with the program of the Communist Party. I do not feel that it is in the best interests of the American working people.

"Mr. ARENS. Would you like to see the Communist Party resisted, exposed, defeated in its objectives, purposes, and designs in the United States?

"Mr. INGERMAN. I believe in our country that in the market place of ideas, that the healthy and democratic ideas will win, and I feel in this way that any program, any ideology which is counter to our great democratic traditions will be defeated.

"Mr. ARENS. Will you tell this committee the names of persons who in 1957 were known by you to a certainty to be members of the Communist Party so that this committee can undertake to elicit from them information respecting the operation of this very entity which you would like to see defeated?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, I respectfully request that you explain to me the pertinency of this question.

"Mr. ARENS. Yes. I will be very glad to. This Committee on Un-American Activities is under a mandate, it has been for many years, from the United States Congress, to develop facts and recommend legislation to cope, so far as we can legislatively, with the Communist conspiratorial apparatus in the United States.

"In order to acquire information, facts upon which intelligent legislation may be enacted, it is necessary for us to procure that information from people who have been in the apparatus itself, including such persons as yourself. If you tell us the names of persons who, to your certain knowledge in July of 1957, were members of the Communist apparatus here in the Buffalo area, where you have been a member of this apparatus, we propose to cause them to be subpenaed to appear before this committee, and we shall undertake to elicit from them information about the operations of this conspiracy that we may more intelligently recommend to the United States Congress legislation, so that we can more intelligently appraise this voluminous proposed piece of legislation, H. R. 9352, which is 141 pages long, dealing with many, many ramifications of this conspiratorial operation. With that explanation of pertinency, I respectfully ask you again: Will you here and now tell this Committee on Un-American Activities under its mandate from the United States Congress the names of persons who, to a certainty, were known by you to be members of the Communist Party at the time you disassociated yourself from the Communist Party in 1957?

"Mr. SCHERER. Might I add to that, Mr. Arens, that it is particularly important that we have that information, since it is current information. It is reasonable to assume that the members of the Communist Party who were members just 3 months ago when he severed his connection are still members of the conspiracy today. It is less than 3 months ago. So we are bringing it down almost to yesterday or today. We are not asking about persons who were members 2, 3, 4, or 5 years ago, but who are obviously members at the present time.

"Mr. ARENS. Is the record absolutely clear that there is outstanding now a question and an explanation of the question? The question is: Please tell this committee now the names of persons who to a certainty were known by you to be members of the Communist Party in 1957 or at about the time you disassociated yourself from the Communist Party.

"(The witness conferred with his counsel.)

"Mr. INGERMAN. I would like to bring to the chairman of the committee's attention that in the last year, almost each and every day, people who have come to be in disagreement with the Communist Party have been leaving the Communist Party based on their honest disagreements with the——

"Mr. WILLIS. Based on what?

"Mr. INGERMAN. On their honest disagreements and lack of allegiance to it. I, myself, as a result of this hearing, have been subjected to a great deal of hysteria, intimidation where I work, and have brought grave tension upon my family. I would, therefore, feel that this question is not pertinent to the inquiry, and I also believe that it is beyond the valid legislative scope of this committee. I would like to invoke in this instance, as it regards association with people, my rights under the first amendment.

"Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now be ordered and directed on this record to answer the question.

"Mr. WILLIS. You are directed to answer the question.

"Mr. INGERMAN. Sir, I am sorry. For the aforementioned reasons I will not answer this question.

"Mr. SCHERER. Let me ask an additional question. In view of what you said about persons disassociating themselves with the Communist Party, perhaps for the same reasons you did, will you give us the names, then, of those individuals who remained in the Communist Party after you left it for the reasons you stated, and eliminate the names of those who resigned or withdrew at the same time you did for ostensibly the same reasons?

"Mr. ARENS. Let the record show at this point, Mr. SCHERER, if you please, that this question that you are now posing does not constitute a waiver of the insistence of this committee on the information sought to be elicited by the principal question.

"Mr. SCHERER. I will agree that the record should so show.

"Mr. WILLIS. This is an additional line of examination.

"Mr. INGERMAN. Sir, I——

"Mr. SCHERER. I was testing his good faith in view of his statement.

"Mr. INGERMAN. Sir, I have no way of knowing, actually, prior to my leaving or after my leaving what other individuals have taken such action and feel as I do. I will, therefore, have to stand on the same grounds as I have in answer to that question.

"Mr. WILLIS. Of course, you are contradicting your own testimony. As a reason that you assign for not answering the previous question, you said that to your knowledge, or so I understood, many other people throughout the United States had left the party. You are now being asked to name those people who, to your knowledge, left the party, and you don't know that any people did leave. That is the net effect of the record, as I understand it.

"I will ask this question. Mr. SCHERER calls my attention that technically he asked for the names of those who remained in the party. I will ask you to name some of those who left the party.

"(The witness conferred with his counsel.)

"Mr. SCHERER. You can see, Mr. Chairman, that it is terribly important that we know who is in the party today, because those that remained in the party after all that has transpired, after Korea, after the incidents which this witness himself talks about, are the hard core of the Communist Party and are nothing but agents of a foreign power, dedicated, as we know they are, to the destruction of all free countries of the world.

"Mr. INGERMAN. I am sorry, sir, but in answer to your question, I would have to repeat that I believe that this question is beyond the scope of this inquiry, and not pertinent to any valid legislative purpose. I will have to again maintain my rights under the first amendment not to answer.

"Mr. ARENS. May the record be abundantly clear by another direction, Mr. Chairman, so that there can be no question about the insistence of this committee wanting the information which we are now seeking?

"Mr. WILLIS. That is right.

"Mr. ARENS. Now, kindly tell us, sir, if you please, what did you do as a member of the steel section of the Communist Party?

"Mr. INGERMAN. As you have indicated, sir, this covers a considerable period of time. Could you be a little more specific so that I could answer you?

"Mr. ARENS. What were your activities on the steel section of the Communist Party? What were your duties, your responsibilities, your functions?

"Mr. INGERMAN. At what particular period, sir?

"Mr. ARENS. Any period. If it would be helpful to you, let us take the more recent period, the period of your reassociation with the steel section. What did you do from 1955 to 1957 on the steel section of the Communist Party?

"Mr. INGERMAN. The greatest part of my activity in this period, the major part, was involved in a bitter, long, difficult fight for the kind of policies—against the kind of policies that I felt were in existence and for positions for the Communist Party to oppose

action such as the interference in Hungary, the anti-Semitism in the Soviet Union, the interference in Poland, and other things that I came to disagree with in the program, and policies of the Communist Party. This was, I would say, the major bulk of my activities in this period, devoted solely to this.

"Mr. ARENS. Did you coordinate any of the activities of the comrades engaged in the steel industry in this community?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, I feel this is a pretty general question. Could you be more specific?

"Mr. ARENS. What did you do with reference to the functions or activities of the comrades in the steel industry here?

"Mr. INGERMAN. In the main, as I have stated, my activities took place in meetings, in discussions with people, specifically and for the most part around these very issues, for the bulk of the time in this last year and a half or two.

"Mr. ARENS. Then let us antedate the last year and a half or two. Let us move on back. What did you do as a member of the Buffalo Steel Club?

"Mr. INGERMAN. To the best of my recollection, and this is in 1950, mainly we would discuss some of the problems that existed in the plants, unsafe work conditions, methods of improving the strength of the union, and we discussed ways which we thought this could be——

"Mr ARENS. You don't want to leave the impression on this record that you just belonged to a little discussion group that met in secret, do you?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. This particular club I sincerely doubt if it met 3 or 4 times. It met very sporadically. I doubt if this particular club had any clear and hewn out purpose, any clear objective.

"Mr. SCHERER. Did it study Marxism and Leninism?

"Mr. INGERMAN. No. No; while I was in this club, no such studies took place. The main areas of discussion was what was going on in the plant, what was going on in the union, and what role could the members of the club play in these things.

"Mr. ARENS. You were a member of the Communist Party according to notes I have been making here, attached at one time or another to 4 or 5 different entities within the Communist Party for about 10 years. Can't you tell us what you did in the Communist Party other than philosophical discussions?

"Mr. INGERMAN. Sir, I am willing and desirous of answering any specific question that you will ask me.

"Mr. ARENS. Then tell us what you did actively in the Communist Party at the behest of the Communist Party during your service in the party, when you were transferred from club to club and group to group, and then got to be in the steel section of the Communist Party.

"(The witness conferred with his counsel.)

"Mr. INGERMAN. Sir, would you like me to begin from the beginning and relate to you as I recall those things I remember?

"Mr ARENS. We can try it and see how far we get. We want information. We think you have information. It is obvious we are not getting very much. You are now on record as opposing the Communist conspiracy, wanting to destroy it, that which menaces our Christian civilization. Thus far you have told us that you wouldn't tell us the other operators in this field, and thus far you tell us you have just been engaged in some innocent philosophical discussions which curiously enough have been held in secret.

"Tell us, if you please, sir, if you are sincere, and if you are willing to help this Government and this committee with the mandate from the Congress of the United States, tell us what you know, sir, about the operations of the Communist Party, and what you did in the Communist Party.

"Mr. INGERMAN. I will sketchily indicate, try my best to answer your question. While a member of the John Reed Club, most of the activities of that club and myself centered around highlighting questions of academic freedom. I contributed at that time to a newspaper that the club printed and distributed. I participated——

"Mr. WILLIS. Do you mean contributed articles?

"Mr. INGERMAN. Yes, sir; I think I contributed one article.

"Mr. WILLIS. What publication was that?

"Mr INGERMAN. Well, it was called If This Be Treason.

"Mr. ARENS. Was that by Angus Cameron?

"Mr. INGERMAN. No, sir. This was simply something that was put out by the club of which I was a member. Later when I left this club and was in the Steel Club, I sold the Communist Party press on the streets of Lackawanna.

"Mr. ARENS. That was in 1950?

"Mr. INGERMAN. No, sir; I am not sure if it was in 1950. It might even be prior to that. I am not sure exactly when this was.

"Mr. ARENS. Stop when you get to 1950, because I have a question to ask you.

"Mr. INGERMAN. O. K. I will stop there.

"Mr. ARENS. Go up to 1950 and then stop. I would like to ask you a question.

"Mr. INGERMAN. This is about 1950.

"Mr. ARENS. In 1950, the Congress of the United States, after extensive hearings, found that the Communist Party was not a political party as such, but it was a conspiratorial operation. There were a series of findings. It was a foreign controlled conspiratorial operation on American soil. That was given publicity far and wide. Subsequently a number of Communist traitors were tried and convicted by a jury. There was a series of appeals, as far as the United States Supreme Court. They were lodged in jail, because they were charged with being a part of the conspiratorial apparatus in this country.

"Did you, about that time, realize that you were in a conspiracy, or did you feel that you were in a meditation circle?

"Mr. INGERMAN. No, sir; I did not realize or feel that I was in a conspiracy.

"Mr. SCHERER. You say that you contributed to a publication an article or two. As I understand it, then, you are pretty familiar with Communist ideology and party structure. You were more interested in that phase of the Communist Party activity?

"Mr. INGERMAN. No, sir; if I recall it was about this time that the Smith Act trials were beginning, and my main interests were at that time directed toward civil liberties, problems of discrimination. If I recall, and it is not too clear in my mind, I think the article I contributed to this sheet was one that dealt with the right of all ideas to be heard.

"Mr. SCHERER. You were selling, I believe you said, literature at that time?

"Mr. INGERMAN. It may have been a little later than that, sir.

"Mr. SCHERER. Or around that time?

"Mr. INGERMAN. Yes, sir.

"Mr. SCHERER. And you have a fairly good educational background; do you not?

"Mr. INGERMAN. Yes; I think so.

"Mr. SCHERER. At that time, just about that time, William Z. Foster was the chairman of the Communist Party of the United States; was he not? You knew that he was the chairman?

"Mr. INGERMAN. Yes, sir.

"Mr. SCHERER. You were familiar with his writings, were you not?

"Mr. INGERMAN. To some extent, sir.

"Mr. SCHERER. To some extent. Didn't you know, at the time Mr. Arens was talking about, William Foster said:

"'When a Communist heads the Government of the United States—and that day will come just as surely as the sun rises—the Government will not be a capitalistic government, but a Soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat.'

"Were you familiar with that statement by the chairman of your party?

"Mr. INGERMAN. At that particular time I had never heard that statement made. Later, in the course of some of the trials, I did hear it. If I had heard it, and if I would be asked if I agree with it, I would say surely no.

"Mr. SCHERER. Did you know about the statement of Dimitri Z. Manuilsky, one of the top Russian leaders, Communist leaders? You know about him; don't you?

"Mr. INGERMAN. The name is not familiar to me, sir. Possibly I don't recognize the pronunciation.

"Mr. SCHERER. Maybe I have it wrong. He was one of the teachers, instructors in the Lenin School of Political Warfare.

"Mr. INGERMAN. I am sorry.

"Mr. SCHERER. You never heard of him?

"Mr. INGERMAN. To this moment. This is the first moment that I can recollect that I heard of him.

"Mr. SCHERER. You have read the statements in your studies of Lenin, have you not:

"'We must practice deceit, lies, every technique, device. There is no morality in communism.'

"Mr. INGERMAN. Many of these statements I am not familiar with. Some I have heard.

"Mr. SCHERER. You have been one of the philosophers of communism. We thought perhaps if you did study the philosophy of communism, you might have run onto some of these statements of the leaders of communism.

"Mr. ARENS. I was going to ask him about Manuilsky on political warfare. Do you remember when he said, in 1931:

"'War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 or 30 years. To win, we shall need the element of surprise. The bourgeoisie will have to be put to sleep, so we shall begin by launching our most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. * * * As soon as their guard is down, we shall smash them with our clenched fist.'

"Do you mean today is the first time you heard that statement?

"Mr. INGERMAN. Yes, sir. This is the first time I heard of that statement. I would like to say to the committee that my interest, the thing that motivated me to my association with the Communist Party, was only with the most meticulous interest of what was happening at that time in the Soviet Union.

"Mr. ARENS. Are you now thoroughly disgusted with the fact that you have been associated with the Communist ideology, which is atheistic, which is the very antithesis of Christian morality as we know it in this country? Aren't you disgusted that for 10 years of your life you have been enmeshed in that operation, even though you feel now, innocently? Aren't you disgusted with that?

"(The witness conferred with his counsel.)

"Mr. INGERMAN. I am sorry, sir. I don't think that this questioning of my beliefs is a proper question.

"Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

"Mr. WILLIS. The witness is excused."

Because of the foregoing, the said Committee on Un-American Activities was deprived of an answer to a pertinent question

propounded to the said Sidney Herbert Ingerman, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the question, namely:

"Will you tell this committee the names of persons who in 1957 were known by you to a certainty to be members of the Communist Party so that this committee can undertake to elicit from them information respecting the operation of this very entity which you would like to see defeated?"

Which question was pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid question deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"Be it resolved, That the chairman, be authorized and empowered from time to time to appoint subcommittees, composed of three or more members of the Committee on Un-American Activities, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. EDWIN E. WILLIS; and Hon. GORDON H. SCHERER, held on the 15th day of January 1958, in room 225 Old House Office Building, Washington, D. C.:

"The subcommittee was called to order by the chairman, who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Buffalo, N. Y., beginning October 1, 1957, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Buffalo, a motion was made by Mr. WILLIS, seconded by Mr. SCHERER, and unanimously adopted, that a report of the facts relating to the refusal of Sidney Herbert Ingerman to answer material questions before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer a material question, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives for his refusal to answer the question therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. EDWIN E. WILLIS; HON. BERNARD W. KEARNEY; Hon. DONALD L. JACKSON; and Hon. GORDON H. SCHERER, held on the 15th day of January 1958, in room 225, Old House Office Building, Washington, D. C.:

"The report of the facts relating to the refusal of Sidney Herbert Ingerman to answer a material question was submitted to the committee, upon which a motion was made by Mr. JACKSON, seconded by Mr. DOYLE, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Sidney Herbert Ingerman to answer a material question before the said subcommittee at the hearing conducted before it in Buffalo, N. Y., on the 2d day of October 1957, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer said question before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such question to the end that he may be proceeded against in the manner and form provided by law."

Mr. WALTER. Mr. Speaker, I offer a resolution—House Resolution 663—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Sidney Herbert Ingerman to answer a question before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the western district of New York, to the end that the said Sidney Herbert Ingerman may be proceeded against in the manner and form provided by law.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROCEEDINGS AGAINST PAUL ROSENKRANTS

Mr. WALTER. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report (Rept. No. 2340).

The Clerk read as follows:

PROCEEDINGS AGAINST PAUL ROSENKRANTS

Mr. WALTER, from the Committee on Un-American Activities, submitted the following report:

CITING PAUL ROSENKRANTS

The Committee on Un-American Activities, as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, caused to be issued a subpena to Paul Rosenkrants to be and appear before said Committee on Un-American Activities, or a duly authorized subcommittee thereof, of which the Honorable FRANCIS E. WALTER is chairman, on March 20, 1958, at 10 a. m., in courtroom 3, 12th floor, United States Post Office and Courthouse, Boston, Mass., then and there to testify touching matters of inquiry committed to said committee. The subpena served upon the said Paul Rosenkrants is set forth in words and figures as follows:

"UNITED STATES OF AMERICA,
"CONGRESS OF THE UNITED STATES.

"To PAUL S. ROSENKRANTZ, *Greeting:*

"Pursuant to lawful authority, you are hereby commanded to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on March 20, 1958, at 10 o'clock, a. m., at Courtroom 3, 12th Floor, United States Post Office and Courthouse, Boston, Mass., then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To United States marshal, to serve and return.

"Given under my hand this 28th day of February, in the year of our Lord, 1958.

"FRANCIS E. WALTER,
"Chairman."

The said subpena was duly served, as appears by the return made thereon by the United States marshal, who was duly authorized to serve the said subpena. The return of the service by the said United States marshal being endorsed thereon, is set forth in words and figures, as follows:

"SUBPENA FOR PAUL S. ROSENKRANTS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES FOR THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

"I made service of the within subpena by giving to him in hand the within-named Paul S. Rosenkrants, at 27 Madison Avenue, Springfield, Mass., at 12:20 o'clock, p. m., on the 14th day of March 1958. Dated March 14, 1958.

"RALPH W. GRAY,
"United States Marshal.
"By MICHAEL H. BARRY,
"Deputy United States Marshal."

The said Paul Rosenkrants, pursuant to said subpena, and in compliance therewith, appeared before a subcommittee of the Committee on Un-American Activities on March 20, 1958, to give such testimony as required under and by virtue of Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress. The said Paul Rosenkrants having appeared as a witness and having been asked the question, namely:

"Then, come forward, please, sir, and tell us the name of the last entity of the Communist Party to which you were attached."

Which question was pertinent to the subject under inquiry, refused to answer said question, and as a result of the said Paul Rosenkrants' refusal to answer the aforesaid question your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of a subpena served upon the said Paul Rosenkrants.

The record of the proceedings before the subcommittee on March 18, 1958, insofar as it is pertinent to the appearance of the witness Paul S. Rosenkrants, on March 20, 1958, is set forth in fact as follows:

"TUESDAY, MARCH 18, 1958
"UNITED STATES HOUSE OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
"Boston, Mass.

"Public hearing

"A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:09 a. m., in courtroom No. 3, the United States Courthouse and Post Office Building, Boston, Mass., Hon. MORGAN M. MOULDER (chairman of the subcommittee) presiding.

"Committee members present: Representatives MORGAN M. MOULDER, of Missouri; CLYDE DOYLE, of California; BERNARD W. KEARNEY, of New York; and ROBERT J. MCINTOSH, of Michigan (appearance as noted).

"Staff members present: Richard Arens, staff director; George C. Williams, and Frank Bonora, investigators.

"(Committee members present: Representatives MOULDER, DOYLE, and KEARNEY.)

"Mr. MOULDER. The subcommittee will come to order.

"Let the record show that pursuant to law and the rules of the Committee on Un-American Activities, Chairman FRANCIS E. WALTER has appointed a subcommittee for the purpose of conducting hearings here in Boston, Mass., composed of Representative CLYDE DOYLE, of California, who sits on my left, and Representative BERNARD W. KEARNEY, of New York, who sits on my right.

"Other members who will be present tomorrow are Representative EDWIN E. WILLIS, of Louisiana, and Representative ROBERT J. MCINTOSH, of Michigan.

"I am Representative MORGAN M. MOULDER, acting chairman of the subcommittee.

"At this point there will be inserted in the record the resolution adopted on January 15, 1958, by the Committee on Un-American Activities authorizing the hearings.

"Let there also be inserted in the record at this point the order appointing the subcommittee.

