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PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, SECOND SESSION

SENATE

THURSDAY, AUGUST 21, 1958

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

O Thou Compassionate Father of us all, without whom life has no destiny but dust.

Strengthen, we pray, with Thy wisdom and might those who here speak for the Nation, that the strain of these fateful days may not break their spirits, and that no denials of human freedom now loose in the world may intimidate their souls.

When the problems which confront these servants of Thine, and of the Republic under Thee, seem insoluble; when the very principles for which brave men have died are basely betrayed, and fair dreams seem to sink into the sands of futility; still may they labor on, serene and confident, knowing while the weeping of hopes deferred may endure for a night, the joy of Thy sure victory cometh in the morning.

In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 20, 1958, was dispensed with.

LIMITATION ON DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that during the morning hour statements be limited to 3 minutes.

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

REPORT ON TORT CLAIMS PAID BY CANAL ZONE GOVERNMENT

The VICE PRESIDENT laid before the Senate a letter from the Governor, Canal Zone Government, Balboa Heights, C. Z., transmitting, pursuant to law, a report on tort claims paid by that Government for the period July 1, 1957, to June 30, 1958, which, with the accompanying report, was referred to the Committee on the Judiciary.

CIV—1188

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

The memorial of Nigel Keep, of Berkeley, Calif., remonstrating against the enactment of legislation to give retirement and other benefits to former Presidents of the United States; ordered to lie on the table.

Petitions signed by W. R. Wheeler, and Carl C. Pierce, Jr., both of Bakersfield, Calif., relating to the enactment of the bill (S. 3992) to amend the organic act at Guam, and for other purposes; ordered to lie on the table.

The petition of Louise Dreiner, of La Porte, Ind., relating to the amendment of the Senator from Indiana [Mr. JENNER] to the bill regarding Federal aid to education; to the Committee on Labor and Public Welfare.

A telegram in the nature of a petition from the Veterans of Foreign Wars of the United States, in convention assembled at New York City, signed by Richard L. Roudebush, commander in chief, praying for the enactment of the so-called Douglas-Payne bill, relating to the provision of aid to depressed communities; ordered to lie on the table.

PROHIBITION OF ALCOHOLIC BEVERAGE ADVERTISING IN INTERSTATE COMMERCE—PETITIONS

Mr. WILLIAMS. Mr. President, I present, for appropriate reference, several petitions signed by sundry citizens of the State of Delaware, praying for the enactment of the so-called Langer bill (S. 582) to prohibit alcoholic beverage advertising in interstate commerce. I ask unanimous consent that one of the petitions be printed in the RECORD.

There being no objection, the petitions were referred to the Committee on Interstate and Foreign Commerce, and one petition was ordered to be printed in the RECORD, without the signatures attached, as follows:

We, the undersigned, desire to have passed the Langer bill (S. 582) which would restrict the advertising of intoxicating beverages.

(Signed by Emma B. McLean, and sundry other persons.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H. R. 12281. An act to authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, Calif., on lands adjacent to the park, and for other purposes (Rept. No. 2491).

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES

Mr. STENNIS submitted the following resolution (S. Res. 386), which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Armed Services, or the Military Construction Subcommittee thereof, is authorized under sections 134 (a) 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 examine, investigate, and make a complete study of any and all matters pertaining to military construction.

Sec. 2. For the purpose of this resolution the committee, from September 1, 1958, to January 31, 1959, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis such personnel as may be necessary; and (3) 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.

Sec. 3. The expenses of the committee under this resolution, which shall not exceed \$12,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Subsequently, Mr. HENNINGS, from the Committee on Rules and Administration, reported favorably, without amendment, the resolution (S. Res. 386) to provide additional funds for the Committee on Armed Services, and submitted a report (No. 2490) thereon; which resolution was placed on the calendar.

AMENDMENT OF RULE RELATING TO CLOTURE—INDIVIDUAL VIEWS

Mr. CASE of New Jersey, from the Committee on Rules and Administration, submitted individual views on the resolution (S. Res. 17) to amend section 2 of rule XXII of the Standing Rules of the Senate, which were ordered to be printed as part 2 of Senate Report 1509.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,
The following favorable reports of nominations were submitted:

By Mr. O'MAHOONEY, from the Committee on the Judiciary:

Leon P. Miller, of West Virginia, to be attorney of the United States for the Virgin Islands.

18865

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Thirty-four postmaster nominations.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 4320. A bill for the relief of Robert Laderlich; to the Committee on the Judiciary.