"(The documents referred to follow:)

"'EXCERPT FROM THE MINUTES OF JANUARY 15, 1958

"'A motion was made by Mr. SCHERER, seconded by Mr. WILLIS, and unanimously carried, approving and authorizing the holding of hearings in Boston, Mass., or at such other place as the chairman may designate, on such date or dates as the chairman may determine, and continuing from day to day, time to time, and place to place, until the hearings are completed, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated:

"'1. The extent, character and objects of Communist infiltration and Communist Party propaganda activities in the textile and other basic industries, both within and without the Commonwealth of Massachusetts, the legislative purposes being:

"'(a) To obtain additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purposes or objectives thereof; and

"'(b) To obtain additional information, adding to the committee's overall knowledge on the subject so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense, and for internal security, when and if the exigencies of the situation require it.

"'2. Execution by administrative agencies concerned of laws requiring the listing of printing presses and machines capable of being used to produce or publish printed matter in the possession, custody, ownership, or control of the Communist Party or Communist fronts, the legislative purpose being to assist Congress in appraising the administration of title 50, United States Code, section 786 (6), and in developing such amendments to the Internal Security Act of 1950 as it may deem necessary.

"'3. Communist techniques and strategy in the raising of funds for the benefit of the Communist Party, the legislative purpose being to determine whether a recommendation should be made tightening the laws relating to tax exemption which labor unions enjoy, and for the additional reasons set forth in items 1 (a) and (b) of this resolution.

"'4. Entry and dissemination in the Commonwealth of Massachusetts of foreign Communist Party propaganda, the legislative purpose being to determine the necessity for, and advisability of, amendments to the Foreign Agents Registration Act designed more effectively to counteract the Communist schemes and devices now used in avoiding the prohibitions of the act.

"'5. The extent, character and objects of Communist Party underground activities within the Commonwealth of Massachusetts, the legislative purposes being set forth in items 1 (a) and (b) of this resolution.

"'6. Execution by administrative agencies concerned, of laws relating to deportation of aliens who are members of the Communist Party, the legislative purpose being to assist Congress in appraising the administration of section 241 (a) (6) of the Immigration and Nationality Act (66 Stat. 204–206), and in developing such amendments to that act as may be deemed necessary.

"'7. Any other matter within the jurisdiction of the committee which it, or any subcommittee thereof, appointed to conduct this hearing, may designate.

"'MARCH 12, 1958.

"'To: Mr. RICHARD ARENS,
"Staff Director, House Committee on Un-American Activities:

"'Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representative MORGAN M. MOULDER, as chairman, and Representatives CLYDE DOYLE, EDWIN E. WILLIS, BERNARD W. KEARNEY, and ROBERT J. MCINTOSH, as associate members, to conduct hearings in Boston, Mass., Tuesday through Friday, March 18, 19, 20, and 21, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

"'Please make this action a matter of committee record.

"'If any Member indicates his inability to serve, please notify me.

"'Given under my hand this 12th day of March, 1958.

"'FRANCIS E. WALTER,
"'Chairman, Committee on Un-American Activities.'

"Mr. MOULDER. The hearings, which begin today in Boston, are in furtherance of the powers and duties of the committee pursuant to the provisions of Public Law 601 of the 79th Congress, which not only establishes the broad jurisdiction of this committee, but mandates this committee, along with other standing committees of the Congress, to exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of the committee.

"In response to this general mandate, the Committee on Un-American Activities is constantly checking factual information which will assist it in appraising the operation of such laws as the Internal Security Act of 1950, the Foreign Agents Registration Act, the Communist Control Act of 1954, and various criminal statutes pertaining to subversion.

"We know that the strategy and tactics of the Communist conspiracy in the United States are constantly changing for the purpose of avoiding detection and in an attempt to beguile the American people and the Government respecting its true nature. To cope with these changes and to strengthen our security laws, a number of legislative proposals are pending before the committee.

"The most recent and comprehensive proposal is in the form of an omnibus security bill, H. R. 9937, which Chairman WALTER introduced, and which represents the most comprehensive effort ever made to deal with the many legislative problems in the field of internal security. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration and appraisal of the numerous provisions of this bill.

"When investigating Communists and Communist activities, this committee frequently has been met with numerous false and unfounded charges respecting the nature of our work and our objective. Such charges will not dissuade us from our duty. We seek the facts and only the facts. Insofar as it is within the power of this committee, as a part of the United States Congress, we shall obtain the facts and we shall do so within the framework of carefully prescribed procedures of justice and fair play.

"The work of this committee becomes more difficult with each passing year because more and more the functions of the Communist mechanism operate underground. It is essential and important to remember that the effectiveness of the Communist operation bears absolutely no relationship to the size of the Communist Party as a formal entity. The fanatic, compact hard-core elite which today constitutes the backbone of the Communist operation in this country is a greater menace than ever before.

"They look for recessions and unemployment in every city so they have a tangible reception to their poisonous propaganda.

"It must also be borne in mind that the Communist operation, both above and below the surface, is part of a worldwide conspiracy backed by all of the material, financial, and educational resources of the Soviet empire which is, and has been for some time, at war with the one nation which stands in the way of its world domination—the United States of America.

"It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before the committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him. It is also the policy of the committee to accord any witness the privilege of being represented by counsel; but within the provisions of the rules of this committee, his sole and exclusive prerogative is to advise his client.

"I would remind those present that a disturbance of any kind or an audible comment during the hearing will not be tolerated. This is a serious proceeding in which we are earnestly trying to discharge an important and arduous duty with the general objective of maintaining the security of this great Nation.

"The Rules of the House of Representatives prohibit the taking of pictures and broadcasting of any type during the course of the hearing, and we expect the photographers and broadcasters to cooperate and comply with this rule."

"The record of the proceedings before the subcommittee on March 20, 1958, during which Paul Rosenkrants refused to answer the aforesaid question, is set forth in fact as follows:

"THURSDAY, MARCH 20, 1958

"UNITED STATES HOUSE
OF REPRESENTATIVES,
"SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
"Boston, Mass.
"Public hearing

"The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m. in courtroom No. 3, United States Courthouse and Post Office Building, Boston, Mass., Hon. CLYDE DOYLE presiding.

"Committee members present: Representatives CLYDE DOYLE of California and BERNARD W. KEARNEY of New York.

"Staff members present: Richard Arens, staff director; George C. Williams and Frank Bonora, investigators.

"Mr. DOYLE. The committee will please come to order.

"Let the record show that the chairman of the full committee, FRANCIS E. WALTER of Pennsylvania, has reconstituted the subcommittee here for the purpose of these continued hearings, to consist of Mr. MOULDER

of Missouri, who is absent today in Washington of necessity, BERNARD KEARNEY of New York, who is here and on my right, with myself, CLYDE DOYLE of California, acting chairman.[1]

"Therefore, under our rules with the subcommittee of 3, 2 makes a quorum and a quorum is present, and we will proceed.

"Mr. MCINTOSH of Michigan, also, was called back to Washington last night, he and Mr. MOULDER to be there necessarily today on some important matters on the floor of the House of Representatives, in which they were personally concerned.

"Are you ready, Mr. Arens?

"Mr. ARENS. Yes.

"Afternoon session

"(Committee members present: Representatives DOYLE and KEARNEY.)

"Mr. DOYLE. The committee will please come to order. And let the record show that General KEARNEY of New York is present on my right and I am DOYLE of California, acting as subcommittee chairman.

"May there be incorporated in the record the telegram from FRANCIS E. WALTER, chairman, reconstituting the subcommittee of three, Mr. MOULDER, Mr. DOYLE, and Mr. KEARNEY. Under our rules 2 out of 3 is a quorum. Therefore a quorum is present and we will proceed.

"(The telegram referred to follows:)

"MARCH 20, 1958.

"Mr. RICHARD ARENS,
"The Parker House, 60 School Street,
"Boston, Mass.:

"I am today reconstituting subcommittee to be composed of Congressman MORGAN M. MOULDER, as chairman, Congressmen DOYLE and KEARNEY to continue the hearings in Boston.

"FRANCIS E. WALTER,
"Chairman."

After hearing the testimony of other witnesses, Paul Rosenkrants was then called before the committee.

"Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Paul Rosenkrants.

"Kindly come forward, Mr. Rosenkrants, and remain standing while the chairman administers an oath to you.

"Mr. DOYLE. Will the witness please raise his right hand.

"Do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. ROSENKRANTS. I do.

"Mr. DOYLE. Thank you. Take the witness chair.

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[1] "The order reconstituting the subcommittee is as follows:

"MARCH 20, 1958.

To Mr. RICHARD ARENS,
"Staff Director, House Committee on Un-American Activities.

"Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcomittee of the Committee on Un-American Activities, consisting of Representative MORGAN M. MOULDER, as chairman, and Representatives CLYDE DOYLE and BERNARD W. KEARNEY, as associate members, to continue with the holding of hearings in Boston, Mass., in the place and stead of the subcommittee heretofore appointed, on subjects under investigation by the committee and to take such testimony on this day or succeeding days as it may deem necessary.

"Please make this action a matter of committee record.

"Given under my hand this 20th day of March 1958.

"FRANCIS E. WALTER,
"Chairman, Committee on Un-American Activities.

"TESTIMONY OF PAUL S. ROSENKRANTS, ACCOMPANIED BY COUNSEL, RICHARD S. MILSTEIN

"Mr. ARENS. Would you kindly identify yourself by name, residence, and occupation?

"Mr. ROSENKRANTS. Paul Rosenkrants, 27 Madison Avenue, Springfield, Mass., student.

"Mr. ARENS. You are appearing here today, Mr. Rosenkrants, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

"Mr. ROSENKRANTS. I am.

"Mr. ARENS. And you are represented by counsel?

"Mr. ROSENKRANTS. I am.

"Mr. ARENS. Counsel, kindly identify yourself.

"Mr. MILSTEIN. Richard S. Milstein. I am associated in the firm of Ely, King, Kingsbury & Corcoran, Springfield, Mass.

"Mr. ARENS. Where and when were you born, Mr. Rosenkrants?

"Mr. ROSENKRANTS. I was born in 1916 in Russia.

"Mr. ARENS. And when did you gain admission into the United States for permanent residence?

"Mr. ROSENKRANTS. In the year 1932.

"Mr. ARENS. You are a derivative citizen?

"Mr. ROSENKRANTS. I am.

"Mr. ARENS. Give us, if you please, a word about your formal education.

"Mr. ROSENKRANTS. I am now a senior in Springfield College about to be graduated this June.

"Mr. ARENS. Give us, if you please, sir, a word about the principal employments you have held in this country since you reached adulthood.

"Mr. ROSENKRANTS. I will try to work it backward. That will be easier for me to remember.

"At the present time I am a full-time student. Prior to that I was a salesman of baby equipment. Prior to that I worked in Westinghouse Corp. in Springfield. Prior to that I was in—I worked in a rubber factory in Chelsea, Mass. Prior to that I was a seaman and, as a seaman, I held many jobs and it would be rather difficult for me to try and recall them all.

"Mr. ARENS. Did you ever serve on the steamship *McAllister Victory?*

"Mr. ROSENKRANTS. I believe I did.

"Mr. ARENS. In what capacity?

"Mr. ROSENKRANTS. It was engineroom capacity. I don't remember what job. I held various jobs.

"Mr. ARENS. Did you have any other assignment while you were on the steamship *McAllister Victory* in 1946?

"Mr. ROSENKRANTS. I do not understand the question.

"Mr. ARENS. Well, did you have any other function that you performed on board the ship, other than to help run the ship?

"Mr. ROSENKRANTS. Sorry. I still do not understand the question.

"Mr. ARENS. Did you conduct Communist Party indoctrination courses aboard the steamship *McAllister Victory* in 1946?

"Mr. ROSENKRANTS. Sir, since I am not a Communist and since I have not been a Communist for some time, it makes me wonder of what pertinence this question which has been sometimes—I would be glad to discuss it with you. As a matter of fact, I do not feel that the question of my prior activities is a major secret. They were quite public. What I am concerned as to just—I don't recall the period of *McAllister Victory.*

"Mr. ARENS. How long were you in the Communist Party?

"Mr. ROSENKRANTS. Oh, a number of years.

"Mr. ARENS. Beginning when?

"Mr. ROSENKRANTS. Oh, I would say 1936.

"Mr. ARENS. And ending when?

"Mr. ROSENKRANTS. Well, the ending is a very difficult thing. As I recall the ending, it evidently differs with other people's recollection of the ending so I would just leave it at several years.

"Mr. ARENS. Let's be a little more specific than that, if you please, sir.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. ARENS. Did you disassociate yourself, or were you disassociated, from the Communist Party at any time during the course of the last 5 years?

"Mr. ROSENKRANTS. Yes, sir.

"Mr. ARENS. Were you out of the party in 1950?

"Mr. ROSENKRANTS. Sir, I had studied, not just as a lawyer but as an individual who reads very carefully, the Watkins decision. I was very impressed with it. And I feel that the question which you are asking me now is actually a question of association, as involved in the first amendment. More than that, I would really prefer not to be pinned down to the specific year because of the reason I already expressed. There seems to be quite a discrepancy of what I recall and what someone else recalls.

"Mr. ARENS. We will do it my way, if you please, sir.

"Mr. ROSENKRANTS. Yes.

"Mr. ARENS. Where did you join the Communist Party?

"Mr. ROSENKRANTS. In New York City.

"Mr. ARENS. What cell or unit did you join?

"Mr. ROSENKRANTS. It would be hard for me to remember. It is quite a while.

"Mr. ARENS. Were you a member at large or attached to a cell?

"Mr. ROSENKRANTS. No; I was attached to a cell in 1936, but however I feel to discuss with you the organization—to discuss me, the fact I was a Communist, I am willing. To discuss the fact that I was attached to the group and that would be to discuss the fact which I feel falls under the whole first amendment section.

"Mr. ARENS. If you had been in a narcotics ring, peddlers, selling narcotics, to debauch the American people, would you feel the same way?

"Mr. ROSENKRANTS. Definitely not.

"Mr. ARENS. You feel there is a distinction between a Communist and his objectives and that of a narcotics man?

"Mr. ROSENKRANTS. I do, sir. All the time I was in the Communist Party I never committed an act violating Federal laws, nor do I know of anyone else who did, so obviously I would feel differently about that than I would about——

"Mr. ARENS. Do you know that your Government, through your Congress, has found the Communist Party of the United States to be part and parcel of an international conspiracy controlled from Moscow? A conspiracy, which from 1917 to 1924 alone, killed off of their own countrymen 12 million people by assassinations, executions, and famines; that in the last 30 years, the average population of the slave labor camps of the Soviet Union has been, the annual population, between 12 and 13 million people; that in Red China alone, an average estimate, a conservative estimate of 20 million human beings have had their lives snuffed out in that process, the ascendancy of this conspiracy. Today this conspiracy controls 900 million people on this globe, approximately a third of the people on this globe; that today this conspiracy has as its No. 1 target the United States of America; that the Soviet Union and its satellites, with 25 million agents strung around this world in a deadly fifth column, are seeking to destroy by every means possible the Nation under whose flag you obtain protection; and that you, sir, were in an organization for a number of years, by your own testimony here, which is part and parcel of that international conspiracy and you are now in the presence of a Congressional committee

seeking to procure information respecting the function and operation of that conspiracy in the United States so that this committee can return to Washington, D. C., and use that information, in connection with other information we have acquired elsewhere in the Nation, to appraise legislation designed to meet this awful godless threat?

"Now, sir, please tell this committee the first cell to which you were attached in the Communist Party in the United States.

"Mr. ROSENKRANTS. Sir, I am very glad you made the statement you made. I feel that I have very good reasons to be ashamed of my membership in the Communist Party.

"Mr. ARENS. It is not our purpose to bring you here to shame you, sir. It is our purpose to bring you here to see if we can elicit from you information respecting the operation of this conspiracy. You and I have never seen each other or talked together before, have we?

"We want to talk about, if you please, sir, on your association and membership in the Communist Party, the part of the information which you can supply to this committee, and I implore you to do so.

"Mr. ROSENKRANTS. Sir, kindly let me finish what I started to say.

"Mr. ARENS. Proceed.

"Mr. ROSENKRANTS. The reason for me feeling the way that I do is that I find it very difficult to understand the fact that over these many years I had been involved in an organization which has such disregard for individuals. I feel that the sacred rights of an individual are the things which I was seeking, and which many other people were seeking as young people, and which I seek now. In the Communist Party that was lost. I feel that what has obviously taken place all over the world wherever the Communists were in power is also very much against the rights of those individuals.

"But feeling as I do about that, I could not possibly, my conscience would not let me, to go into any area which would subject individuals——

"Mr. ARENS. Do you think, sir, this FBI agent, Penha, who sacrificed 8 years of his life, who now is almost financially destitute, who risked his own life, that this young lady here, this mother of these 2 children, who over the course of the last several years penetrated this godless conspiracy to get information for this Government, did an unconscionable thing when they took an oath before God here in this Federal Court Building and revealed to this committee and to the American people via their testimony names of people who are now, or have in the recent past been, engaged in the operation? Is that your approach? Is that your analysis of the situation?

"Mr. ROSENKRANTS. I would tell you that Mr. Penha and Mrs. Foster had to be guided by their conscience. I have to be guided by mine. And I feel that my conduct, guided by my conscience, is the kind of a conduct that Chief Justice Warren in his wonderful decision, the decision which showed the kind of human being that he is, the kind of understanding that he has of people and what makes people, this is what he had in mind.

"Mr. ARENS. Don't you feel you owe a duty to your Government, you having been in a conspiracy, whether you recognized it or not, to come forward and give such information as you possess respecting the operation of that conspiratorial network, the names of people who are in there? Don't you trust your Government to use that in a manner and in a form that would be fair and equitable and just, in a manner that would help preserve and defend this Constitution that this entity, of which you are a part, is dedicated to destroy?

"Mr. ROSENKRANTS. Sir, I have great confidence in my Government.

"Mr. ARENS. Then, come forward, please, sir, and tell us the name of the last entity of the Communist Party to which you were attached.

"Mr. ROSENKRANTS. I have such great confidence in my Government that my conduct here will be well understood by the Government and accepted.

"Mr. ARENS. Mr. Chairman, I respectfully suggest this record show an order and direction to the witness to respond to the question as to the name and the identification of the last entity of the Communist Party to which he was attached.

"Mr. DOYLE. Mr. Witness, I order and direct you to answer the question as directed to you by our director. I believe it is pertinent and proper for you to answer.

"(The witness conferred with his counsel.)

"Mr. ROSENKRANTS. I respectfully decline to answer this on the grounds of the way I understand the first amendment to be operative under the Watkins decision.

"Mr. ARENS. Let the record be clear. Are you or are you not invoking—I think I understand, but I want the record to be clear—are you or are you not invoking those provisions of the fifth amendment of the Constitution which endow you with the privilege of not incriminating yourself?

"Mr. ROSENKRANTS. I am not invoking that.

"Mr. ARENS. Now, Mr. Chairman, so this record may be abundantly clear may I say that the information we have and the testimony we have procured from Mr. Penha is to the effect that, as late as 1955, this particular witness was identified with the Metals Commission of the Communist Party of New England, the New England district metals commission; and, as the chairman knows and as this committee knows, the operations of that particular commission in penetrating industrial establishments, in undertaking processes of recruitment, in undertaking to solicit information respecting the heavy industry of this Nation that it might be crippled at the will of Moscow, is of vital importance in the legislative function of this committee and of the United States Congress.

"Now, sir, with that explanation, I implore you to answer the question.

"Mr. ROSENKRANTS. I respectfully decline to answer the question on the grounds my conscience will not permit me.

"Mr. ARENS. Now, Mr. Chairman, so the record may be abundantly clear, I suggest just one more direction to this witness to answer the question. You understand the question, Mr. Witness?

"Mr. ROSENKRANTS. I believe I do. Do you wish to restate? It might be clear. I believe I understand.

"Mr. ARENS. I better make it absolutely clear.

"Mr. ROSENKRANTS. Go ahead.

"Mr. ARENS. I don't want, a year or 2 years from now, to have some questions arise on this question.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. ARENS. I ask you the name of the last entity to which you, sir, were attached and if you give me the name of the last entity, I propose to ask you about the functions of that entity. It is my understanding that one of those entities was the New England district metals commission. If that is the last entity, or one of the last entities, I intend to pursue that thoroughly here today to get as much information as possible so that this committee of Congressmen of the United States may take that information back to Washington to use it in an appraisal of proposed legislation.

"Now, with that understanding, I implore you to answer this question: Please, sir, tell us the name of the last entity within the Communist Party to which you were attached.

"Mr. ROSENKRANTS. Sir, I understand the question and I regret it very much—really I regret it very much—but I feel that to go into this whole matter would be in violation of the first amendment of the Constitution as I understand it, and therefore I decline to answer the question.