RENDITION OF MUSICAL COMPOSITIONS ON COIN-OPERATED MACHINES—AUTHORITY TO FILE INDIVIDUAL VIEWS AND REPRINTING OF S. REPT. 2414

Mr. O'MAHONEY. Mr. President, I want to call attention to the fact that there was reported to the Senate on August 15, 1958, the bill (S. 1870) to amend section 1 (e) of title 17 of the United States Code with regard to the rendition of musical compositions on coin-operated machines, being report No. 2414.

The Senator from Wisconsin is a member of the subcommittee which handled the proposed legislation, if I remember correctly. The Senator is the ranking Republican member of the committee. The Senator from Wisconsin desires to file minority or individual views. Therefore, I ask unanimous consent that committee report No. 2414 may be reprinted to contain the individual views of the Senator from Wisconsin, which views will be filed shortly. Can the Senator indicate by what date the views will be ready?

Mr. WILEY. I think they will be ready tomorrow morning.

Mr. O'MAHONEY. Tomorrow morning?

Mr. WILEY. Yes. I think they will be ready by then.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senator may file his individual views with the Secretary of the Senate, in case the Congress is adjourned, within the next week.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

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

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

By Mr. HILL:

Letter entitled "In Defense of TVA," written to the editor of the Washington Post and Times Herald and published August 21, 1958.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

REBUTTAL OF CHARGE BY DREW PEARSON CONCERNING FORMER LIEUTENANT COMMANDER NIXON

Mr. SCHOEPEL. Mr. President, on July 4 of this year I noticed in a column by Drew Pearson a reference which he made to Vice President Nixon when he was in the Navy as contract officer negotiating with the Erco company of Maryland.

Mr. President, when I read this article which referred to Vice President Nixon I took it upon myself to check up and find out what the facts were, because this article by Pearson is a deliberate, expressed, or implied misrepresentation of the facts, all of which were matters of record and which this alleged columnist could have ascertained before he wrote this article.

The exact quotation from the article is as follows:

When Vice President Nixon was in the Navy as contract officer negotiating with the Erco company of Maryland, he borrowed \$150 from the company. Such a loan is illegal. Unlike Kibler, he did not report it.

Mr. President, the facts as I have found them are as follows:

In October 1945, Mr. Nixon was then a lieutenant commander in the United States Navy, with an assignment to the Glenn Martin Co., of Baltimore, with instructions to negotiate the settlement of terminated contracts. Just on or before October 30, 1945, Commander Nixon received a telegram requesting him to appear on November 2 in California.

Because of the shortness of time involved, one W. G. Carroll, of the Engineering & Research Corp., of Maryland, volunteered and took it upon himself to make reservation and purchase an airline ticket for Commander Nixon to California with his company credit card. This he did. No priority was involved and there was no loan whatsoever. When the ticket was delivered by Mr. Carroll, Commander Nixon on that day, namely, October 30, 1945, gave to Mr. W. G. Carroll his personal check, drawn on the Corn Exchange Bank & Trust Co., terminal branch, of New York, for the sum of \$128.05, in full and complete payment for air transportation to California.

So that there can be no question about this transaction and the allegedly deliberate misrepresentation by Mr. Pearson of what transpired, I am offering for the record and as a part of my remarks a photostatic copy of the check, dated October 30, 1945, which I have heretofore referred to, showing payment and cancellation.

Mr. President, here is another of the numerous deliberate, irresponsible misrepresentations which Pearson has been making in his column.

There was no loan whatever from the company to Mr. Nixon. The ticket

was paid for immediately upon its delivery.

Since it was no loan, no illegality could possibly have been involved, and there was no reason whatever for Mr. Nixon to report the transaction to anyone.

At the time the transaction took place, Mr. Nixon was not "negotiating with the Erco company," as alleged in the column. His part in the contract-termination negotiations of that company had been completely finished, and no negotiations in which he was involved were pending at that time.

I think, in the interest of truth and fairness, it is important for all those who read the CONGRESSIONAL RECORD to know the extent to which Mr. Pearson goes to deliberately misrepresent matters.

I ask unanimous consent that a photostatic copy of the check I have referred to be printed in the RECORD.

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

No. —
CORN EXCHANGE TRUST CO.,
TERMINAL BRANCH,
New York, October 30, 1945.

Pay to the order of W. G. Carroll, \$128.05.
(One hundred twenty-eight and .05 dollars.)

RICHARD M. NIXON.