Mr. ARENS. And you are not invoking the provisions of the fifth amendment?

"Mr. ROSENKRANTS. I am not.

"Mr. ARENS. Which endow you with the privilege of not incriminating yourself?

"Mr. ROSENKRANTS. Having committed no criminal acts, I feel it would be morally wrong for me at this point to invoke the fifth amendment.

"Mr. ARENS. I understand.

"Now, Mr. Chairman, I respectfully suggest that the record may be abundantly clear so that the blind can see that the witness be ordered and directed to answer that question.

"Mr. DOYLE. Mr. Witness, I order and direct you to answer the question last asked you by our director. You said you understood his question.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. DOYLE. I direct you to answer that question.

"Mr. ROSENKRANTS. I decline to answer the question on the grounds of my conscience and my understanding of the first amendment.

"Mr. ARENS. Mr. Chairman, I see that there would be no fruitful purpose served in me asking him other questions of a similar vein at this time about other activities, of which we have a suggestion that this man was in the recent past engaged in. So, I, therefore, respectfully suggest that as of now that will conclude the staff interrogation of this witness.

"Mr. DOYLE. General KEARNEY, have you any questions?

"Mr. KEARNEY. I have no questions.

"Mr. DOYLE. I have one question, Witness, of you.

"Mr. ROSENKRANTS. Yes.

"Mr. DOYLE. You volunteered that, for a number of years, you were a member of the Communist Party.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. DOYLE. You volunteered that you are not now and have been out of it, I think, according to you—since what year?

"Mr. ROSENKRANTS. Several years.

"Mr. DOYLE. Several years?

"Mr. ROSENKRANTS. Yes, sir.

"Mr. DOYLE. Is that as much as 5 years?

"Mr. ROSENKRANTS. Sir, faced with the fact that my recollection as to when I left the Communist Party is at sharp variance with other testimony here, I prefer to just leave it at several years.

"Mr. DOYLE. I know, Witness, but you know as well as I do that the word "several" is rather ambiguous and uncertain.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. DOYLE. I practiced law 30 years before I came to Congress.

"Mr. ROSENKRANTS. I am not a lawyer.

"Mr. DOYLE. Before I came to Congress—and I would just like to know what you mean by "several." Do you mean 1 or do you mean more than 1?

"Mr. ROSENKRANTS. I mean more than one.

"Mr. DOYLE. Do you mean three?

"Mr. ROSENKRANTS. Sir, I will have to decline to answer that question.

"Mr. DOYLE. Well, I will yield to General Kearney.

Mr. KEARNEY. Were you a member of the Communist Party in 1955?

"Mr. ROSENKRANTS. I will decline to answer that question, sir.

"Mr. KEARNEY. Were you a member of the party in 1956?

"Mr. ROSENKRANTS. I will decline to answer that question.

"Mr. KEARNEY. In 1957?

"Mr. ROSENKRANTS. I will decline to answer that, sir.

"Mr. KEARNEY. Now, you spoke about your conscience bothering you. Is that your Communist conscience?

"Mr. ROSENKRANTS. No, sir. No, sir. Not by any means.

"Mr. KEARNEY. That is all.

"Mr. DOYLE. Witness, a minute ago you said you had been out of the party for several years. Now, in answer to General Kearney, you claimed your privilege when he asked you if you were out of the party in 1955, 1956, and 1957.

"Mr. ROSENKRANTS. Sir, if I may—just a second.

"Mr. DOYLE. How do you account for that? What do you expect me to believe your testimony to be?

"(The witness conferred with his counsel.)

"Mr. ROSENKRANTS. Sir, on this whole matter I have been out—I have not been a Communist for a number of years. Oh, I would say in excess of five.

"Mr. DOYLE. All right.

"Mr. ROSENKRANTS. My breaking of the organizational connection with the Communist Party has been for several years, and I would prefer to leave it at several years because of the difficulty for me that this whole thing poses. I can state very—I see no purpose in following this.

"Mr. DOYLE. Our director explained that we are an investigating committee of the United States Congress, seeking facts and information with reference to legislation.

"Mr. ROSENKRANTS. Yes.

"Mr. DOYLE. Now, since you straightened out that you meant several to be more than 5 years that you have been out of the party, I will ask you why you got out of the party. Now, just a minute. As long as you say your conscience hurts you and prevents you from naming people that you were in the party with, I will state that, as far as my question is concerned, I will not ask you to name the people; but I think if you have such a quantity and quality of conscience as you claim you have, that you will not hesitate to tell Congress why you got out of the party.

"Mr. ROSENKRANTS. I will be very happy.

"Mr. DOYLE. Is that a fair question?

"Mr. ROSENKRANTS. I will be happy, sir.

"Mr. DOYLE. Well, good. Now, go to it. Why did you get out?

"Mr. ROSENKRANTS. Sir, this would really have to start with why did I join, because I got out, because after a long time—much longer than I could be proud of, the length of time does not favorably reflect on my judgment—I found that the party was working against the very things that I was looking for when I joined the party. I joined the party as quite a young man and I joined the party in years of depression. I joined the party, having been first subject to persecution outside of the United States in my own country, as a Jew; then finding the same kind of situation in Florida, where I originally went to school. Feeling the grave injustice of it and feeling the great size of the problem which faced me as an individual, and it seemed to me as society as a whole, I was looking for a solution. And the Communists came along and they had a solution that seemed to be the perfect solution, and this, really a very nice worked-out solution, misses one big point. And the big point is the individual human being, his dignity, the respect for him, his needs, and the reality of how people are.

"Now, how is it that it took me so long to see that it is not so; that is very difficult to say. And as I said before, it certainly does not reflect well on my judgment, and I am ashamed of it.

"Mr. ARENS. Would your conscience preclude you from telling us about your Communist Party activities in Panama?

"Mr. ROSENKRANTS. Sir, there was no Communist Party activities by me in Panama.

"Mr. ARENS. Did you attend Communist Party sessions in Panama?

"Mr. ROSENKRANTS. The Panamanian Communist Party?

"Mr. ARENS. Any kind of Communist sessions in Panama.

"Mr. ROSENKRANTS. Sir, I was a seaman on an American ship which spent—I was on that ship, for, oh, probably in excess of a year and a half, which was on a study down to Panama. I met with many seamen ashore, not just from the ship, and I probably met Communists, too. I attended no Panamanian Communist Party.

"Mr. ARENS. Did you disseminate any Communist literature on the ship you engaged——

"Mr. ROSENKRANTS. I certainly did.

"Mr. ARENS. Beg pardon?

"Mr. ROSENKRANTS. I certainly did.

"Mr. ARENS. Can you tell us about the extent of dissemination by you of Communist Party literature on the ships?

"Mr. ROSENKRANTS. I don't understand the question—the extent?

"Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

"Mr. DOYLE. May I ask the witness one more question, please? Our director informed you what Mr. Penha testified to under oath.

"Mr. ROSENKRANTS. Yes.

"Mr. DOYLE. The fact he knew you as a member of the national metals commission of the Communist Party, the district metals committee. Did you hear him testify to that?

"Mr. ROSENKRANTS. I did not hear Mr. Penha testify.

"Mr. DOYLE. You heard our director say Mr. Penha had so testified yesterday under oath?

"Mr. ROSENKRANTS. I did.

"Mr. DOYLE. Was Mr. Penha telling the truth or was it false?

"Mr. ROSENKRANTS. I decline to answer that question, sir, on the grounds——

"Mr. DOYLE. If you had been out of the party more than 5 years and he testified recently he knew you in that capacity, he couldn't be telling the truth, could he? Either you or he are not telling the truth? Why don't you clear that up for us, if you think your conscience makes you tell the truth? Why don't you tell it?

"(The witness conferred with his counsel.)

"Mr. ROSENKRANTS. Sir, I decline to answer that question.

"Mr. KEARNEY. What was that?

"Mr. ROSENKRANTS. I decline to answer that question.

"Mr. KEARNEY. Why?

"Mr. ROSENKRANTS. I feel that it is leading into a discussion of my association with other people.

"Mr. DOYLE. No. Now, let me make a proposition to you.

"Mr. ROSENKRANTS. Yes, do.

"Mr. DOYLE. I will make a proposition with you in order that you might satisfy your conscience, if that is what you are trying to satisfy.

"Mr. ROSENKRANTS. Yes.

"Mr. DOYLE. I will make this proposition with you in asking you this question. If you answer this question truthfully, the question I asked you, whether or not Mr. Penha was telling the truth or lying about you when he identified you as a member of that district metals commission, I will promise you that I will not ask you any other question. Is that fair?

"All right, go to it. What does your conscience tell you to do?

"Mr. ROSENKRANTS. My conscience tells me that to get involved in a battle with Mr. Penha on dates, I am afraid that I cannot do it.

"Mr. DOYLE. Then the only difference between you and Penha is one of dates?

"Mr. ROSENKRANTS. Yes, sir.

"Mr. DOYLE. In other words, my 30 years of law practice would tell me that at one time you might have been a member of the metals commission, the way Penha testified, but you differ with him as to years, is that it?

"Mr. ROSENKRANTS. Possibly.

"Mr. DOYLE. Possibly.

"Thank you very much.

"Mr. KEARNEY. You haven't any doubt in your mind that Mr. Penha was testifying to the truth here, have you?

"Mr. ROSENKRANTS. I did not read Mr. Penha's testimony. I am sure that Mr. Penha——

"Mr. KEARNEY. I know all that. You are only telling the committee what you want to tell.

"Mr. ROSENKRANTS. I am sure Mr. Penha told it the way he saw it.

"Mr. KEARNEY. We have heard your type of witnesses before.

"Mr. ROSENKRANTS. Yes, sir.

"Mr. KEARNEY. You tell what you want to tell, and you hold back what you want to hold back.

"Now, will you swear under oath that what Mr. Penha stated yesterday or the day before about you in his testimony is false?

"Mr. ROSENKRANTS. I will decline to do that, sir.

"Mr. KEARNEY. I thought you would. That is all.

"Mr. DOYLE. There is a difference of years. That is the issue between these two gentlemen.

"Thank you very much, Witness. You are excused, Mr. Rosenkrants. Thank you, sir."

Because of the foregoing, the said Committee on Un-American Activities was deprived of an answer to a pertinent question propounded to the said Paul Rosenkrants relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 85th Congress, the said committee was instructed to investigate, and the refusal of the witness to answer the question, namely:

"Then, come forward, please, sir, and tell us the name of the last entity of the Communist Party to which you were attached."

Which question was pertinent to the subject under inquiry, is a violation of the subpena under which the witness had previously appeared, and his refusal to answer the aforesaid question deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.

Other pertinent committee proceedings

The following resolution was adopted at the organizational meeting of the committee for the 85th Congress, held on the 22d day of January 1957:

"*Be it resolved,* That the chairman be authorized and empowered from time to time to appoint subcommittees, composed of 3 or more members of the Committee on Un-American Activities, at least 1 of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform."

The following is an extract from the minutes of an executive session of the subcommittee of the Committee on Un-American Activities, consisting of Hon. MORGAN M. MOULDER, chairman; Hon. CLYDE DOYLE; and Hon. BERNARD W. KEARNEY, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"The subcommittee was called to order by the chairman, who stated the purpose of the meeting was to consider what action the subcommittee would take regarding the refusal of certain witnesses to answer material questions propounded to them in the course of the hearings conducted by the said subcommittee in Boston, Mass., beginning on the 18th day of March 1958, and what recommendation it would make regarding the citation of any such witnesses for contempt of the House of Representatives.

"After full consideration of the testimony of the witnesses given at the said hearing in Boston, Mass., a motion was made by General Kearney, seconded by Mr. Doyle and unanimously adopted, that a report of the facts relating to the refusal of Paul Rosenkrants to answer a material question before the said subcommittee at the hearing aforesaid, be referred and submitted to the Committee on Un-American Activities as a whole, with the recommendation that a report of the facts relating to the refusal of said witness to answer a material question, together with all of the facts in connection therewith, be referred to the House of Representatives with the recommendation that the said witness be cited for contempt of the House of Representatives, for his refusal to answer the question therein set forth, to the end that he may be proceeded against in the manner and form provided by law."

The following is an extract from the minutes of an executive session of the Committee on Un-American Activities, consisting of Hon. FRANCIS E. WALTER, chairman; Hon. MORGAN M. MOULDER; Hon. CLYDE DOYLE; Hon. WILLIAM M. TUCK; Hon. BERNARD W. KEARNEY; Hon. GORDON H. SCHERER; and Hon. ROBERT J. MCINTOSH, held on the 16th day of April 1958, in room 225, Old House Office Building, Washington, D. C.:

"This report of the facts relating to the refusal of Paul Rosenkrants to answer a material question was submitted to the committee, upon which a motion was made by Mr. KEARNEY, seconded by Mr. DOYLE, and unanimously carried, that the subcommittee's report of the facts relating to the refusal of Paul Rosenkrants to answer a material question before the said subcommittee at the hearing conducted before it in Boston, Mass., on the 20th day of March 1958, be and the same is hereby approved and adopted, and that the Committee on Un-American Activities report and refer the said refusal to answer said question before the said subcommittee, together with all the facts in connection therewith, to the House of Representatives, with the recommendation that the witness be cited for contempt of the House of Representatives for his refusal to answer such question, to the end that he may be proceeded against in the manner and form provided by law."

Mr. WALTER. Mr. Speaker, I offer a resolution—House Resolution 664—and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of Paul Rosenkrants to answer a question before a duly constituted subcommittee of the Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States attorney for the District of Massachusetts, to the end that the said Paul Rosenkrants may be proceeded against in the manner and form provided by law.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, there appeared this morning in one of the Washington newspapers an advertisement displaying an open letter to the United States House of Representatives, signed by what appears to be a number of respectable citizens who have been inspired to object to the hearings held by the Committee on Un-American Activities in Atlanta, Ga.

I wish to state emphatically that our investigation of Communist influence in the South is totally unrelated to the matter of school integration or school segregation. The hearings in Georgia are conducted for the purpose of further tracing the inroads made by the Communist conspiracy in the ranks of certain legitimate organizations created by people of good will.

Many leaders of those organizations are not aware of the fact that the Communist Party, reduced in size as a formal entity and placed under a spotlight by our investigations, is now engaged in infiltration and penetration of many groups, organizations, societies, and so forth, whose leaders are not informed of the identity of the highly skilled and trained agents of the Kremlin, masquerading behind a facade of humanitarianism.

The good citizens who signed the open letter are not sufficiently informed of the extent of Communist penetration of the many organizations active in the South. The signers of the open letter would be well advised to study with a little more diligence the true character and purpose of the agents who hide behind their backs and whisper into their ears. Should the Kremlin's agents succeed in exploiting the tension characteristic of the period of social changes occurring in the South, that area of the United States would soon become a rather dangerous place to live. Nothing would please the Kremlin more.

LAKE OF THE WOODS FLOOD DAMAGE

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 10805) for the relief of certain persons who sustained damages by reason of fluctuations in the water level of the Lake of the Woods, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, strike out all after "act" down to and including "act" in line 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON PUBLIC WORKS

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tomorrow night to file a report on S. 1869.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the minority may be permitted to file a minority report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUSE CONFEREE ON S. 3651

Mr. KILBURN. Mr. Speaker, I ask unanimous consent to be relieved as a conferee on the bill S. 3651 and that the Speaker be empowered to appoint another Member in my place.

The SPEAKER pro tempore (Mr. MILLS). Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Chair appoints the gentleman from Ohio [Mr. BETTS] as a conferee.

The Clerk will notify the Senate accordingly.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR NEXT TUESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar on next Tuesday may be dispensed with.

The SPEAKER. Is there objecton to the request of the gentleman from Massachusetts?

Mr. MARTIN. Mr. Speaker, reserving the right to object, would the Private Calendar ordinarily be called next Tuesday?

Mr. McCORMACK. It would ordinarily come up on Tuesday, but there are no bills to be considered. We shall arrange to take care of the situation later, and I shall confer with my friend later on.

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROGRAM FOR THE BALANCE OF THE WEEK

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I should like to ask the majority leader what the schedule is for the rest of the week.

Mr. McCORMACK. On tomorrow we take up the community facilities bill.

Mr. BROWN of Ohio. And if that is not completed tomorrow, will we sit on Saturday?

Mr. McCORMACK. Yes; but I feel confident that it will be completed tomorrow.

Mr. BROWN of Ohio. So do I.

Mr. McCORMACK. I do not know what the gentleman's interpretation of "completion" is in this case; but I mean it will be completed by the adoption of the rule and the passage of the bill.

Mr. BROWN of Ohio. I thank the gentleman.

SELECT COMMITTEE ON OUTER SPACE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Select Committee on Outer Space may have permission to sit during general debate on Friday; and also that the same committee may have until midnight Saturday to file a bill and a report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO A GREAT GENERAL

Mr. ANDERSON of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ANDERSON of Montana. Mr. Speaker, yesterday I was privileged to participate in retirement ceremonies for Gen. Willard Gordon Wyman, who for the past 3 years has been commanding general, United States Continental Army Command at Fort Monroe, Va. It was with mixed feelings that I observed the impressive ceremony. Because I have long had great admiration, respect, and affection for General Wyman, I was happy that his accomplishments were being recognized. I know his ability, experience, and advice always will be available to the Nation's needs. Nevertheless, I was sad that his fine talents, his exceptional grasp of military problems, his energy, his vision, and his leadership will no longer be devoted exclusively to building up our Nation's defense.

General Wyman was my commanding general for 2 years when he commanded the west coast's Sixth Army while I, then as now, commanded the 96th Infantry Reserve Division in the Rocky Mountain States.

During this time, I was tremendously impressed by the forward-looking policies and doctrines which he developed. In a time when there was much confusion over the transition from conventional warfare to atomic warfare, General Wyman developed our new doctrines of combat and has been charged with planning reorganization of the Army to meet the new requirement.

The Active Army now has been completely reorganized to the new Pentomic structure, and the Reserve and National Guard divisions are about to reorganize under new tables of organization designed to enable them to fight either atomic or conventional warfare, and to wage successfully either limited or general war.

I am sure my colleagues will be interested in the following brief biography of this outstanding soldier.

WILLARD G. WYMAN

Willard G. Wyman was born March 21, 1898, in Augusta, Maine, and attended Bowdoin College, Maine. He was graduated from the United States Military Academy in November 1918, and commissioned a second lieutenant in the Coast Artillery Corps. He was transferred to the cavalry on July 1, 1920.

From November 1918 to June 1919, General Wyman continued his studies at the United States Military Academy, and from July to September 1919 he served with the American Expeditionary Forces in France.

General Wyman was assigned to the Coast Artillery School at Fort Monroe, Va., in October 1919. Upon his graduation a year later, he went to Fort Riley, Kans., where he graduated from the Cavalry School in June 1921. After a brief assignment at Camp Devens, Mass., he was transferred in October 1921 to the Presidio of Monterey, Calif., for duty with the 11th Cavalry. In September 1925, he was ordered to the Signal School at Fort Monmouth, N. J., where he completed the course in June 1926. He then went to Fort Bliss., Tex., as regimental signal officer of the 7th Cavalry.

From July 1928 to August 1932, General Wyman was a language student at Peiping, China. During this period he served as topographer for the Central Asiatic Expedition in Mongolia, sponsored by the American Museum of Natural History under the leadership of Dr. Roy Chapman Andrews. He also served with the Chinese 19th Route Army during the defense of Shanghai against the Japanese in 1932.

Upon his return to the United States, General Wyman was assigned to the 3d Cavalry at Fort Myer, Va. In July 1933, he was designated regimental signal officer of the 3d Cavalry, and later regimental adjutant. In August 1936, he was detailed to the Command and General Staff School at Fort Leavenworth, Kans. Following his graduation in June 1937, he was assigned as an instructor at the Cavalry School, Fort Riley, Kans.

In July 1940, General Wyman became aide to the commanding general of the 1st Cavalry Division and later aide to the commanding general of the IX Corps at Fort Lewis, Wash. In May 1941, he was designated assistant chief of staff for personnel of the Army IX Corps at Fort Lewis, Wash. The following August he became a member of the Plans Group, War Plans Division, War Department General Staff.

General Wyman served in Burma from February to June 1942 as General Stillwell's G3 representative with the Chinese Fifth Army. Following the first Burma campaign, he became assistant chief of staff, G3, of the United States Army Forces in the China, Burma, India Theater of Operations. In January 1943, he was designated Chief of Plans Subsection, G3, Allied Forces Headquarters, in the north African theater, and the following July was appointed assistant division commander of the 1st Infantry Division in that theater. He served with the 1st Infantry Division from the Battle of Troina in Sicily through the Normandy landings and the campaigns of France and Germany to the Battle of Aachen.