THE WORLD MEDICAL ASSOCIATION

Mr. BRICKER. Mr. President, not enough recognition has been given to the role of voluntary and private associations in promoting international understanding and in keeping the Free World free. We are inclined to regard these ambitious ends as the exclusive concern of intergovernmental organizations. President Eisenhower's people-to-people program is a healthy reminder that individual effort is often more potent than collective action.

Today I salute the World Medical Association, a private organization composed of 53 national medical associations representing 700,000 physicians all over the world. Man for man, and dollar for dollar, the World Medical Association is doing much more to improve the world health than any international organization in the field of medicine.

Two intergovernmental agencies are concerned with medicine. The World Health Organization is primarily concerned with public-health problems which either cannot be solved by national public-health authorities acting alone or which can be handled better on a co-operative basis. The International Labor Organization is primarily concerned with the task of spreading socialized medicine to areas of the world where the private physician-patient relationship is still respected.

Only the World Medical Association is working at the international level for free enterprise in medicine; for the freedom of a patient to choose his own doctor. The success of the World Medical Association makes it possible to compare standards of medical care in countries A, B, and C, where doctors are civil servants, with those prevailing in X, Y,

and Z, where free physician-patient relationships exist. The fact that we can make such comparisons is the best reason for believing that socialized medicine will be abandoned as inferior and as unworthy of a free people.

I ask that there be printed in the RECORD at this point in my remarks a table showing six differences between the World Medical Association and the World Health Organization.

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

WHAT IS THE DIFFERENCE BETWEEN THE WORLD MEDICAL ASSOCIATION AND THE WORLD HEALTH ORGANIZATION?

THE WORLD MEDICAL ASSOCIATION

1. World Medical Association is an organization of national medical associations. The unit of membership is the medical association. It is completely nongovernmental. It is not part of the U. N. It is a voluntary organization.

2. World Medical Association represents the practicing medical profession.

3. World Medical Association was organized in 1947 by AMA representatives and western European medical leaders. Purpose was to exchange medical knowledge, to protect the freedom of medicine, and promote world peace.

4. Each member association sends 2 delegates, 2 alternate delegates, and observers to the General Assemblies—the supreme policy-making body of WMA.

5. The executive body is the council. This meets twice a year and comprises 11 members elected from the assembly and the president, president-elect, and treasurer.

6. World Medical Association is supported by members' dues and contributions and the annual budget is about \$165,000.

THE WORLD HEALTH ORGANIZATION

1. World Health Organization is an intergovernmental health agency. Unit of membership is the member and nonmember governments of the U. N. that accept the nine principles upon which WHO is founded.

2. World Health Organization represents governments in medicine.

3. World Health Organization is the result of proposal of U. N. in 1945 to create a specialized agency to deal with all matters related to health.

4. Each member government sends three delegates, chosen preferably from the national health administration of the government, to the annual World Health Assembly.

5. The executive board is the executive body and consists of 18 members elected from 18 member governments.

6. Supported by dues allocated by the U. N. scale and the budget for 1958 was \$13 million.

Mr. BRICKER. The World Health Organization has done excellent work in combating and confining contagious diseases. It would be pointless to compare, on a purely quantitative basis, the work done by an organization with a \$13 million budget and that done by a private organization with an annual budget of \$165,000. Nevertheless, the size of the WHO's campaign against disease should not be allowed to obscure the World Medical Association's fight for medical freedom or its ability to provide almost instantaneous medical assistance in emergency situations.

The 10th birthday of the World Medical Association will fall on September 18 of this year. To signalize the anniversary of this fine organization, I ask

unanimous consent for printing in the RECORD at the conclusion of my remarks an article by Milton Golin entitled "The Story of the World Medical Association," which appeared in the September 1957, issue of the Journal of the American Medical Association.

The PRESIDING OFFICER (Mr. HOB-LITZELL in the chair). Is there objection to the request?

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

THE STORY OF THE WORLD MEDICAL ASSOCIATION—WORLD MEDICINE COMES OF AGE—FEARLESS CONCERN FOR PATIENT IS HIGH POINT OF HARMONY IN VOICES OF 700,000 DOCTORS

(By Milton Golin)

Cuban police seize physicians as hostages. A "flu" epidemic finds the Philippine Medical Association in desperate need of drugs. Maltese doctors are threatened when they resist a move to limit patients' free choice of physician.

These recent crises carry a direct threat to the general public, not to the medical profession alone. Ten years ago, doctors of each nation usually had to slug out such problems themselves. More likely than not, there was no place outside their borders to turn for help—no voices to bespeak their troubles or to forewarn their colleagues in other lands. Massive danger to health and medical practice was only part of the handicap to physicians and their patients 10 years ago. Doctors needed to know what scientific developments in Berne, Switzerland, could benefit clinical knowledge in Kansas City, or what new medical education precept discussed in Vienna might raise the proficiency level of an intern or a budding specialist in Melbourne.

Today medicine has an international voice, the World Medical Association, a confederation of 53 national medical associations representing more than 700,000 physicians around the globe. It is sounding an alarm against those who would oppress the doctor and his patient. It is telling the story of farflung advances in medical science. It is rallying help for brother physicians who are in need.

Help was needed urgently last Memorial Day as Asian (Far Eastern) influenza was striking hundreds of thousands of Filipinos. Physicians were running out of antipyretics. Off went a frantic cable from the Philippine Medical Association to the World Medical Association headquarters in New York City: "Request immediate airlifting of antipyretics, analgesics, and if available polyvalent flu vaccine." The cable could not have arrived at a more difficult time. A long holiday weekend loomed ahead, and many pharmaceutical firms either were closed or were operating with only standby staffs. Air transportation companies had their own priority problems. There was the prospect, too, of governmental redtape in an international drug shipment.

But World Medical Association's secretary-general, Dr. Louis H. Bauer, and his staff tackled the problem with know-how. First they notified the Civil Aeronautics Board, and the redtape began disappearing. Then they found that officials of the *Borroughs Wellcome & Co., Inc.*, of Tuckahoe, N. Y., were able to prepare a 300-pound shipment of an antipyretic analgesic for delivery to Newark airport before 5 p. m. that day. From there, a Flying Tiger cargo plane rushed the supply to San Francisco, where a Pan American Airways plane was waiting to carry it the rest of the way. On Sunday morning, before the end of the holiday weekend, the drugs were delivered to eager medi-

cal hands in Manila. The accomplishment was speedy, spontaneous, and completely voluntary.

Within hours, other pharmaceutical firms were responding: A 600-pound air shipment of analgesic from McNeil Laboratories; similar supplies arranged by E. R. Squibb & Sons; antibiotics and tranquilizers from Charles Pfizer & Co., Inc. Eli Lilly & Co. launched a "crash" weekend project in their Indianapolis laboratories, in hopes of more quickly proving the effectiveness of their influenza vaccine. And Parke, Davis & Co. authorized the Philippine Medical Association to obtain all necessary drugs from the company's Manila office. Said Dr. Bauer: "It is in the unity of purpose in such emergencies that the strength of the members of the health profession is tested—and proved equal to the task. It gives and does not count the cost; toils without resting; and asks no reward for its labor than a better and happier world for all people."

HELP FOR HUNGARIANS

Scores of Hungarian physicians certainly were asking no reward when they fled Communist butchery last fall. Many of them escaped so hurriedly that they left behind the vital papers which could show their accreditation. One of them reported: "I treated the children and youths injured in the rebellion. There was no time to fill in and file the numerous reports that the Government required—nor did I feel justified in revealing the names, addresses, and conditions of the patients who came to me. * * * I was still in my clinic after midnight when a patient's mother came to warn me that the police were on their way to arrest me for treason. I fled * * * I have no papers to prove who I am or what my education and experience has been—life, security, and freedom for my family were my only thought."

This doctor's plight illustrates a major project of the World Medical Association: A central repository for medical credentials (carrying the registrant's dated photograph, fingerprints, and notarized signature) so that physicians everywhere can prove their qualifications in case disaster strikes at their home country. "Success in this one program alone," says Dr. Bauer, "would justify the existence of WMA." For lack of such a repository, meanwhile, the WMA has been trying to establish new credentials for, and otherwise rehabilitate, Hungarian refugee physicians in the free medical world.

The World Medical Association first spoke out against the Hungarian outrage last November in a telegram to the United Nations, strongly urging "that every necessary step be taken to prevent further butchery and deportation of Hungarian citizens and that the actions of those responsible for these atrocities be strongly condemned." Soon afterward, the United Nations did just that—censured perpetrators of the terrorism. Next came World Medical Association's appeal to member associations and individual physicians that "all possible aid to Hungary through your organization * * * will be another proof of the importance the doctors of the world place on human dignity and freedom."