In October 1944, General Wyman became commanding general of the 71st Infantry Division at Fort Benning, Ga. This division entered combat March 12, 1945, secretly relieving the 100th Division on its front south of Bitche. On March 31 the division moved to reinforce the Third Army. The division then plunged across the Rhine at Oppenheim, across Germany and into Austria, where it met the Russian 5th Guards Airborne Division on the River Enns. After V-E Day, the division assumed occupational duties while training for the war in the Pacific, which came to an end, however, before the division could move to the Pacific theater.

General Wyman was assigned to Headquarters, Army Ground Forces, Washington, D. C., in August 1945, and a month later was made assistant chief of staff for intelligence of the Army Ground Forces. He retained that position when Army Ground Forces Headquarters moved to Fort Monroe, Va., in October 1946. He became chief of staff of the First Army at Governors Island, N. Y., in September 1947, and in January 1951 he was transferred to Central Intelligence Agency, Washington, D. C.

General Wyman was appointed commanding general of the IX Corps in Korea in December 1951. In August 1952, he was designated commander of the Allied Land Forces, Southeastern Europe, with headquarters at Izmir, Turkey. This newly established command consisted principally of Greek and Turkish ground forces in the North Atlantic Treaty Organization.

In March 1954, General Wyman returned to the United States and was named commanding general, Sixth Army, Presidio, of San Francisco, Calif. In August 1955, he was named deputy commanding general, Continental Army Command, with headquarters at Fort Monroe, Va. In March 1956, General Wyman was promoted to full general and assumed command of the United States Continental Army Command (USCONARC).

During General Wyman's tenure, the responsibility of the commanding general, United States Continental Army Command has been expanded from the initial Army group concept (interests largely restricted to operations, plans, and training) to the much broader range of a Theater Army Command for the continental United States. The USCONARC, with an aggregate strength of approximately 450,000 (375,000 military, 75,000 civilian) includes nearly one half of the Active Army, plus over 2 million personnel in the Reserve Forces, as CG, USCONARC, General Wyman held the only four-star Army command in the United States.

THE JULY 14 MOB SLAYING OF THREE AMERICANS IN IRAQ

Mr. HIESTAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HIESTAND. Mr. Speaker, last Monday I introduced House Concurrent Resolution 368 to express the sense of Congress that the slaying of three American citizens at the hands of a mob in Iraq on July 14, 1958, was a horrible outrage and that under no circumstances should the rebel government in Iraq be considered for recognition unless and until we had the complete agreement that they assume full responsibility for the acts of their army and

the results thereof, including financial reparation.

Mr. Speaker, this shocking incident, having received little press notice, should be brought to the attention of the House. Seldom, if ever, in modern times has the army of a foreign power seized American citizens and allowed them to be beaten to death and horribly mangled beyond identification. Of the 3 victims, all Californians, 1 comes from Altadena, in the District I represent. He was highly respected, a fine type of young American, in Iraq on business in support of his family, an ideal husband and father of eight children. To the family, this, of course, is a horrible shock. But, Mr. Speaker, it should be to the entire country, and especially to the Congress.

Below is a firsthand account from Time magazine of August 4:

From his bed in Amman, 36-year-old British-trained Gen. Sadiq Shara recited the gruesome events that took place around the swank New Baghdad Hotel.

You just cannot imagine. At 9:30 on the morning of the coup, a group of rebels arrived at the hotel in search of a general and three Jordanian Ministers of the Arab Union. They ripped out telephones and ransacked the front office. With about 20 other foreigners, apparently seized at random, the Jordanians were loaded into a truck that started off for the Ministry of Defense. Among those seized were three Californians: Robert Alcock, George S. Colley, Jr., senior vice president of Bechtel Corp. of San Francisco, and Eugene Burns, former Associated Press correspondent. The truck drove slowly through milling streets. In front of the Ministry gates the truck was trapped by a stalled vehicle in front of it, and the mob attacked.

They tore off the tarpaulin and started pulling people into the street. One of my colleagues, Ibrahim Hashim, the Arab Union's Deputy Premier, who was sitting beside me, died from a stone hit in the head. Everyone who was pulled down was cut to bits. I saw a young German or Swiss of about 30 grabbed by the head and pulled down by the mob. About eight people started slashing and stabbing him and beating him with rods. Then they cut off his head. I did not see the death of the American, Burns, but later, one of our people told me he was pulled down and killed like the others. You just cannot imagine it." Finally someone got the gates open and "those of us who were still alive on the truck tried to jump and run for it. Anyone who could not reach the gate was killed and dismembered." Shara made it.

I hope the House will see fit to take as immediate and vigorous action as possible.

HON. JOHN A. BURNS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. O'BRIEN] is recognized for 60 minutes.

Mr. O'BRIEN of New York. Mr. Speaker, I have taken this time to give some Members of the House, who have expressed a desire to do so, an opportunity to pay tribute to the distinguished Delegate from Hawaii, now completing his first term in Washington.

We would not intrude upon the busy closing days of this session if it were not for the fact that Mr. BURNS is being attacked in some places for telling the simple truth and for advancing the cause of statehood further than any previous Delegate from Hawaii.

Mr. Speaker, I can understand and sympathize with the jealousness and impatience of true supporters of statehood for Hawaii, who honestly believed that recent passage of the Alaska statehood bill had made possible similar action this year on the Hawaii bill.

I can even understand the efforts of some who want to play politics and damage, if they can, the strong probability of Delegate BURNS' reelection by an electorate grateful for his efforts for them in Washington.

But, when the political attack assumes the shape of pure malice and a complete distortion of the truth as every informed Member of Congress knows it, I cannot stand by and permit such attack and distortion to go unchallenged.

Members of this House will concede that I had a part in the consideration of statehood legislation and the formulation of the strategy which gave Alaska statehood this year and, in my judgment, will give Hawaii statehood in the 86th Congress.

Let us take an objective look at the two issues which have been raised against Mr. BURNS.

First, he is attacked because he agreed to the original strategy under which Alaska went forward, on its own merits, with Hawaii waiting in the legislative wings for its own assured solo trip.

I was one of the architects of that strategy. I believed it was the only possible way to achieve statehood for both because, in 1955, when the two were tied together, the bill was recommitted.

Mr. BURNS could not have altered that strategy. He is a nonvoting member of the Committee on Interior and Insular Affairs. That committee overwhelmingly and bipartisanly followed the strategy.

Suppose Mr. BURNS had objected? Suppose he had been able to tie the two together? The end result, in the considered judgment of those who favored statehood for both, would have been statehood for neither. Is that what the foes of Mr. BURNS really wanted?

Under our original plan, statehood for Alaska would have been voted upon before adjournment of Congress in 1957 and the fight for Hawaii would have occurred in 1958. But, the timetable went askew. This was not the fault of statehood supporters, including Mr. BURNS. It was due to forces neither he nor we could control.

Secondly, Delegate BURNS is attacked because, after the passage of the Alaska bill late in this session, he did not join in the clamor by those who demanded that Congress act forthwith on the Hawaii bill.

There is not a realistic Member of Congress, Republican or Democratic, who really believes a Hawaii statehood bill could have been passed in the brief time remaining after the Alaska bill went through. The best proof of that lies in the fact that our committee, which has the bill in charge, has not up to this moment been able to arrive at a vote to report it out, despite numerous sessions and overwhelming support for it in the committee. We have, until now, been tied into parliamentary knots by a handful of opponents.

Perhaps Mr. BURNS made a political mistake when he told the truth. Perhaps he would have gained more by misleading his people, by telling them that it would be possible to bring about passage of the bill this year. I doubt it, however. I think the voters of Hawaii are too mature and understanding to prefer the gathering of political posies to the pursuit of an honest course leading to accomplishment rather than slogans.

If, by some miracle, it had been possible to get the bill out of our committee in time for consideration by Rules Committee, what Member of this House would seriously suggest we would have received a rule? And, if by a continuing miracle, we had wrested the bill from Rules and passed it here, what objective person in Washington would suggest that it could have been passed in the Senate over a prolonged and bitter filibuster?

And, if along the way, the bill was rejected, by Rules Committee or one of the two Houses, Hawaii would be denied the opportunity of coming to us, early next year, with a move untarnished by a recent defeat or rejection.

Mr. BURNS has advanced the cause of Hawaii statehood by at least a decade. He deserves the thanks and applause of his people. I think he will have both and, largely because of his honesty and objective thinking, I believe Hawaii will be the 50th State within 12 months.

Mr. Speaker, I ask unanimous consent that all Members of the House who desire to do so be permitted to extend their remarks at this point in the RECORD on this subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOLLAND. Mr. Speaker, I desire to commend my colleague, the gentleman from New York [Mr. O'BRIEN] for his most able presentation of the battle to secure statehood for both Hawaii and Alaska as the gentleman from New York championed this cause.

I am very proud that I was among those who supported statehood for Hawaii and Alaska.

I was also glad to hear that my colleague gave credit to the important part played by the able Delegate from Hawaii, Mr. BURNS. I know of no other Delegate from Hawaii who has worked harder and more sincerely to advance statehood for Hawaii, as well as for beneficial legislation for his constituents.

You could always find Mr. BURNS at all hours of the night working with his staff—with only one thought in mind—to serve his people well.

Mr. Speaker, I was deeply concerned to learn of the number of editorials which appeared in the local papers of Hawaii attacking Delegate BURNS. I realize, however, they were prompted by keen disappointment. I regret that these papers did not have a clear perspective of what was achieved for Hawaii by their Delegate.

In the Congress of the United States I am a member of a bloc consisting of 50 or more liberal Congressmen who

worked with Mr. BURNS as well as with Mr. BARTLETT of Alaska. We discussed the problems we faced as the opponents of Alaska and Hawaii consisted of reactionaries of both parties, and this unholy alliance had built a strong wall around the 48 States for purely selfish political reasons.

We agreed that our first objective was to break through the impenetrable wall. After much discussion, Alaska was selected to lead the way. Our strategy worked in spite of having the minority leader of the Republican Party, Mr. MARTIN, the Republican whip, Mr. ARENDS, and the chairman of the Republican Congressional Committee, Mr. RICHARD SIMPSON, leading the fight against the admission of Alaska.

The breakdown in the roll call vote shows that 117 Democrats, and 92 Republicans voted for the admission of Alaska, while 81 Democrats and 85 Republicans voted against the bill.

Mr. Speaker, I believe that all of us who were close to this fight have brought statehood closer to Hawaii than it has ever existed in past years. The wall of opposition is now broken, and I feel certain it can never be rebuilt as strong as it was in the past.

Our American press has been loud in its praise of the strategy used by opposing the linking of Hawaii and Alaska in one bill.

Mr. Speaker, Hawaii has had a good press with many editorials in favor of statehood.

Delegate BURNS' press relationship has been of the best. He also has made close friends with the other Members of the House in both parties.

The experience and knowledge he has gained will get him off to a good start in the next session.

The Washington Post and Times Herald so ably expressed it yesterday when they stated that this session has paved the way for Hawaii statehood next session.

In conclusion, Mr. Speaker, I ask the voters of Hawaii to return Delegate BURNS. Mr. O'BRIEN, I am sure, will again lead us in the fight for statehood for Hawaii. The Members of Congress hold Mr. BURNS in great respect. I feel confident with all of our centralization of action—Hawaii shall be the 50th State.

Mr. DENT. Mr. Speaker, I too want to join the legion of Congressional friends of JOHN BURNS, of Hawaii.

I have been impressed by the deep-rooted intensity of his devotion to the worthy enterprise he has cherished and worked for every day since his admission to the Halls of United States Congress.

Although detractors, politically inspired, have attempted to belittle the efforts of this dedicated delegate, the record both public and private gives the lie to all of their derogatory and baseless statements.

No light burns brighter or later than the lights in the office of Delegate BURNS.

Knowing his goal, keeping in mind the means to the desired end, Delegate BURNS has laid a firm and solid foundation for a successful campaign in the next session of the Congress for the attainment of the dream of millions of both Hawaiians and mainland Americans, statehood for Hawaii.

Those of us who know some of the inside workings of the United States Congress have been and still are in complete agreement with his plan of action.

It would be a serious blow to the hopes and aspirations of the worthy people of Hawaii if they are misled by the louder but less sincere friends of statehood.

In closing I assure Mr. BURNS and his people of my full fledged support of all his efforts.

We look ahead together to that day when the constellation of the stars of the States shall number 50.

I prophesy that no star will give a better light to the problems facing all the peoples of the earth.

I pray for the continued success of the peoples of Hawaii and to their distinguished and able Delegate JOHN BURNS.

Mr. LIBONATI. Mr. Speaker, it is my privilege to attest to the sincere efforts of Delegate JOHN BURNS, representing Hawaii in his laborious and persistent campaign to successfully carry the banner of his constituency into the circle of States.

In spite of the vicious opposition waged against Hawaii's admission, he has always maintained the patient and poised attitude of a gentleman. He enjoys the confidence and trust of all his colleagues and has demonstrated forensic abilities on the floor and in his committee work that commands the respect and admiration of the Congress and officials of Government.

Personally I am proud to number him among my intimate friends. He has so impressed me—a new Member—with his appeals for the admittance of Hawaii that I sponsored a bill for its admittance.

It is unfortunate that because of a combined effort on the part of several geographical divisions within the Congressional membership that the presentment of both Alaska and Hawaii at the same session would, as in the past, seal their doom.

So that it was the consensus of the opinion of the supporters of both States to delay the Hawaii bill and press for the Alaska bill—after many filibusters and other delaying tactics including some 15 quorum calls and lengthy debate about 3 days—it was purely a set up political stampede.

The treatment of the Alaska bill in the Senate followed the same pattern. And the threat was made that the Hawaii bill's filibustering would make the Alaska job look a Sunday-school meeting.

Delegate BURNS succumbed to our advice. He could not jeopardize the Hawaii bill—the solid membership of both bodies, northern Democratic stalwarts and pro-Republican State men from the high timber and urban sections of the North, so decided. And they knew what they were talking about.

It has come to our attention that certain political promising wild guessers are blaming Delegate BURNS for the delaying to next session the statehood campaign for Hawaii.

No one was more anxious than Delegate BURNS to go ahead. We decided it for him—and we do the voting.

It will take a full campaign for 3 to 4 months to put over the Hawaii bill, so that means lack of time made the decision necessary. We stand behind Hawaii with an honest and sincere desire to establish her statehood. And we stand behind Delegate BURNS, the finest representative and most popular public servant in the Congress. His return insures the realization of the dreams of every Hawaiian.

Mr. DELLAY. Mr. Speaker, I would like to join in commendation of my good friend and neighbor, JOHN A. BURNS, the Delegate representing Hawaii in our Congress. He and I both came to Congress in January of 1957, and were placed in offices across the hall from each other. Almost immediately I developed a deep respect for him, and a close and lasting feeling of friendship. I have found him endowed with the qualities of greatness. He is dependable, ethical, genuine, genial, honest, and yet humble.

He is serving his constituency in memorable fashion. Their welfare is always uppermost in his mind and his efforts in their behalf are unceasing. Despite the great distance, his office is always overflowing with constituents. He has to represent his people in both the Senate and the House of Representatives. His constituency of approximately 550,000 has no other representation in Washington.

This is a situation he is hoping to correct in bringing about statehood for his Territory. He has struggled long and hard in this direction and I think his efforts can best be described by the following quote of Dr. Peter Fairfax Meyer, national director of the National Nonpartisan Campaign for Alaskan-Hawaiian Statehood:

> Too much credit cannot be given Hawaii's Delegate JOHN A. BURNS, a brilliant and profound strategist, with a remarkable breadth of conception and an almost uncanny faculty to discern and discriminate with the nicest accuracy. He is absolutely sincere, utterly unselfish, and his mind has the lucidity of a crystal prism in a flood of sunlight. He knew what he was doing when he planned the shrewd strategy of pressing heavily for Alaska and thus pave the way for Hawaii. I should hate to see that strategy frustrated by ballyhoo efforts of "also rans" to demand Hawaiian statehood immediately, much as my group and Mr. BURNS want Hawaii in the Union.

The people of Hawaii should be justly proud of the outstanding effort that Delegate BURNS has put forth in the short time of 19 months in guiding Hawaii toward its goal of obtaining statehood. He helped substantially in the program that gave statehood to Alaska, conscious of what statehood would mean to the Alaskans, and thus help to pave the way for his own people. We know that politics is a hard and grim game, but accusing Delegate BURNS of balking statehood for Hawaii is cruel indeed and directly opposite of what he accomplished.

I have found Delegate BURNS to be a devoted family man. He has a wife in a wheelchair for whom he cares ten-

derly, and three children of whom he can be justly proud. They are a credit to the fine example he has set for them and reflect the principles he so ardently espouses.

Hawaii can well be proud of the fine choice it made in sending Delegate BURNS to represent it. I salute him and wish him many more years in this work for which he is so highly qualified.

Mr. O'HARA of Illinois. Mr. Speaker, no Member of this body is more highly regarded by his colleagues than the distinguished delegate from Hawaii, the Honorable JOHN A. BURNS, and I am happy to join with the many others in commending the gentleman for a service that has been truly dedicated. He has set a pattern for industry and for faithful attendance to every call of duty that is nothing short of an inspiration. What is equally important is that he has made so many warm and enduring friendships. He has put upon the cause of Hawaii the touch of a warm personality, and as we all know so well the Congress is not lacking in the human response. Many of us, voting as a matter of conviction to give statehood to Alaska, nevertheless when we voted were thinking of Delegate BOB BARTLETT. So the 86th Congress, when again as a matter of conviction we vote to give statehood to Hawaii, we will be thinking of Delegate JACK BURNS.

I doubt if any Member in the history of this body has done as much for the cause of his heart in one term as the distinguished gentleman from Hawaii. I wish especially to commend him for his wisdom in assuring statehood for Hawaii by refraining from the grandstand tactics that might have been expected from one of lesser stature and that would have drowned all statehood hopes for at least another decade.

I was a Member of the 81st Congress when we tried desperately but without success, although with the wholehearted support of the Truman administration, to get statehood for Hawaii and Alaska, wrapped in one package. I was honored by having my speech on that occasion singled out for editorial mention by the daily newspaper in Honolulu and the entire speech printed by that newspaper in three installments. So I am by no means a newcomer in the fight for statehood for both Territories.

The fact is that there was not a chance in the world for the passage this year of a bill giving statehood to both Hawaii and Alaska, and everyone at all acquainted with the Congress and the political aspects knew that the Alaska bill had by far the better chance of winning out on a trial run and thus breaking down the opposition to admitting States that were not contiguous to the American mainland. By a grandstand play, demanding that Hawaii come first, the Delegate from Hawaii would have upset the apple cart, accomplished what the opposition wished and killed statehood for both Territories. As it is, Alaska already has been voted statehood, Hawaii is assured of statehood in the 86th Congress, and in all fairness much of the credit must be given to the outstanding statesmanship of the Honorable JOHN A. BURNS, the distinguished Delegate from Hawaii.

I thank the gentleman from New York [Mr. O'BRIEN] for yielding to me that I might join with him and others in tribute to a truly great legislator.

Mr. WRIGHT. Mr. Speaker, I should like to join in the commendations our colleagues are making of the splendid services being rendered to his constituents, his beloved Territory of Hawaii and his Nation by the Hawaiian Delegate, Mr. BURNS.

On more than one occasion I have heard our Speaker comment that the House of Representatives is the most critical audience in the world. By this, I think he means among other things that a man cannot deceive his colleagues who serve with him, day in and day out. One's colleagues are apt to know one another's depth and sincerity.

By any test that may be applied, JOHN BURNS has won for himself the respect of those of us who serve with him. He is deeply honest, as all of us know. He has brought to these Halls a sincere devotion to Hawaii and the causes of Hawaii. We have observed and admire his ability as Hawaii's spokesman.

Above all, I think we have learned to appreciate JOHN BURNS because there is absolutely none of the demagog in him. He will not stoop to making those idle and meaningless gestures which might superficially appear to those at home to be serving their cause but which, in reality, would hinder their cause in Congress. He is a true and able servant of his people and his country.

Mr. RHODES of Pennsylvania. Mr. Speaker, I join my colleagues in paying tribute to the outstanding service of Delegate JOHN A. BURNS of Hawaii in the 85th Congress.

JOHN BURNS has brought to the Congress a remarkable talent for explaining clearly and concisely the case for Hawaiian statehood and has skillfully advanced this noble cause in which he believes so devoutly. Working tirelessly with supporters of statehood in Congress, JOHN BURNS has broken the persistent bottleneck which, for many years, prevented statehood legislation from clearing Congress.

The approval of Alaskan statehood this year has paved the way for the admission of Hawaii to the Union, almost certainly in the 86th Congress. The people of Hawaii are to be congratulated for their judgment in sending JOHN BURNS to Washington to represent them. In the 20 months since his arrival on the Congressional scene he has done more to advance Hawaiian statehood than decades of service by his predecessors.

Despite his prodigious efforts for statehood, he has always found the time and energy to attend to the day-to-day needs of his constituency. As Hawaii's spokesman on the Agriculture, Armed Services, and Interior and Insular Affairs Committees, and on the floor of the House, JOHN BURNS has been diligent in serving the best interests of the people of Hawaii.

Mr. Speaker, as a longtime advocate of statehood for both Alaska and Hawaii, it is an honor to pay tribute to the Delegate from Hawaii. JOHN A. BURNS is a dedicated man of unquestioned honor, sincerity, integrity, and ability who is admired and respected by his Congressional colleagues on both sides of the aisle.

HON. MARION B. FOLSOM

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. FRELINGHUYSEN] is recognized for 10 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, it is with regret that I call the attention of this body to the fact that today marks the departure of the Honorable Marion B. Folsom from his position as Secretary of the Department of Health, Education, and Welfare. For exactly 3 years, Mr. Folsom has presided over and directed the affairs of this important and complex Department, in a dedicated and statesmanlike manner.

The extraordinary contribution Secretary Folsom has made during this period of service was acknowledged earlier this week at a dinner which I had the honor to attend. Almost 100 distinguished public figures of both political parties gathered at the Cosmos Club here in Washington on Tuesday evening to express their admiration and affection for Mr. Folsom. The President himself stopped in, as did Vice President and Mrs. Nixon. The guests presented the retiring Secretary with a handsome silver bowl bearing the inscription:

> To the Honorable Marion B. Folsom in recognition of his many years of able and dedicated service to the American people. Presented with affection and admiration by his friends, July 29, 1958.

The standing ovation given Mr. Folsom at the dinner attested to the sincerity of this sentiment.

As a member of the Committee on Education and Labor it has been my personal privilege to work closely with Secretary Folsom during his term in office. I have come to know him well. I feel sure he will be sorely missed. I believe this body is thoroughly familiar with and admires Mr. Folsom's efforts to strengthen our educational system, even though it has in 2 successive years failed by narrow margins to adopt recommended legislation. In his appearances before our committee, Secretary Folsom has argued cogently and soundly for Congressional action to shore up our sagging educational structure. He has demonstrated in his testimony that educational legislation along the lines recommended by the President makes sense to the hardheaded as well as to the softhearted. He has energetically stated his conviction that relatively small investments now will pay great future dividends to the American people.

It is my profound personal hope—and I know it is shared by the great majority of my colleagues on the Committee on Education and Labor—that this body will within the next few days pay Secretary Folsom the deserved tribute of supporting his educational proposals. The administration's recommendations have been studied intensively by the

committee, and the bill ultimately reported out by the committee closely parallels that recommended by the President and Secretary Folsom. This is an eloquent testimonial to the soundness of the original proposal, and should serve as ample evidence that H. R. 13247 deserves the strong bipartisan support of this body.

In addition to asking this body to pay tribute to Mr. Folsom by passing H. R. 13247, I ask unanimous consent, Mr. Speaker, to insert at this point in the RECORD a brief biographical sketch of the Honorable Marion B. Folsom. It contains a record of selfless and devoted public service seldom excelled in our history.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The statement referred to follows:

MARION B. FOLSOM

Born in McRae, Ga., on November 23, 1893, Marion B. Folsom was graduated from the University of Georgia in 1912 (A. B. with honors) and from Harvard Business School in 1914 (M. B. A. with distinction). On October 1, 1914, he began employment with the Eastman Kodak Co.

During World War I, Mr. Folsom served overseas with the 26th Division and became a captain in the Quartermaster Corps, United States Army. After his return, he resumed his work with Eastman, becoming assistant to the company's president in 1921, treasurer in 1935, and a director in 1947.

In 1928, he developed a life insurance, retirement and disability benefits plan for Eastman employees, financed by the company. In 1931, he developed an unemployment benefit plan, which included 13 other Rochester companies. His work in Federal social security began with his service on the President's Advisory Council on Economic Security which helped to draft the original Social Security Act in 1934. He was one of the organizers in 1942 of the Committee for Economic Development, composed of businessmen and educators concerned with the maintenance of a healthy economy. In 1944–46, he was staff director for the House Committee on Postwar Economic Policy and Planning. He resigned as treasurer and director of Eastman Kodak Co., and as Chairman of the Committee for Economic Development, when he was appointed Under Secretary of the Treasury in 1953.

During his 2½ years with the Treasury Department, a large part of his time was devoted to tax policy. He participated in a complete revision and codification of the tax laws, the first total revision of the tax structure in 79 years. In 1954, while still the Treasury Under Secretary, he worked with the Department of Health, Education, and Welfare on a study of old-age and survivors insurance which resulted in extension of coverage and liberalization of benefits under the 1954 amendments to the Social Security Act.

Mr. Folsom assisted in the development of the group life insurance program for Federal employees enacted by Congress in 1954, which went into effect in August of that year. He had previously helped to organize the Group Medical Care Insurance Plan in Rochester.

On August 1, 1955, Mr. Folsom became Secretary of Health, Education, and Welfare. During his term medical research activities have been expanded greatly and important new health legislation has been enacted, including programs for construction of research facilities, training more public health personnel and nurses, a continuing national survey of the extent and nature of illness among the population, and broadened efforts to control air and water pollution. Funds for the services of the Office of Education have been more than doubled, and a new program of educational research has been launched. A constructive approach to self-support was emphasized in 1956 public assistance amendments which authorized aid for welfare research and training. A record number of persons has been rehabilitated each year under the expanding vocational rehabilitation program, and steady progress has been made in developing food and drug protection more in line with modern needs.

He served on the Federal Advisory Council on Social Security (1937–38) and the Social Security Advisory Council of the Committee on Finance of the United States Senate (1948), both groups working on revisions of the Social Security Act. He served on the New York State Advisory Council on Unemployment Insurance (1935–50). Additional Government experience includes service as Employer Delegate from the United States to the International Labor Conference in Geneva (1936); as Division Executive of the National Advisory Board for Mobilization Policy (1951–52); and membership on the National Advisory Defense Commission (1940–41), on the Regional War Manpower Committee (1942–45), and on the Business Advisory Council of the Department of Commerce since 1936.

In Rochester, he served for 3 years as president of the Rochester Council of Social Agencies and on the boards of the Rochester Community Chest, the Rochester General Hospital, the Rochester YMCA, and the Genesee Valley Medical Care Plan, which he had helped to organize.

He was an overseer of Harvard College, 1951–57, and is a trustee of the University of Rochester. Prior to 1953, he was a director of several financial institutions, including the Federal Reserve Bank of New York.

Mr. Folsom holds honorary degrees from the University of Rochester (LL. D., 1945), New York University (D. C. S., 1950), Hobart and William Smith Colleges (LL. D., 1951), Syracuse University (LL. D., 1955), Tufts University (LL. D., 1955), Rollins College (D. C. L., 1957), Brown University (LL. D., 1957), Swarthmore (LL. D., 1957).

In 1957, Mr. Folsom was elected a fellow of the American Academy of Arts and Sciences and was awarded a life membership in the National Education Association. Mr. Folsom is a member of Phi Beta Kappa and Sigma Nu.

In 1918, he married Mary Davenport. They have 2 children, Marion B. and Frances, and 1 grandchild, Catherine Folsom.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD in connection with the retirement of Secretary Folsom.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MILLS. Mr. Speaker, it has already been announced in the House that an able and dedicated public servant, the Honorable Marion B. Folsom, Secretary of Health, Education, and Welfare, is retiring from the Government service today. Secretary Folsom, of course, had announced some time ago that he would retire effective today.

I have known Marion Folsom for many years, and I have been privileged to work with him on matters of high importance to the public interest for a long period of time. I regret very much that he is leaving the Government service, because his contributions to the welfare of his fellow citizens have been great, and because he brought to his work a faithfulness and a dedication which will stand as a monument to the outstanding services which he has rendered.

Secretary Folsom is a man of utmost integrity and high ability. I wish him success in whatever endeavors he may decide to undertake, and extend to him my very best wishes.

Mr. ELLIOTT. Mr. Speaker, I, too, am pleased to join with the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN] in saying an affectionate and appreciative farewell to the Honorable Marion B. Folsom. I have had the honor of presiding over hearings during this session of the 85th Congress, on various proposals to strengthen the educational system of the United States to meet the critical demands of the national defense. It has been a most rewarding and heartening experience for me, to witness the development of bipartisan support for H. R. 13247, on which this body will soon have an opportunity to vote. During the deliberations of our committee, Mr. Folsom and his able associates have been of great assistance. It has been amply evident that Secretary Folsom's one objective—just as it is the committee's one objective—has been to prepare our American educational system for the extraordinary demands placed upon it by considerations of national security.

I share the hope of the gentleman from New Jersey that this body will show the fine, nonpartisan interest in the national welfare so well personified by Secretary Folsom, by adopting H. R. 13247. I am hopeful that the margin of victory for the bill will be large.

Mr. HASKELL. Mr. Speaker, I share the views expressed by the gentleman from New Jersey with respect to Secretary Folsom. It was with deep regret that I learned of his intention to leave public life but, as the gentleman has shown, he has given so generously of his time and energy to public service that we cannot begrudge him an opportunity to pursue his private interests.

Mr. Speaker, we shall shortly have before us a bill—the National Defense Education Act—which bears the strong imprint of Secretary Folsom's leadership and vision. It will largely embody the recommendations of the President for action in the field of education—recommendations which flowed from Secretary Folsom. In my judgment, this bill, which our Committee on Education and Labor reported by an overwhelming vote, will do more to defend America and the Free World in our time of peril than any legislative act in many years. It will go far in restoring the essential emphasis upon the importance of learning in this country—and in guaranteeing that we do not lose the critical struggle for scientific and intellectual leadership in the world.

Without the leadership of Secretary Folsom I do not believe that this Congress would have the opportunity to enact this vital legislation. Certainly it would not be in the same well-considered and comprehensive form in which it will come to this floor for consideration. The impressive manner in which the

Secretary marshaled his facts before our committee in support of this legislation is typical of his every performance of his public responsibilities. He has built for himself many living monuments consisting of measures which will benefit this and future generations of Americans, but none will be of more importance or endure longer than this legislation designed to strengthen the intellectual muscle of our Nation. I take great satisfaction, as a member of the Education and Labor Committee, in having worked with him in considering this and other legislation. It is an association which I shall value always.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

JULY 31, 1958.

Hon. SAM RAYBURN,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: As I am not a candidate for reelection, I hereby resign as a member of the Committee on Appropriations.

May I express through you to the chairman, ranking minority member, subcommittee chairman, and other members of the committee how much I have enjoyed the privilege of serving with them on this interesting and challenging committee.

Very faithfully yours,
FREDERIC R. COUDERT, Jr.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS

Mr. MARTIN. Mr. Speaker, I offer a privileged resolution (H. Res. 665) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That GLENARD P. LIPSCOMB, of California, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON PUBLIC WORKS

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tomorrow to file a report on the bill, S. 1869, and that minority views may be filed thereon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DIGGS. Mr. Speaker, I was called suddenly away on official business at the time of Rollcall No. 149 and Rollcall No. 150. I would like the RECORD to show, Mr. Speaker, that had I been present I would have voted "aye" on both rollcalls.

THE PASSPORT SITUATION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 15 minutes.

Mr. COLLIER. Mr. Speaker, I have asked this time to address the House today to emphasize the importance of an item of legislation which I believe should be passed by this Congress before adjournment. This, in my opinion, is emergency legislation. It is priority legislation, because as I stand here today the Passport Division of the Department of State has been virtually paralyzed by the June 16 decision of the Supreme Court in the now famous Kent against Dulles case.

As I address the House today we find the Department of State in the peculiar position of being forced to issue passports bearing the seal of the United States to many persons regarded as tools of the international Communist movement.

The Supreme Court's ruling has opened the gates to unlimited travel abroad by our native-grown subversives, Communists, fellow travelers, and would-be Russian agents.

All of these types, as has been so frequently and effectively pointed out by the Federal Bureau of Investigation, are in reality agents of a foreign power.

That decision was handed down on June 16, a Monday. Two days later, Wednesday, June 18, I introduced a bill to amend the Passport Act of 1926 so as to reinvest in the Secretary of State the legal power to deny passports which the Court's decision had stripped from him.

Three weeks later the Secretary of State submitted to the Congress a draft bill which would have accomplished much the same thing.

I am now informed that no less than five committees of the Congress have such legislation in varying forms under consideration.

The House Committee on Foreign Affairs and the Senate Committee on Foreign Relations have both held hearings on the subject.

Both the House and Senate Committees on the Judiciary have bills before them as does the House Committee on Un-American Activities.

However, none of these latter three committees has even held hearings.

Despite the apparent interest and the obvious need, nothing tangible has resulted.

The bills are still in committee and whether they ever reach the floor for action remains a question much up in the air.

I feel strongly that some action must be taken. The very security of the United States is involved.

Lest any here think this is an exaggeration of the true conditions, let me remind them that one of the essentials of conspiracy is for the conspiring parties to get together easily and often.

One of the real advantages we have had in our efforts to control or counter the Soviet conspiracy in the United States is that our counterintelligence agents have been able to keep a close watch on our native-born Communists and fellow travelers.

Through this close scrutiny they have been able to discover who enemy agents were and to keep an equally close surveillance over them.

It is hard to estimate how much potential sabotage and espionage has been prevented simply because these native fifth columnists have been so carefully watched.

This situation is now at an end.

Now, by direction of the Court, we must allow these native-grown members of the Communist world conspiracy to move abroad easily.

They may hide their plottings in cellars of Paris or Rome, London or Vienna, well out of sight of our own vigilant FBI agents, subject no longer to that careful scrutiny of who they see and what they do.

The foreign agents involved, too, are without the scrutiny of our FBI under this arrangement. It is tragic to see those here at home charged with the responsibility of maintaining our security stand by in forced idleness, frustrated because they are kept powerless by law to act.

Even more tragic is the thought that the careful planning, the well maintained machinery of national security so ably developed by the FBI and other counterintelligence agents might fall apart simply because we now must permit the American conspirators to travel easily and often abroad.

Mr. Speaker, I do not believe it is the normal function of government so to cripple itself that it can no longer provide that kind of protection to its citizens to which they have an innate right by citizenship. And yet, I believe, that is exactly the situation which now exists and will continue to exist unless the problems created by the Supreme Court decision are solved.

However, the problem posed by the Supreme Court is not a difficult one to solve.

The Court's ruling simply states that the Congress has not given the Secretary of State authority not to issue passports except in cases of definite proof that the applicant is fleeing from justice. The situation is fairly easy to correct.

The bill I submitted for consideration by this Congress would authorize the Secretary to use the same discretion in issuing passports as he has been using in the past.

However, under terms of my bill, such authority is clearly defined and clearly limited. This eliminates, I believe, the criticism which, although silly at times, often is well meaning that the Secretary might overstep all bounds of reason in exerting his authority.

Mr. Speaker, we in this country at the present time find ourselves in a situation which could be potentially extremely dangerous.

Already the Court's ruling has forced the Secretary to issue nearly a hundred passports which, in his opinion, should not be issued.

How many future passports will go to outright enemy agents, he cannot say.

Shortly before the first session of the 85th Congress adjourned late in August, we took action to correct an equally dangerous situation created by the decision of the Supreme Court in the Jencks case—this action protected the secrecy of the FBI files.

We now have an equally important job to do. I submit that if we fail to act in passing legislation to give the Department of State the right to screen passport issues in protecting our national security before adjournment, we will be sorely remiss in our duty to the people of this Nation.

VETERANS' ADMINISTRATION REGIONAL OFFICES, OR HOSPITALS, HOMES, OR CENTERS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would liked to file at this time a bill reported out of the Committee on Veterans' Affairs yesterday. There are certain provisions in this bill that I do not like although I think on the whole we should have the bill.

Mr. Speaker, the bill, as reported out of the committee, is as follows:

Be it enacted, etc., That part A of title XVII of the Veterans' Benefits Act of 1957 is amended by adding at the end thereof the following new sections:

"OPERATION OF HOSPITAL BEDS

"SEC. 1706. For the purpose of making facilities available to provide inpatient hospital care (including intermediate and long term chronic care) for an average daily patient load of not less than 113,000 patients, the Administrator shall maintain not less than 125,000 operating beds in hospitals under his direct and exclusive jurisdiction.

"CLOSING OF VETERANS' ADMINISTRATION FACILITIES

"SEC. 1707. No Veterans' Administration hospital, domiciliary, medical center, or regional office shall be closed, nor shall all or a substantial part of the functions or activities of any such hospital, domiciliary, medical center, or regional office be transferred, until the Committee on Veterans' Affairs of the House of Representatives has been notified in writing of such proposed closing or transfer of functions or activities, and at least 90 days of continuous session of the Congress have elapsed since such notification. For the purposes of this section, continuity of session shall be considered as broken only by adjournment sine die; but in the computation of the 90-day period there shall be excluded the days on which the House of Representatives is not in session because of an adjournment of more than 3 days to a day certain."

SEC. 2. Section 522 of the Veterans' Benefits Act of 1957 is amended (1) by inserting "(a)" immediately after "SEC. 522.", and (2) by adding at the end thereof the following new subsections:

"(b) Before making the statement under oath referred to in subsection (a), a veteran applying for hospitalization or domiciliary care shall make, on such form as may be prescribed by the Administrator, a declaration of—

"(1) all medical, surgical, hospitalization and health insurance, and all annuities, of which the applicant is the beneficiary;

"(2) the value of all property, real and personal, owned by the applicant, and of the extent to which such property consists of cash, bank accounts, and United States savings bonds;

"(3) the average monthly net income received by the applicant during the preceding 6-month period from all sources;

"(4) the average monthly expenditures of the applicant; and

"(5) a statement of the applicant's net worth (being a statement of total worth minus outstanding legal obligations).

"(c) After the applicant makes the declaration referred to in subsection (b), the Administrator shall determine the type and extensiveness of the medical care and treatment, if any, that is necessary for the applicant, and the probable period of the applicant's hospitalization. In the case of an applicant who is determined to require less than 30 days' hospitalization and who does not require emergency care or treatment and is not suffering from tuberculosis or a psychosis, the Administrator shall, before such applicant makes the statement under oath referred to in subsection (a)—

"(1) determine, approximately, what it would cost the applicant at another institution in the area, to obtain care and treatment comparable to that deemed necessary for the applicant by the Administrator;

"(2) review with the applicant the declaration referred to in subsection (b) made by the applicant;

"(3) tell the applicant the approximate cost of such care and treatment at another institution in the area as is deemed necessary for him by the Administrator; and

"(4) read to the applicant section 1103 of this act and section 1001 of title 18 of the United States Code."

SEC. 3. (a) Section 510 of the Veterans' Benefits Act is amended (1) by inserting "(A)" immediately after "veteran of any war" in subparagraph (1) of subsection (a); (2) by inserting "(B)" immediately after "period of war, or" in such subparagraph; and (3) by adding at the end of such section the following new subsection:

"(c) The Administrator may prescribe a system of priorities for veterans seeking admission to a Veterans' Administration facility pursuant to clause (B) of subparagraph (1) of subsection (a) of this section under which—

"(1) any veteran who is eligible under any workmen's compensation or industrial accident law for care for the disability or disabilities for which he seeks admission to such facility may be refused hospital care by the Administrator so long as any other veteran not described in this subparagraph is on a waiting list for treatment in such facility; and

"(2) any veteran who is covered by a medical, surgical, hospitalization, or health insurance plan which will provide for payment or reimbursement of all or substantially all of his expenses of care in a private or other hospital may be refused hospital care by the Administrator so long as any other veteran not described in subparagraph (1) of this subparagraph is on a waiting list for treatment in such facility.

This subsection does not affect the authority of the Administrator to furnish hospital care in emergency cases."

(b) Section 522 (a) of the Veterans' Benefits Act of 1957 is amended by striking out "510 (a) (1)" and inserting in lieu thereof "510 (a) (1) (B)."

SEC. 4. (a) Section 501 (5) of the Veterans' Benefits Act of 1957 is amended by inserting immediately after "dental and surgical services, and" the following: "where a service-connected disability is involved."

(b) Section 512 of such act is amended by adding at the end thereof the following new subsection:

"(f) The Administrator may also furnish medical services for a non-service-connected disability under the following circumstances:

"(1) Where such care is reasonably necessary in preparation for admission of a veteran for hospital care, or where such care is reasonably necessary in determining whether or not hospital care is needed.

"(2) Where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care."

SEC. 5. The table of contents in the first section of the Veterans' Benefits Act of 1957 is amended by inserting immediately below

"SEC. 1705. Acceptance of certain property."

the following:

"SEC. 1706. Operation of hospital beds.

"SEC. 1707. Closing of Veterans' Administration facilities."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HOFFMAN (at the request of Mr. MARTIN) for 3 days, on account of official business.

To Mr. BARING (at the request of Mr. DOYLE) for the balance of the week, on account of official business.

To Mr. SCRIVNER (at the request of Mr. AVERY) on account of illness in family.

To Mr. ZELENKO for Friday, August 1, through Tuesday, August 5, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HARVEY, for 30 minutes, on Wednesday next.

Mr. SHEEHAN, for 30 minutes, on Wednesday, August 6.

Mr. FRELINGHUYSEN, for 10 minutes, today.

Mrs. ROGERS of Massachusetts to transfer her special order for today to Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BROOMFIELD.

Mr. DOOLEY and include extraneous matter.

Mr. DAGUE.

Mr. JOHANSEN and to include extraneous matter.

Mr. DENTON and to include a letter.

Mr. ROOSEVELT to revise and extend his remarks made in Committee and to include a letter.

Mr. MORANO.

Mr. MOORE.

Mr. WESTLAND and to include extraneous matter.

(At the request of Mr. MCCORMACK, the following, and to include extraneous matter:)

Mr. EVINS in two instances.

Mr. HEMPHILL.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the the following title, which was thereupon signed by the Speaker:

H. R. 985. An act to provide that chief judges of circuit courts and chief judges of

district courts having three or more judges shall cease to serve as such upon reaching the age of 70.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On July 30, 1958:

H. R. 11874. An act to record the lawful admission for permanent residence of certain aliens who entered the United States prior to June 28, 1940;

H. R. 12617. An act to amend sections 2 and 3 of the act of May 19, 1947 (ch. 80, 61 Stat. 102), as amended, relating to the trust funds of the Shoshone and Arapahoe Tribes, and for other purposes; and

H. J. Res. 672. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes.

On July 31, 1958:

H. R. 855. An act to designate the dam being constructed in connection with the Eagle Gorge Reservoir project on the Green River, Washington, as the Howard A. Hanson Dam;

H. R. 1298. An act for the relief of Vincent N. Caldes;

H. R. 1331. An act for the relief of Sadie Lobe;

H. R. 1376. An act for the relief of Bernard L. Phipps;

H. R. 1574. An act for the relief of Albert Hyrapiet;

H. R. 1772. An act for the relief of Sigfried Olsen Shipping Co.;

H. R. 1884. An act for the relief of Jack Carpenter;

H. R. 1885. An act for the relief of Edwin Matusiak;

H. R. 2083. An act for the relief of Carl A. Willson;

H. R. 2647. An act for the relief of D. S. and Elizabeth Laney;

H. R. 2677. An act for the relief of former S. Sgt. Edward R. Stouffer;

H. R. 3513. An act to amend title 10, United States Code, relating to the entitlement to reenlistment under certain circumstances of certain former officers;

H. R. 4535. An act for the relief of Ernest C. St. Onge;

H. R. 5062. An act for the relief of Albert H. Ruppar;

H. R. 5219. An act to provide tax relief to the Heavy and General Laborers' Local Unions 472 and 172 of New Jersey pension fund and the contributors thereto;

H. R. 5441. An act for the relief of Scott Berry;

H. R. 5855. An act for the relief of Manuel Mello;

H. R. 5922. An act for the relief of William Lavello;

H. R. 6405. An act for the relief of Arnie W. Lohman;

H. R. 6492. An act for the relief of Maj. Harold J. O'Connell;

H. R. 6530. An act for the relief of Arthur L. Bornstein;

H. R. 7140. An act to amend title 10, United States Code, to authorize a registrar at the United States Military Academy and the United States Air Force Academy, and for other purposes;

H. R. 7177. An act for the relief of Edward J. Bolger;

H. R. 7491. An act for the relief of Mrs. Harry B. Kesler;

H. R. 7944. An act for the relief of the Spera Construction Co.;

H. R. 8015. An act for the relief of Harmo Tire & Rubber Corp.;

H. R. 8147. An act for the relief of Kenneth W. Lenghart;

H. R. 9015. An act for the relief of William V. Dobbins;

H. R. 11378. An act to amend Public Laws 815 and 874, 81st Congress, to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws; and

H. R. 11574. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1959, and for other purposes.

ADJOURNMENT

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Friday, August 1, 1958, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2184. A letter from the Assistant Secretary of Agriculture, transmitting the second monthly report of the General Sales Manager, May 1958, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support; to the Committee on Agriculture.

2185. A letter from the Administrator, General Services Administration, transmitting a notice of a proposed disposition of approximately 47,049 carats of rough cuttable gem quality diamonds and approximately 8,412 carats of cut and polished gem quality diamonds now held in the national stockpile, pursuant to section 3 (e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811), as amended (50 U. S. C. 98b (e)); to the Committee on Armed Services.

2186. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering personal property made available for distribution to public health and educational institutions and civil defense organizations, and all real property disposed of to public health and educational institutions, pursuant to the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

2187. A letter from the Chairman, United States Atomic Energy Commission, transmitting the 24th Semiannual Report of the Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

2188. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to repeal title 18, United States Code, section 791, so as to extend the application of chapter 37 of title 18, relating to espionage and censorship"; to the Committee on the Judiciary.

2189. A letter from the Chairman, House Committee on Public Works, relative to work plans relating to certain projects pertaining to Alamo Arroyo, Diablo Arroyo watersheds, Texas; Elm River watershed, North Dakota; Mud River watershed, Kentucky; Tramperos Creek Watershed, New Mexico; Dry Devils River and Lowrey Draw, Upper Lake Fork Creek watersheds, Texas; Lower Willow Creek watershed, Montana; Whitegrass-Waterhole Creek watershed, Oklahoma; and Little Schuylkill River watershed, Pennsylvania, pursuant to section 2 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Appropriations.

2190. A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend section 13 of the District of Columbia Redevelopment Act of 1945"; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2255. An act to amend section 607 (d) of the Merchant Marine Act, 1936, as amended; without amendment (Rept. No. 2331). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 474. A bill to repeal section 217 of the Merchant Marine Act, 1936, as amended; with amendment (Rept. No. 2332). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 8382. A bill to amend the Shipping Act, 1916, to provide for licensing independent foreign freight forwarders, and for other purposes; with amendment (Rept. No. 2333). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Edward Yellin (Rept. No. 2334). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Robert Lehrer (Rept. No. 2335). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Alfred James Samter (Rept. No. 2336). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Victor Malis (Rept. No. 2337). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Sidney Turoff (Rept. No. 2338). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Sidney Herbert Ingerman (Rept. No. 2339). Ordered to be printed.

Mr. WALTER: Committee on Un-American Activities. Report on proceedings against Paul Rosenkrants (Rept. No. 2340). Ordered to be printed.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 13371. A bill to authorize the Secretary of Commerce to make certain payments out of the vessel operations revolving fund; with amendment (Rept. No. 2341). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H. R. 13619. A bill to authorize appropriations to the National Aeronautics and Space Administration for construction and other purposes; to the Select Committee on Astronautics and Space Exploration.

By Mr. McVEY:

H. R. 13620. A bill making an appropriation for the project for flood control on the Little Calumet River and tributaries, Illinois and Indiana; to the Committee on Appropriations.

By Mr. MILLER of California:

H. R. 13621. A bill to correct the inequities of the Postal Field Service Compensation Act of 1955; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H. R. 13622. A bill to increase the income limitations governing the payment of pensions to widows of World War I, World War II, and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. SCHENCK:

H. R. 13623. A bill to amend the Annual and Sick Leave Act of 1951 to provide for the restoration of annual leave ceilings which have been reduced by reason of administrative error in certain cases; to the Committee on Post Office and Civil Service.

By Mrs. GRANAHAN:

H. R. 13624. A bill to correct the inequities of the Postal Field Service Compensation Act of 1955; to the Committee on Post Office and Civil Service.

By Mr. McDONOUGH:

H. R. 13625. A bill to amend the Internal Revenue Code of 1954 by adding thereto a new chapter imposing an excise tax in respect of tips; to the Committee on Ways and Means.

H. R. 13626. A bill to amend section 102 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PHILBIN:

H. R. 13627. A bill for the relief of certain aliens distressed as the result of natural calamity in the Azores Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H. R. 13628. A bill to amend section 2 (b) (5), title III of the District of Columbia Income and Franchise Tax Act of 1947, as amended, and for other purposes; to the Committee on the District of Columbia.

By Mr. QUIE:

H. R. 13629. A bill to provide for the substitution of the model Milk Ordinance and Code recommended by the Surgeon General for State and local laws which impose unnecessary economic barriers to interstate commerce in milk and milk products; to the Committee on Interstate and Foreign Commerce.

H. R. 13630. A bill to provide that the Milk Ordinance and Code—1953 recommendations of the Public Health Service will be in effect in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DELLAY:

H. Con. Res. 369. Concurrent resolution that it is the sense of the Congress that the United States will not surrender its jurisdiction or control over the Canal Zone or the Panama Canal; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H. R. 13631. A bill for the relief of Jimmy Ines; to the Committee on the Judiciary.

By Mr. CLARK:

H. R. 13632. A bill for the relief of Mariano Vittorio Simeone; to the Committee on the Judiciary.

By Mr. DELANEY:

H. R. 13633. A bill for the relief of Lena Felicia Colletti; to the Committee on the Judiciary.

By Mr. FLOOD:

H. R. 13634. A bill for the relief of Eva Marie Lesher; to the Committee on the Judiciary.

By Mr. FORAND:

H. R. 13635. A bill for the relief of Joao A. Coelho; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 13636. A bill for the relief of Juan D. Quintos, Jaime Hernandez, Delfin Buencamino, Soledad Gomez, Nieves G. Argonza, Felididad G. Sarayba, Carmen Vda de Gomez, Perfecta B. Quintos, and Bienvenida San Agustin; to the Committee on the Judiciary.

H. R. 13637. A bill for the relief of Jose Soriano; to the Committee on the Judiciary.

H. R. 13638. A bill for the relief of Oerlikon Machine Tool Works Buehrle & Co.; to the Committee on the Judiciary.

By Mr. MOSS:

H. R. 13639. A bill for the relief of Consolacion M. Rapa; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H. R. 13640. A bill for the relief of Stepanija Jung; to the Committee on the Judiciary.

By Mr. SCHENCK:

H. R. 13641. A bill for the relief of Harry J. Maranze; to the Committee on the Judiciary.

By Mr. LANE:

H. Res. 666. Resolution to refer to the Court of Claims the bill (H. R. 10297) for the relief of the Chicago School of Automotive Trade, Inc.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Tennessee Valley Authority

EXTENSION OF REMARKS

OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. BROOMFIELD. Mr. Speaker, we in the Middle West near the Great Lakes are all familiar with an object called the sea lamprey. It has depleted our once-abundant fishing grounds. It has thrown many of our fishermen out of work. It has cut sizably into the economy of our State.

The sea lamprey's method of attack is quite simple. It attaches itself to the side of a fish and hooks a free ride. It lives off the blood of the fish until it finally drains it dry, killing the fish.

We are faced with a similar problem in our consideration of S. 1869, which has been reported out of the House Public Works Committee. We are talking about the Tennessee Valley Authority and its relationship to the Federal Government. This bill would give the TVA the power to attach itself firmly to the Federal Treasury, draining it in gigantic gulps. We would give this agency the power to ride and grow alongside the Federal Government, but not as a part of the Federal Government. It would bear no direct responsibility to either Congress or the executive branch, nor would it be an integral part of the Federal structure.

The poor fish, of course, would be the Federal Government and the people who pay the taxes. We would be enlarging to tremendous proportions a parasite with the function of draining off Federal funds and growing in any direction it chooses.

We in the vicinity of the Great Lakes have taken a number of steps—with Federal help, by the way—to kill off these parasites. We have used electric fences and poisons to destroy them in their spawning grounds.

The spawning ground for the Tennessee Valley Authority is right here in Congress. We have the power of life and death over the Authority. Now I am not proposing that we kill the TVA, but I do propose that we shock it a little. Let us not give this parasite agency of the Federal Government the power to grow into something which can be dangerous. Let us keep it firmly in check and make it answer to Congress, its spawning ground, if it oversteps its borders or infringes upon the rights of our American taxpayers.

Let us always remember that the Tennessee Valley Authority is a parasite. It lives off the Federal Government. It feeds on the pocketbooks of our taxpayers, both directly and indirectly.

Let us defeat S. 1869 and keep this Government-created parasite in check.

Bounty on Dogfish Shark Proposed

EXTENSION OF REMARKS

OF

HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. WESTLAND. Mr. Speaker, depletion of our salmon runs is a serious problem for the commercial fishermen and the sports fishermen of Puget Sound and the Pacific Northwest. This problem can be traced to two major causes, fishing with small-mesh nets by the Japanese, and predators. Negotiations with Japan are being undertaken to bring about a solution to the former, but something positive should be done in an attempt to solve the latter problem.

I have offered a bill that I believe is a practical method of controlling one of the most common predators, the dogfish shark. This salmon-eating fish has increased in numbers during the past few years, both in west-coast waters and in the waters off the Northeast Atlantic coast.

This fish is a serious problem to the salmon industry of my district and fisheries in general. Many tons of valuable commercial and sports fish are lost and thousands of dollars spent because of damage by dogfish to fishing gear. This means great losses to the fishermen of

the Second District who rely on salmon runs for their livelihood, and affects the sports fisherman. Sports fishing in my disctrict is part of another industry, tourism. Poor fishing caused by these predators means potential reduction in incomes for resort operators. My bill would provide payment of bounties on dogfish to encourage the destruction of this menace.

I might point out that at one time the dogfish provided income because of its medicinal properties. Today, synthetics have replaced the value of these properties, leaving no incentive to take dogfish shark commercially. This may account for the rapid increase of dogfish in Pacific coast waters during the past few years.

Mr. Speaker, I hope Congress can give prompt attention to this legislation because of the seriousness of the problem. The destruction of this predator must be accomplished so we can protect one of our most vital natural resources.

President Eisenhower Replies to Plea for Aid to Israel

EXTENSION OF REMARKS

OF

HON. ALBERT P. MORANO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. MORANO. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the text of a letter which I received from President Dwight D. Eisenhower in reply to a request from me that consideration be given to the application of mutual security aid to the State of Israel.

Israel has demonstrated during the 10 years of its existence its determination to defend its independence at all costs. It has demonstrated effectively its opposition to international communism which now threatens the peace of the Middle East.

I am happy to hear that our Government is giving thought to material assistance for this freedom-loving state in the midst of Communist encroachment.

President Eisenhower's letter follows:

THE WHITE HOUSE,
Washington, July 25, 1958.

The Honorable ALBERT P. MORANO,
House of Representatives,
Washington, D. C.

DEAR MR. MORANO: I appreciate your July 18 letter and fully subscribe to your position that the United States must continue its support of those nations which are being threatened in the Middle East. This Government is, of course, keeping closely in touch with the Israeli and other friendly governments in the Middle East area and with all free nations concerned with developments in this region. In addition, as you no doubt are aware, our efforts to have these problems resolved through the United Nations have not ceased.

I can assure you that the United States will take whatever action is found to be appropriate and necessary. As consideration of these matters progresses, I shall not fail to keep in mind the interest and concern you have expressed for the welfare of the State of Israel.

With warm regard.

Sincerely,

DWIGHT D. EISENHOWER.

Conflicting Comment of Capital Columnists

EXTENSION OF REMARKS

OF

HON. PAUL B. DAGUE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. DAGUE. Mr. Speaker, it is generally recognized that American columnists mold public opinion to an extent not warranted by their access to factual data. Each day we are treated to what amounts to one man's opinion, dished up in a style which would seem to compel us to accept it as the last word. However, these men are fallible; and, from all of this welter of words that pour out of editorial offices and the National Press Building, just what is one to accept as authoritative?

For example, in yesterday's Evening Star an editorial entitled "Shaken Alliance" throws some cold water on Secretary Dulles' efforts to strengthen the Baghdad Pact. In the same paper, on the other hand, the brilliant Constantine Brown titles his column "New Life in the Baghdad Pact" and on that subject has this to say:

> Mr. Dulles' commitment, with the full approval of President Eisenhower, that we will resist to the limit of our power any "direct or indirect" aggression against our Baghdad Pact allies was manna from heaven to all of them. It indicated that Washington had not really "caved in" before Mr. Khrushchev and his associates and that we intended to support these three free nations with everything we have.

In the same issue of the Evening Star and on the same general subject of our involvement in the Middle East, William S. White appropriately emphasizes a crucial point by labeling his column "Quieting the Destructive Clamor." He then goes on to describe President Eisenhower's prestige as falling at a frightening rate although he completely ignores the latest Gallup poll which reports that 68 percent of our people approve of the President's action. Further along, however, he makes a contribution to Congressional solidarity by ascribing to the Democrat leadership this observation:

> That many critics of the President's intervention in the Middle East properly stress its awkwardness and danger—but forget that but for this intervention, an admittedly bad situation would be far worse. For one thing Lebanon and Jordan would be gone, too, and with them the last hope of keeping Turkey's 20-odd divisions effectively in the Western alliance.

It is also noted that Mr. White properly comments on Republican criticism of Mr. Truman's "police action" in Korea but ignores the fact that most of that criticism was directed at Dean Acheson's virtual invitation to the Communists to attack, our woeful unpreparedness at the outset of that conflict, and our complete failure to carry the fight to the Chinese beyond the Yalu River.

All of us have our preferences and I have never made a secret of my partiality for the views and opinions of David Lawrence. By long odds he is my favorite columnist and this extract from yesterday's article, Khrushchev Unmasks Himself, in my opinion, sets what I think should be the general tone of all editorial opinion in this uncertain period:

> One of the principal weaknesses in the American position is the petty attitude of so many antiadministration newspapers in this locality which, because of their deep-seated political and ideological antagonisms domestically, are pouring out criticisms that are gleefully quoted by the Soviets over the radio to the Mideast and the world generally. Such criticisms taken from American newspapers blame the United States for the Middle East situation and back up accusations of aggression. There seems also to be a delight in minimizing what the Communists have done to cause much of the trouble in that part of the world.

To sum up and to put things in their proper place, it seems to me that the time has arrived when we should ignore this Nation's detractors and return to the philosophy of an American hero of another age, Stephen Decatur, who left his mark in the Middle East and on the pages of history when he said, "My country, may she ever be right; but, right or wrong, my country."

Washington Post Slurs

EXTENSION OF REMARKS

OF

HON. AUGUST E. JOHANSEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. JOHANSEN. Mr. Speaker, the distinguished and able columnist, Mr. David Lawrence, commenting yesterday on the tactics of Khrushchev and his efforts to divide the allies, had this to say:

"The whole plot is so palpable that one wonders why politicians or left-wing editorial writers lend themselves to anything that strengthens the Khrushchev hand at the expense of their own government."

In that connection, I note that on last Tuesday, the Washington poison pot, the Washington Post, spewed its editorial venom with a fine impartiality as between the quick and the dead.

Because the President of the United States has not enthusiastically welcomed Mr. Khrushchev's acceptance of his self-extended invitation to New York City, the Washington Post insultingly referred to the surly tone of President Eisenhower's last note.

And in its grudging editorial acknowledgment of the valor and military skill of the lamented Lt. Gen. Claire Chennault, the Washington Post could not forebear a slurring reference to what it

called Chennault's unrealistic, stormy championship of reconquest of the mainland of China, and to the outmoded clique on Formosa.

Having contributed so much in the past to the public and official acceptance of the false premises which helped lose China to the Free World, and now so assiduously supporting the line of coexistence and so-called flexibility in dealings with Moscow, I presume the Washington Post will hereafter judge equally unrealistic any subsequent American efforts to regain past, present, and future losses to international communism.

Congressman Baker, Republican of Tennessee, Tells Why TVA Should Have a Self-Financing Program

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. EVINS. Mr. Speaker, the Senate has already passed a bill to provide a program for TVA's future financing. The House Committee on Public Works has also reported a bill for this purpose which is pending before the Rules Committee. In this connection, our colleague, Congressman HOWARD H. BAKER, has written informatively on the need for prompt passage of this legislation. Under unanimous consent I include Congressman BAKER's article entitled "Why I Think TVA Should Have a Self-Financing Program" in the RECORD.

The article follows:

WHY I THINK TVA SHOULD HAVE A SELF-FINANCING PROGRAM

(By Representative HOWARD H. BAKER, Tennessee Member of Congress)

On January 7 when the 2d session of the 85th Congress convenes in Washington, every Member will be intensely aware of challenging new problems which press for attention. Grave national issues have developed during the recess; new perils to our security have been revealed. In such an atmosphere, it may be difficult for us to remember that half-finished tasks cannot be abandoned just because new problems have appeared and to realize that nothing has happened during the recess to diminish the importance of the backlog of unfinished business we left when the first session adjourned on August 30.

I hope you will be ceaseless in your efforts until the House acts favorably on one item of unfinished business of great concern to every rural electric cooperative—the TVA financing bill which was pending when we adjourned. Its enactment is vital not only to the area served by TVA, but to the future of rural electrification over the whole Nation.

TVA must have a way to finance the capacity its growing loads require or this great partnership between the Federal Government and the people will be ended. That would be a disaster. This amazingly successful demonstration of the results achieved when power is made abundantly available to consumers at the lowest possible cost must be continued.

Here TVA, an agency of the Federal Government, owns the facilities for generation and transmission, the wholesale part of the regional power system. It is the sole supplier of a great area of 80,000 square miles and a population of over 5 million. The people themselves through 151 municipal and rural cooperative distribution systems own the retail end of the business, purchasing at wholesale from TVA the power they deliver to over 1,400,000 consumers. In their contracts with TVA these distributors agree to carry out the policies laid down by the Congress in the act of creating TVA. They accept the responsibility of pioneering in the regionwide demonstration. Their experience is a contribution to power systems and power consumers everywhere, and particularly to the rural electric cooperatives of the Nation, no matter where they are located.

TVA FATE NATIONAL CONCERN

I am astonished by the propaganda which is intended to convince those who live outside the area that what happens to the TVA power system is a matter of purely local concern, that you can be indifferent to the fate of TVA. That is not true. What happens to TVA is of grave concern to you. What happens to TVA is important to the entire country.

When I say that the continuance of this regional power system is vital to the Nation I am not thinking solely of TVA's enormous contribution to defense, and the fact that the Federal Government experiences considerable savings because more than half of TVA's energy output is delivered to Federal facilities located in the area. I am reflecting also on the value of this power system as a pace setter in the nationwide movement to make electricity available to the farms of America and at the "lowest possible" cost. I sometimes wonder if the contributions of TVA and its distributors to that program are forgotten.

I wonder how many farmers recall that the great network of rural electric cooperatives had its beginning in this region. That did not happen because rural electrification was already far advanced in this area when REA began and a wealth of experienced managerial talent readily available. On the contrary, rural electrification was almost nonexistent here, with less than 3 percent of the farms in the region now served by TVA having electric service. The impetus to a national program was not generated here because a rich and prosperous agricultural community demanded electricity no matter what the cost. The area supplied with power by TVA was not and is not an area of high agricultural income. The countrywide program of rural electrification got its start here and has prospered for a very good reason—TVA. TVA had been created and was given a mandate by the Congress to supply the electricity to cooperatives so that the farmers of the area could be served at rates established at a level which would increase use.

COVERAGE REFLECTS PROGRESS

The fact that more than 95 percent of the farms in the area have electric service today reflects the progress of the region, but the story of increased use and the financial results of that use is the record which qualifies the 51 cooperatives which buy power from TVA to be called pace setters. They represent only 5 percent of all the cooperatives in the United States, but they sell to their consumers nearly 20 percent of all the power sold by the cooperatives in the Nation.

NATIONAL AVERAGE EXCEEDED

Today the average residential use of power on the farms in the TVA area is 4,670 kilowatt-hours per year. This compares with a national average residential use for all utility systems, including urban centers, of only 3,063 kilowatt-hours a year. Starting from scratch, these cooperatives have made that phenomenal record because under the terms of their contracts with TVA they have set themselves these definite goals: Extending their lines, keeping rates low, helping their members to make increasingly effective use of electricity, relying upon the expanding volume of their sales for the revenues to keep them in the black. During the past year alone, 11 of the 51 cooperative distributors reduced their charges to their consumers. Those consumers will realize more than $1 million in annual savings as a result. The importance of such rate reductions to our national experience in rural electrification is tremendous.

What will be the result to the cooperatives themselves? You can find the answer in detailed reports made by TVA. The record so far gives a hint of the results to be expected, for in spite of increasing costs of labor and material the sale of power by cooperatives in the TVA area has increased so rapidly that the costs per unit of power sold have been and still are on a downward trend. I am told that in fiscal 1957 the operating costs per kilowatt-hour of power sold by TVA cooperatives were about 25 percent less than the kilowatt-hour costs of the same cooperatives 5 years earlier, and as their sales have increased the investment per kilowatt-hour sold has been reduced from 9.4 cents to 6.4 cents during the same period.

What has been done here can be done elsewhere. TVA and its cooperative distributors are taking the risk out of the widespread adoption of low rate-high use policies by rural systems. Their record ought to encourage the timid, prod the slothful. For these results have not been achieved in a test tube or pilot plant. This is the actual operating experience of 51 cooperatives, with a total investment in plant of approximately $212 million. The areas they serve vary in income levels as they vary in other regions of the country. The skills and experience of their managements are not identical. Only one characteristic is common to them all. They are all in partnership with TVA. They are all committed to a common purpose—to make power abundantly available to consumers and at the lowest possible cost, to demonstrate that such a policy is good business. This demonstration will continue if the TVA self-financing bill is passed. TVA must have capital to meet the load growth such a dynamic program requires. The measure can be passed, and promptly. The basic issues are not complicated. This is the situation.

Except for a small amount of bonds—about $65 million—all now retired, the investment in TVA power facilities has been made either by the owner, the Government, through appropriations by the Congress, or by the reinvestment of earnings. Currently TVA has no authority to borrow money, but the management of TVA has assured the Congress that if such authority is given, future capacity to meet its normal load growth can be financed by the issuance of revenue bonds. The bonds will not be tax exempt; they will not be guaranteed by the Government. They will compete in the money market with securities offered by private utility systems. They will be backed by TVA's reputation for good management. The competence and reliability of TVA's distributors will stand behind them, and the electricity consumers, through their power bills, will provide the revenues to carry and retire the bonds. They will finance the additional capacity. The Federal Government will still own the TVA facilities, and each year the Federal Government, as owner, will receive from power earnings a cash return which must, at a minimum, cover the cost to the Treasury of the money invested in power facilities through appropriations. It is a fair proposal from every point of view.

At this critical point of its life TVA itself cannot command millions of dollars to use in a campaign of public education, nor can

the distributors, the municipalities and cooperatives who deliver the power to the ultimate consumer, finance such an effort. Nationwide propaganda campaigns cannot be charged to their consumers, no matter how desirable such campaigns might be. TVA and its distributors must rely upon the people who know the facts to spread the truth. Members of Congress who believe in TVA will do their part. The people who care about TVA must do theirs.

Perhaps the meetings of your cooperatives can be considered a modern form of those cracker-barrel discussions to which the President recently paid tribute as a traditional device for public education. Use them to tell the story of TVA, to make certain that Congress does not forget the importance of this bit of unfinished business in the crowded weeks and months ahead. If this great partnership can continue to promote policies in the public interest, electric cooperatives everywhere will continue to find the TVA power system a bulwark of strength to rely on, a reservoir of experience to draw on, a guaranty of future growth.

Address Delivered by Hon. Edward Martin, of Pennsylvania, Before the American Legion, Department of Pennsylvania

EXTENSION OF REMARKS

OF

HON. EDWARD MARTIN

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1958

Mr. MARTIN of Pennsylvania. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of an address I delivered at the annual convention of the American Legion, Department of Pennsylvania, in Philadelphia, on July 26, 1958.

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

ADDRESS OF HON. EDWARD MARTIN, OF PENNSYLVANIA, AT THE ANNUAL CONVENTION OF THE AMERICAN LEGION, DEPARTMENT OF PENNSYLVANIA, PHILADELPHIA, PA., SATURDAY, JULY 26, 1958

As an old soldier who looks back with pride and pleasure to a half century of military work, I am happy to salute my comrades of the American Legion.

One of the greatest honors that have come to me during the years has been your invitation to speak at the annual convention of the department of Pennsylvania.

I have stated many times that the various veterans' organizations and the other patriotic societies deserve the gratitude of the American people.

First, because they are strong and steadfast in support of the ideals of Americanism, and second, because they always have the courage to point out and to fight any danger confronting us as a Nation.

Here in our blessed land of freedom, we have more precious rights and privileges than any other people of the earth. Paramount among our blessings is freedom of the individual which we cherish as the gift of God to mankind. The American form of government was established to protect and sustain our scarced right to "life, liberty and the pursuit of happiness." However, we must keep in mind always that in payment for these rights we must be prepared and willing to bear an equal share of responsibility.

Individual responsibility as the strongest support of the American system of government. Therefore, the dangers that confront us should be of deep concern to everyone with love in his heart for American freedom and the American way of life.

If the Founding Fathers who created this Government here in Philadelphia could come back to this city they would be proud of our magnificent achievements. We have expanded from the Atlantic to the Pacific. We have grown in material and spiritual strength until we are the most powerful Nation on earth.

We have developed such political stability that the depressed areas of the world look to us for leadership and help.

The Founding Fathers, however, might well be worried over some of the things that government now does. In the Declaration of Independence they did not mention the things they wanted from government, but they did list the burdens that government had laid upon them.

The Founding Fathers probably would be worried because of the widespread lack of interest in our Government. They would wonder why so many of our people do not even take the trouble to vote.

I am sure they would be disturbed over the vast increase in the size of our Government and the many functions which have been added beyond the powers and duties clearly set forth in the Constitution.

Big government is best illustrated by the tremendous payroll expansion. Many do not realize that 1 American out of 8 works for government, with a total payroll, local, State, and Federal, of more than $30 billion a year.

The Founding Fathers would surely find cause for alarm in the debt of the three branches of Government which has now reached the staggering total of more than $354 billion.

A great American President, Col. Theodore Roosevelt, warned against the dangers that could destroy America in terms that apply with equal force today.

"The things that will destroy America," he said, and I quote, "are prosperity-at-any price; peace-at-any price; safety-first instead of duty first; the love of soft living and the get-rich-quick theory of life."

The dangers to which Colonel Roosevelt pointed so clearly are still with us today.

How can we overcome these threats to the future of our country?

We will continue to be the greatest Nation of all history if we carry out with loyalty, determination and courage the principles supporting the American system of government.

These United States will remain great if we have proper education of our people, if we have a strong national defense supported by all our citizens, if we maintain a strong, stable, dynamic economy, if we are clean and constructive in our politics, if we are honorable in our international relations, and if we are faithful to the principles of our religious belief.

Let us discuss briefly these vital elements of our national strength.

Education, after the family and the church, is the bulwark of our country's greatness. Our free educational system must be directed and controlled by local authorities. The higher echelons of Government must never be permitted to influence it.

When the Soviet's launched a satellite, many of our people urged that science become the number one thing in our colleges and universities. It would be unfortunate if emphasis on science would lead us away from the American tradition that the moral teachings of the humanities are basic in our country. If science is placed above all else, there is danger that eventually we will all conform to a pattern. That means mechanization and probably the loss of individual effort which is interwoven with individual freedom. We must never forget that real progress is made when we have the quest for freedom.

National defense of the United States may determine the freedom of the world. Our forefathers were self-reliant and fought their own battles. Their weapons were the rifle, the ax, and the Bible, symbolizing the three fronts on which we must prepare today in order to keep our land strong, free, and at peace. The rifle is the symbol of military defense; the ax, of work, sweat, and industry; the Bible, of spiritual strength and unity, without which no nation can permanently endure. In planning our defense we must never forget the part of industry, agriculture, and our skilled workmen. As far as practical, we must keep critical defense items within our own borders.

Only by the strictest Government economy can we provide the necessary funds to insure ourselves against tyranny and aggression. The Communists would like to see us in financial collapse, debt-ridden, and bankrupt. That is the soil in which the seed of communism thrives. Those who advocate unlimited Government spending are unwittingly giving aid and comfort to the forces that would destroy our freedom.

A sound and progressive economy in America is supported by the legs of a tripod consisting of agriculture, labor, and industry. If one leg of the tripod is damaged, the whole may collapse. Let us keep our finances in good shape, not only as individuals but as a government. Let us never fail to appreciate that deficit financing is dangerous, as it is the greatest reason for creeping inflation. Free enterprise, without too much governmental interference, will keep us strong. God gave us pure air, clean water, good soil, and an abundance of natural resources, and it is our duty to preserve them.

Politics, after the home, the church, and the school, should be the first consideration of every American. Since the first administration of President Washington, the two-party system has had much to do with the strength of our Government. Fortunately, there have been few times in our history when there were more than two strong political parties. Minority parties have soon gone out of existence. Tenure in office has helped strengthen the two-party system. For that reason I have always opposed the referendum and recall.

Political parties are strengthened when they stand for ideals, decency, and good government. Our political system, regardless of many shortcomings, approves the right of a man to say what he likes, to think what he likes and, under the law, to do what he likes. This means that the state is the servant and not the master of the people. It means that public officials have power only as trustees for the people. We must keep it that way.

In these days of unrest and confusion in world affairs, we are all deeply concerned with international relations and the supreme desire of all God-fearing people for freedom from the threat of war.

In the pages of history we find that dictators, kings, armies and navies, statesmen, diplomats, and educators all have failed to establish true and lasting peace. Our remaining hope—the hope that springs eternal in the human breast—is hope inspired by faith in the omnipotent power and goodness of God.

In a world divided by conflicting ideologies, each striving to influence the hearts and minds of men, the United States has been called to leadership for peace, freedom, and justice. If we are to measure up to that tremendous responsibility, we must turn with deeper devotion to the eternal and unchanging truths that govern the destiny of men and nations.

We must set forth to the world an example of honor, justice and loyalty in public affairs and in our private lives. We must

live in obedience to the ideals of peace and good will ordained by the Prince of Peace 2,000 years ago.

In our dealings with other nations, we must be sincere and humble, placing emphasis upon our moral and spiritual strength rather than the power of our material resources. To the people of lands less fortunate than ourselves, we must hold out the hand of fellowship and helpfulness.

As individuals and as a nation, we must seek the path that leads to better international understanding, mutual respect and greater cooperation for a better world of peace and justice for all mankind.

In meetings such as this it is appropriate to recall that our Republic was established on the sacred principles of religious faith.

The courageous men and women who built the foundation of American freedom believed that each human being was created in the image and likeness of God. America has attained its high place among the family of nations because of our deep religious convictions.

Supporting our background of devotion to the teachings of the Holy Bible, we have the great legal pronouncement of the Supreme Court of the United States in which it was stated: "This is a religious Nation."

That opinion, delivered by Mr. Justice Brewer, marks a great milestone in the judicial and religious history of the United States. More than anything else it points out one of the great elements of American strength—the spirit of tolerance and good will under which many faiths and creeds live together in peace and harmony, rspecting the right of every individual to worship God according to the dictates of his own conscience.

In accordance with the plan of the Almighty, some men gain leadership in industry, science, education, government or religion. Others became outstanding in the development of our natural resources. Others have superior skills as craftsmen in the production of articles of beauty and utility.

We have been industrious, tolerant, thrifty, considerate of the less fortunate and God-fearing. In the home, schools and the church, we have taught self-reliance.

While we have invented many labor-saving devices used in peace and war, we have never forgotten that we must have skilled men to operate them.

In armed conflict, for example, we will never have a "pushbutton" war. It will always be necessary to have brave men to fly combat planes, man fighting ships, carry the bayonet, fight the guerrilla warfare, and go under fire to carry food and munitions to the frontlines.

Let us remember that as long as we support the power of the church, truth and moral values will prevail.

Let us all fight for these great ideals. They represent our highest hope for the stability of our Nation and peace in the world.

A Strong Transportation System Insures a Strong Nation

EXTENSION OF REMARKS

OF

HON. ARCH A. MOORE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. MOORE. Mr. Speaker, I am very happy that the House has approved the conference report on S. 3778, the Transportation Act of 1958. This legislation is of vital necessity if we are to maintain a strong transportation system in this country as a major bulwark in our economy and to bolster the defenses of our Nation.

I think it is significant that while this legislation has commonly been referred to as the railroad bill, S. 3778 is really designed to benefit all types of common carriers, and will also greatly aid shippers, consumers, and the general public. This is wise legislation which has been adopted by the Congress only after lengthy hearings, careful deliberation, and thoughtful study. The measure is designed to protect the public good and promote the general welfare of our Nation in every sense of the word. It is a forward step in insuring the continuation of our unequaled system of transportation which has been one of the primary reasons for the great economic and productive growth of our Nation. The transcontinental railroad systems which stretch from the Atlantic to the Pacific, and the cross-service trunk lines which link the United States with our neighbors, Canada, and Mexico, are the backbone of our Nation. This superb system of transportation has contributed in large measure to our high standard of living and has helped to elevate the United States to its present position as the leading power in the world.

The Government of the United States recognized at an early date, the importance of building, and maintaining a system of transcontinental railroads to link the industrial East with the prairies of the West. The driving of a "golden spike" at Rosbys Rock, W. Va., 7 miles from my hometown of Moundsville and in the heart of my Congressional district, signaled the completion of the first railroad west of the Alleghanies which then terminated at Wheeling, W. Va. This event helped to fulfill a long existing need for a "ribbon of steel" to bind together the various States into a Federal Union where commerce could readily flow from coast to coast. The faith which was placed in the railroads has certainly proved one of the best investments ever made by our Government because it has paid dividends a hundredfold in prospering the economic welfare of our Nation.

Our Government has in recent years, through neglect, overly zealous regulation, and confiscatory taxation, allowed the Nation's transportation system to seriously decline, impairing the efficiency and service formerly enjoyed by the public. This legislation which the House has approved will help immeasurably in providing the assistance needed to assure the future growth and stabilization of the Nation's transportation system. The provisions of S. 3778, coupled with the recent action of Congress in repealing the burdensome tax on transportation of consumer goods, will go a long way in helping to solve the economic ills of the railroads and our other modes of transportation. I am only sorry that we were not successful in also repealing the transportation tax on personal travel, because it was a wartime measure which can no longer be justified.

The State of West Virginia with its mountainous terrain, its great mineral resources, and its strategic location, depends in large measure for its economic prosperity upon the continuation of a prosperous, efficient and adequate system of rail transportation to serve the needs of our many communities and industries. Especially is this true of the First Congressional District of West Virginia, which I have the honor to represent. The seven counties in my district are largely industrial and produce a great amount of coal, steel, chemicals and other manufactured goods which find their way into the commerce of our Nation. Without the services of the railroads, the wheels of industry would grind to a halt in short order, because the flow of raw materials, and finished products would no longer be possible.

Consequently, I am certain the industrial workers, the manufacturers, and the general public will join in the joy shared by the transportation industry in the passage of this legislation by the House. I am happy to have supported this legislation and to have voted for its passage.

The Tax on Telephone Service Should Be Repealed

EXTENSION OF REMARKS

OF

HON. ROBERT W. HEMPHILL

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. HEMPHILL. Mr. Speaker, I wish to take this opportunity once again to make a plea for repeal of the 10-percent tax on telephone service.

We all know taxes are a necessary part of life. But why do we overtax a resource that is also an essential part of our life?

There is plenty of evidence that the Federal excise tax on communications is a discriminatory overtax on a service that people cannot do without.

It is a discriminatory tax. Telephone service is the only household utility so taxed—there is no excise tax on gas, water, or electricity. The tax also discriminates against long-distance users, because it is calculated on a percentage basis; people who live in remote sections of the country, away from population centers, are penalized by this tax.

Excise taxes on communications, until now, have been levied only during emergencies—and removed after the emergencies. Today, more than a decade after the end of the World War II emergency, the excise tax on communications is still in effect—adding 10 percent to telephone bills and all telegrams and radiograms.

Communications are a necessity in business, government, and community life. More than 75 percent of the American households have telephone service, and few businesses could operate without telephone and telegraph service. Yet these services are taxed at luxury rates. Only such items as club dues, cabaret bills, liquor, and tobacco are taxed at higher rates.

The question of excise taxes comes up before Congress just about every year. It is hardly necessary to point out here that removal of the tax from communication services has been urged repeatedly by representatives of the regulatory commissions.

The National Association of Railroad and Utilities Commissioners has reaffirmed its stand with a resolution calling for repeal of the tax. The association also has authorized its president to appoint a special committee to work toward this end.

In 1956 the communication excise levies exceeded a total of $574 million or in excess of $9 per telephone per year. This is a big load for telephone customers to carry.

Representatives of the telephone industry, appearing before the House Ways and Means Subcommittee have graphically demonstrated this cost problem: for every dollar of additional net earnings granted a telephone company, the customer must pay $2.29—of which 21 cents is excise tax.

Expressed in another way—

One of these representatives testified—

for every million dollars authorized in increased rates, $520,000 of this amount goes to the Federal Government as income taxes. But another 10 percent, over and above the million dollars, must be paid directly by the customers as an excise tax.

Another point of concern registered by a telephone company spokesman was made in the following words:

We have now come to the point where the wartime pent-up demand for telephone service is lessening and the full impact of the excise tax is being felt increasingly. * * * A public utility like a telephone company has to compete in the money market with oil, manufacturing, and other utility companies and all other business requiring capital. The excise tends to dry up the capital market by subtracting from the customer's spendable dollar, amounts which might otherwise be saved and invested in new capital, and also raises doubts in the minds of some investors as to whether an industry so very heavily taxed is truly a good investment.

Even without the excise tax, communications already bear a heavy tax burden.

An example of just how big a tax load telephone customers carry was spelled out not long ago by one telephone company. It reported a total of $128½ million for Federal, State, and local taxes. About one-third of this—$36,985,000—was Federal excise tax.

The total tax bill in this case amounted to 2½ times the company's net profits and was 50 percent more than the amount it spent for maintenance costs, including wages and supplies.

Of course, the money to pay these taxes came from the telephone customers. Looking at the tax figures from the customers' viewpoint, the company found its customers paid an average of $60.34 in telephone taxes in a single year. This means, on the average, that 28 cents from every dollar the company collected from customers last year went for taxes.

An example of how the excise taxes on communications add to the family food bill has been given to the House subcommittee.

A spokesman for the fresh fruit and vegetable industry testified before the House Ways and Means Committee that the 10-percent tax on communications alone added about $1,575,000 a year, or roughly $5,250 a day, to the country's food bill for fresh fruits and vegetables.

Fresh fruits and vegetables, which make up about 21 percent of per capita food consumption in this country, are highly perishable. The industry moves an average of 5,000 carload shipments every working day, and fast transportation and use of the telephone and telegraph are indispensable.

At best it is wobbly economics to put a public necessity in the same category with luxuries for excise-tax purposes. And in a period of inflation, such reasoning collapses completely.

Utilities need rate increases as the cost of doing business rises. There is no way around this fact. But why add a tax on top of the utility bill?

This penalizes the customer for using a necessity—something he has to use. The tax is thereby locked into his cost of living. On the other hand, many items which he can choose to buy or not to buy go free of this type of tax.

A constituent recently wrote:

"With all of the talk, writing, and growing concern that there is about the slowdown in business, increasing unemployment, high public debt and today's cost of government, Congress certainly should understand that unjustly penalizing users of telephone service through the continuation of wartime excise taxes is not in the public interest, but is in effect—

A penalty upon very business which depends upon the sale of goods or services for its existence—once upon the use of telephone service by the business and once more upon its suppliers and customers use of telephone service associated with orders, etc., pertaining to the business.

A penalty upon workingmen and workingwomen and their efforts to retain employment or to find reemployment—once upon the use of telephone service by the workingmen and workingwomen and once more upon their employers, or potential employers, use of telephone service in calling them for available work.

A penalty upon every business, upon workingmen and workingwomen, and upon all investors, who use telephone service indirectly as an aid to retaining and improving their status as taxpaying businesses and citizens; a penalty upon the same taxpaying businesses and citizens who finally must carry whatever burdens grow out of the slowdown in business, increasing unemployment, high public debt and today's high cost of government.

The concern over this tax becoming imbedded in the tax structure is not an idle one. Very recently a joint Federal-State committee formed at President Eisenhower's recommendation to determine an orderly line of demarcation between Federal and State responsibilities, agreed tentatively to permit 40 percent of the tax on local telephone service to pass from Federal hands to the States in return for the States assuming certain additional responsibilities. This is a clear indication that some are coming to think of the excise tax as a permanent feature of our tax structure. I need not point out any such action would lessen whatever chance there may be of eliminating this discriminatory levy.

The position of the telephone industry, both Bell System and independent telephone companies, on the telephone taxes has been stated as follows:

The entire communications industry has urged the elimination of these taxes at every opportunity. Representatives of the United States Independent Telephone Association and of the Bell System have testified before Congressional committees a number of times, beginning as early as 1947. The current international situation has cast doubt on a lessening of Federal expenditures and an overall reduction of taxes. Nevertheless, the question remains as to whether or not a tax so discriminatory as the telephone excise tax should be continued in lieu of obtaining needed revenue from other tax sources.

A Joint Federal-State Action Committee has been formed to determine an orderly line of demarcation between the spheres of Federal and State responsibilities. This committee has proposed that 40 percent of the local telephone tax be turned over to the States in order to provide funds for certain functions now handled by the Federal Government and to be assumed by the States. The proposal overlooks (1) that the local telephone tax was a wartime emergency tax, (2) that no excise tax was ever imposed upon local telephone service until required by World War II, and (3) that the proposal of the committee would have the effect of making the tax on local telephone services a part, and no doubt a permanent part, of the tax structure of State governments for the first time in the history of telephone service.

The committee's proposal, if adopted, would freeze the excise tax permanently into the tax structure. It would fasten an unequal tax burden on telephone customers and therefore should not be permitted to occur.

The necessity of maintaining Federal tax revenues at the current high level should not preclude the elimination of the unfair and discriminatory excise tax on communication services. The nature of this tax demands its early repeal.

Yes, Mr. Speaker, the excise tax on communications service is an unsound tax that should be repealed now.

The Kennedy-Ives Bill

EXTENSION OF REMARKS

OF

HON. EDWIN B. DOOLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. DOOLEY. Mr. Speaker, following is an analysis of the Kennedy-Ives bill by competent legal minds which have been consulted by Mr. Edward J. Hughes, vice president of the Westchester County Publishers, Inc., White Plains, N. Y.

The far-reaching effects of the Kennedy-Ives bill, if it were passed, are almost frightening to contemplate and it is a mystery to the Representative from New York and to many of his constituents how the Senate could have condoned such a measure.

Here is a summary of the objections to particular provisions of the Kennedy-Ives measure as carefully analyzed.

First. By revising the definition of "supervisor" as now spelled out in the Taft-Hartley bill, the new measure will permit unions to grab off many confidential management workers—people like the confidential secretaries of executives, draftsmen engaged in creative work on highly competitive projects, and so forth. This will be done by the seemingly innocent requirement that a supervisor be only a person who actually and directly controls the activities of other persons.

Second. The Kennedy-Ives bill not only fails to prohibit evil organizational or recognition picketing but, by legal implication, gives such picketing a statutory blessing it does not now have under Taft-Hartley. In other words, it would make vicious picketing even more vicious.

Third. The bill would remove from Taft-Hartley the section which prohibits strikers from voting in a representation election. This will throw the doors wide open to strike-happy unions, which will be able to recklessly call men out without risking loss of representation. This long has been one of the most-sought-after union weapons—now seemingly to be handed to the unions on a Congressional silver platter.

Fourth. Under the pious guise of outlawing bribery by an employer, weasel language in the bill sets an employer up for criminal prosecution if, for example, he exercises his Taft-Hartley law right to make a speech urging his employees to vote against a union. The Kennedy-Ives bill would cunningly make it a crime for an employer to pay or lend anything of value to his employees to get them to adopt his views, so, unless he docked his workers for the time spent listening to his speech, he could be criminally prosecuted for attempting to bribe them.

Fifth. One of the cutest bear traps in the Kennedy-Ives bill is section 103, which requires, with seeming propriety, that an employer who spends more than $5,000 in a fiscal year for activities intended to influence or affect employees in the exercise of rights must file a detailed report of such expenditures with the Secretary of Labor. If the employer fails, even innocently, to file such a report, he may be fined $10,000 or be sent to jail for a year. On the other hand, if he does file such a report, and the Labor Department decides some of the things he reported were wrong, he may be criminally prosecuted, with his report standing against him as a confession. Thus he would, as a practical matter, be forced to testify against himself—in violation of one of his fundamental constitutional rights.

Under this same section of the bill, an employer who assigns an executive to time-consuming but legal efforts to convince a group of workers they should not join a particular union could be prosecuted if he failed to report the nature of those efforts and the amount of the executive's salary, and, if he did report, could still be criminally prosecuted if the executive's procedures were regarded as wrong by the Secretary of Labor.

Still under this section 103, the words "influence or affect" may be so broadly interpreted as to compel even an attorney, if engaged as a labor consultant, to report everything he said and did in a labor-relations campaign, disclose all fees received by him and all disbursements made by him, even though such disclosures by attorneys are expressly forbidden by numerous State laws.

Legal experts say there are numerous other camouflaged booby traps in the Kennedy-Ives bill, which is, it would seem obvious, why its proponents rushed it through the Senate and now seek to railroad it through the House.

Thus, apparently, the "boss" is in for a new shellacking at the hands of the labor lobby in Washington. Professional labor leaders are willing to take some regulation of their spending, lending, and other heretofore uncontrolled practices, as a cheap price to pay for a nice, shiny, new set of clubs to be whacked against the skulls of even law-abiding employers.

H. R. 13247, National Defense Education Act of 1958

EXTENSION OF REMARKS

OF

HON. WINFIELD K. DENTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1958

Mr. DENTON. Mr. Speaker, under unanimous consent, I insert in the CONGRESSIONAL RECORD a letter written by me to the Honorable Wilbur Young, State superintendent of the State of Indiana Department of Public Instruction, under date of July 28, 1958, in regard to H. R. 13247, the National Defense Education Act of 1958:

JULY 28, 1958.

Hon. WILBUR YOUNG,
State Superintendent, Indiana Department of Public Instruction, Indianapolis, Ind.

DEAR SUPERINTENDENT YOUNG: This letter is in response to your communication of July 21, in which you summarize the results of a study of mathematics and science education in Indiana schools in support of your opposition to the enactment of H. R. 13247, the National Defense Education Act of 1958.

As a Member of Congress representing the Eighth District of Indiana, I am deeply interested in the status of education in our State and throughout the Nation. In this time of peril for our Nation, during which it has become increasingly obvious that the quality of American education is a decisive factor in our struggle to preserve our freedom, I also feel that there is an urgent national interest in the kind and amount of education available to our young people. Therefore, I very much appreciate having the information you forwarded and your views regarding H. R. 13247.

It is extremely gratifying to me that Indiana boys and girls are doing so well in mathematics and science and that Indiana schools provide such opportunities for academic achievement. The teachers of Indiana are obviously doing a good job, and we should all be thankful that we have these men and women who have dedicated themselves to the most important work of a democracy—the education of our youth.

I think that we can all agree, however, that we cannot be satisfied with the quality of education—in Indiana or in the Nation—until it is the very best that we can make it. After the most careful consideration of the facts available to me, including those presented in your study, I cannot agree that they prove that H. R. 13247 should not be enacted. On the contrary, I think that the great mass of reliable information on the needs and deficiencies of American education conclusively proves that this legislation is needed and that its enactment is vital to national security. It was on this basis that President Eisenhower requested enactment of legislation along these lines early this year. Recently the President has reemphasized his support of H. R. 13247, which in large measure would carry out his recommendations. Based upon my own review of the available facts, I agree with the President in this matter. I think you are entitled to know my reasons for taking this position.

First, your letter deals largely with scholarships. A Federal scholarship program is merely one feature of this legislation, and perhaps not the most important one. The bill would authorize Federal assistance to help and encourage the States to improve counseling and guidance services in the schools so that more of our able youngsters will be identified and properly encouraged to study the hard subjects in high school and prepare to continue their education in college.

Your own study demonstrates conclusively that, even in Indiana, youngsters are not making the most of their abilities in subjects of critical importance to themselves and to the Nation. On pages 3 and 4 of your study it is shown that, of the ninth grade students taking science and mathematics tests, 58 percent showed a knowledge of mathematics and 36 percent showed a knowledge of physical science above their grade level, and 61.6 percent and 50.7 percent were above the national norms respectively in mathematics and science. (If Indiana is only average, the least we could expect is that 50 percent of Indiana students be above the national average in these subjects—without even inquiring as to whether our national average attainment is high enough.)

Yet, on page 2, the study shows that among graduating seniors, only 11 percent had actually taken 4 years of mathematics, and that nearly 75 percent had not taken more than 2 years of mathematics. Worse, it shows that only 2 percent had actually taken 4 years of science, and that nearly 85 percent had taken no more than 2 years of science. Surely you will agree, as an educator, that these 3d and 4th year high school mathematics and science courses are essential to the well-rounded academic education of children who have ability to take them—and are absolutely necessary for a student who plans to take college courses in mathematics and science. Unfortunately, the situation nationally is about the same as in Indiana. United States Office of Education studies indicate that only one high school student out of eight takes trigonometry or solid geometry. This might be contrasted with the Soviet Union where science and mathematics are required study for all secondary school students for each of the final 4 years of secondary schooling. I feel that the assistance provided by the bill to help improve testing, counseling, and guidance services in our schools would help reverse this condition.

The bill would provide assistance to the States to provide the modern laboratory and instructional equipment needed by the schools to properly teach mathematics, science, and foreign languages. Your study did not deal with the needs of Indiana schools for such equipment, but the lack of modern equipment is generally recognized

as one of the major problems of giving effective instruction in these vital subjects. For instance, in the field of foreign lanugage instruction, the report of the House Committee on Education and Labor on this legislation (p. 10) reveals that only 60 high schools in this country have electronic laboratory equipment for drill in hearing and speaking the foreign languages offered.

H. R. 13247 would authorize the commissioner of education to contract with colleges and universities for the establishment and operation of foreign language institutes and foreign language and area studies centers in order to provide advanced training for elementary, high school, and college teachers of modern foreign languages and to provide training for individuals in extremely important languages which are not taught in the United States. I think the necessity for improving our understanding and command of languages is perfectly obvious. I agree with the President that this program will make a solid contribution to our national security and will help meet the growing needs for people with a knowledge of languages on the part of the Military Establishment, science, the diplomatic corps, business, and industry, and education. Did you know that over half of our American high schools offer no courses in a foreign language, and that less than 15 percent of our high school students study a foreign language? By contrast, 40 percent of the high school students in the Soviet Union are studying English. It seems to me that this bill will make it possible for a number of Indiana foreign language teachers to further develop their skills and knowledge to their benefit and to the benefit of their students. I would think that you would welcome such an opportunity for them.

The bill provides for Federal participation in the establishment of university loan funds in order that more deserving college students can be assisted in completing their education. These funds, which account for a large item ($220 million over 4 years) of the cost of the whole bill, would be returned, with interest, to the Federal Government. Your study does not cover the need in Indiana colleges and universities for additional loan funds for deserving Indiana students, but the need for such assistance has been amply demonstrated in the reports of colleges and universities to the United States Office of Education in its study of institutional student financial aid.

Nor does your letter or study deal with the needs in Indiana, or nationally, for assistance in expanding graduate education in order to increase the number of qualified college and university teachers who, in turn, educate the scientists, doctors, teachers, economists, linguists, engineers, and other highly educated people required by a strong America. Yet the bill you ask me to oppose would provide such assistance to graduate students and, through them, to the institutions in which they are doing advanced work in their fields. There are only about 9,000 earned doctor of philosophy degrees awarded annually in the United States. Yet, the President's Committee on Education Beyond the High School estimated that only about 5,000 of the recipients of these degrees enter, or are engaged in, college teaching—whereas it is estimated that our colleges and universities will need a minimum of 15,000 new faculty members each year during the next 12 to 15 years. Where are they to come from? One obvious answer is that a good many will not have completed the full education needed for teaching at the highest academic levels—as is often the case right now. In 1953–54, 40 percent of new college teachers had a doctoral degree; the figure today is 23 percent. You must be aware of the serious consequences of this trend for higher education. I feel that our needs in this respect are so serious—and the consequences to education so grave—that Federal assistance is required in the national interest.

The bill would also authorize the Commissioner of Education, through grants or contracts, to initiate the conduct of research and experimentation in more effective utilization of television, radio, motion pictures, and related media for educational purposes. The House committee felt that such a program of research would hold a great promise of improved methods in education which could, in turn, be utilized by schools and colleges in Indiana and elsewhere in the Nation to great advantage.

Finally—and it represents only a part of this proposed legislation—I come back to the single relevant question which your letter and the study raises with respect to H. R. 13247, the need for scholarship assistance.

Nationally, a number of reliable studies have demonstrated that a substantial number of our most able boys and girls—those who have the potential ability to become scientists, or engineers, or teachers, or other badly needed professionals—do not go on to college. Some drop out even before completing high school. Part of the reason for this loss—a loss of abilities we cannot as a Nation afford—undoubtedly lies in inadequate procedures for identifying able youngsters and for properly motivating them by expert counseling and guidance. Another reason is the lack of financial ability to pursue a college education. Through whatever combination of reasons, most estimates are that about one-half of our high-school graduates in the top 30 percent of their class academically do not go on to college.

But I shall confine my observations to the results of the study conducted in our State which you believe demonstrates that Federal scholarships are not needed to enable Indiana boys and girls to go to college, or to stimulate more of them to prepare for college by taking the "hard" courses—such as trigonometry—in high school. Let us look at the facts.

Your first false assumption with respect to this study is that only those intending to study mathematics or science in college should get scholarships. The scholarship aid in H. R. 13247 would not be so restricted. Our national security needs include mathematicians and scientists and linguists but are much broader. We needed educated men and women in all fields. We need gifted economists, political analysts (and political leaders), historians, teachers in all fields, philosophers, and administrators. But your inquiry was directed only to the need for scholarships on the part of those students who wished to study mathematics or science.

Secondly, among those who were capable of pursuing college work successfully, only those scoring in an extremely high percentile were considered eligible.

Thirdly, if financial assistance was needed at all, it is difficult for me to understand how aid ranging as low as $10 could be of much assistance.

The study, however, did not really answer the pertinent question; How many boys and girls in Indiana who graduate from high school with the ability and desire to successfully pursue a course of higher education are unable to do so because of financial inability?

Fortunately, we do have some reliable information on this question. A study of 60,000 high school juniors and seniors (representing a scientifically selected sample group) sponsored by the highly respected National Science Foundation and conducted by the Educational Testing Service of Princeton, N. J., led to the conclusion that higher education is still losing up to one-half of the top 30 percent or so of the Nation's high school seniors and that each year * * * between 60,000 and 100,000 highly able secondary school graduates with aptitude and interest for college fail to continue their education for financial reasons. In 1957, according to a research brief issued by the research division of your department, 38,165 students graduated from the public high schools of Indiana (and we must keep in mind that the scholarships provided by this bill would also be available for qualified private school graduates). One-third of this group—at least—must have had the ability to do college work. That would mean over 12,700 in the top third of the group which graduated in 1957. If Indiana is typical of the Nation, a good working hypothesis is that one-half of those top-third students—or about 6,350 Indiana boys and girls of exceptional ability—did not go on to college for financial reasons.

Now, granted, a great many of the graduates who were not in the top-third group did go to college. But it is the loss of these most able youngsters which must be of great concern to Indiana and to the Nation.

Let's approach this question of need for Federal scholarship help from another angle—which apparently was not considered. How many able Indiana boys and girls drop out of school before the senior year in high school? How many of these, if they knew (perhaps through improved counseling and guidance which this bill you oppose would help provide) that it would be financially possible for them to go on to college, might finish high school? Your study doesn't attempt to answer such questions. However, your own department of public instruction, in a May 1954 research bulletin entitled "Holding Power of the Schools of Indiana," reveals that for every 100 Indiana boys and girls who started first grade in the years between 1937 and 1941 only 55 finished high school. And among the recommendations your department made to improve this situation was provide better counseling services. Don't you think that another aid might be to provide a greater assurance that an able child who worked hard in school would be able to go to college despite his lack of financial ability?

To conclude, I cannot agree that this limited study shows that Federal help is unnecessary. On the contrary, the facts point the other way. I think that the teachers, the students, and the parents of Indiana need all the help they can get to improve the quality of educational opportunity for Indiana young people. I believe that a careful reading of the bill, H. R. 13247, would reveal the genuine help it would give to schools all over the Nation. Therefore, I am enclosing a copy of the bill, a copy of the committee report which explains what the bill would provide and a copy of the President's letter of July 7 to Representative STUYVESANT WAINWRIGHT in support of H. R. 13247. I hope that when you have had a chance to study these public documents you may change your mind and ask me to support this progressive legislation which is needed by Indiana and the Nation.

In these days of guided missiles, satellites and other advanced weapons of war, the defense of our country is so dependent upon scientific research, and the training of our brainpower to carry on this work, that we cannot afford the luxury of arguing whether the local, county, State or National Government should perform this training function. The defense of America is primarily the duty of the Federal Government, but in this instance, I believe all the agencies of Government should work together to see that the education and training of America leads that of all the world. Certainly there is no strife in Russia among the various agencies of its government as to which one will carry out this function. America cannot afford to fall behind in this field.

Sincerely yours,

WINFIELD K. DENTON,
Member of Congress.