MATURE VOICE OF MEDICINE

This is the voice of world medicine, come of age, a voice with authoritative tone. World Medical Association's cry against oppression in Hungary is the mature call of a young adult born out of the ferment of World War II. Doctors from many nations were thrown together in the common missions of that great conflict over a decade ago. Their wartime brotherhood in arms suggested the values of a permanent international alliance of organized medicine. These physicians also felt the need to restate

medicine's universality, and to express their independence of political compulsions. There was a need, too, to assert a solidarity in repudiating the perverted medical practices which were forced against some physicians in Nazi concentration camps. (Based on a 1948 "Declaration of Geneva," World Medical Association physicians pledge: "I will retain the utmost respect for human life from the time of conception; even under threat I will not use my knowledge contrary to the laws of humanity.")

In this background will the World Medical Association observe its 10th birthday on September 18. When the World Medical Association speaks today, it is heard as the official voice of the practicing profession, listened to by such diverse global agencies as the International Labour Office, International Social Security Association, and World Health Organization. And when World Medical Association spoke out for help for Hungary's refugee doctors (sending 500 Swiss francs as a starter) it spawned offers of additional funds, medical supplies and aid, housing accommodations, and resettlement facilities from medical associations in the United States, Austria, Chile, Finland, Denmark, Cuba, and other nations.

CRISIS IN CUBA

The Cuban contribution, particularly, carries an ironic note. Even today, less than a year after the last World Medical Association general assembly in Habana, Cuban physicians are being persecuted because they, like their Hungarian colleagues, gave medical treatment to those demonstrating against the Government. Last June, the Cuban Medical Association offices were raided during a regular business session. Physicians who care for sick and wounded street rebels still are being beaten, imprisoned, and held as hostages. It is a criminal offense for the medical association to hold meetings.

The crisis in Cuba is scheduled for discussion at Istanbul, Turkey, starting September 29 when World Medical Association President J. A. Bustamante, himself a Cuban physician, opens the next general assembly under a theme of "Solidarity—The Key to Medical Advance." The World Medical Association already has pointed out that, while doctors must fulfill their duties as citizens, they are pledged to serve humanity—without regard to religion, nationality, race, social standing, or party politics. Not long ago the World Medical Association announced that while it cannot within the framework of its constitution engage in political conflicts * * * the doctors of Cuba need the moral support of every freedom-loving medical association. Since then, letters of encouragement have been arriving daily in Habana, Santiago, and other Cuban communities, reminding the doctors that colleagues in other lands are supporting them in all humanitarian efforts.

BELGIUM AND MALTA

Repeatedly, humanitarianism has shown its power in the climate of world medical opinion. In Belgium, the Government time and again has tried to create a state medical service which would force doctors to abide by all past and future ministerial regulations, and would require patients to obtain a permit before seeking medical care. So the Belgian medical profession organized its own medical insurance plan to assure free choice of physician. Not only are Belgian doctors and patients satisfied, but physicians from other countries have acclaimed the plan. This spring, World Medical Association delegate Pierre Glorieux reported: "My (Belgian) Government, recognizing that it could not control the medical profession, sent a new bill to the Parliament which * * * would remove all aspects of

social security from the legislative power of Parliament. The Prime Minister has officially stated that he will respect all the conventions of the medical profession."

Not long ago the Territorial Government of Malta embarked on a campaign of threat, insult, and harassment in an effort to limit the private practice of medicine in favor of a salaried service. When the nearly 200 Maltese physicians resisted, the Prime Minister hinted that he would import physicians from abroad to carry out his plan. The World Medical Association promptly alerted the profession in neighboring countries, and the result was a governmental agreement to put aside its plans. Again, international solidarity among physicians had upheld a measure of freedom for them and their patients. (Says the World Medical Association: "Confidence in one's doctor is essential for good therapeutics, and a patient does not ordinarily have confidence in a doctor whom he is compelled to consult.")

In scattered regions of the world other physicians are gaining strength and moral support from the World Medical Association:

The Venezuelan Government revamps its social-security bill in order to include a free choice of doctor for the patient, after the Venezuelan Medical Association points out that "the best interests of the people and the profession can only be served when the legislation conforms to the 12 principles of social security established by the World Medical Association."

The Japanese Medical Association arouses physicians in scores of nations when it reports in the trilingual (English, Spanish, and French) World Medical Journal, official publication of the World Medical Association, that Government medicine methods threaten to restrict visits of Japanese patients to their doctors "in complete disregard of public opinion."

Bolstered by World Medical Association principles, the Chile medical profession has achieved a new unity in its 3-year battle against restrictive Government pressures.

OTHER PROGRAMS

It would be a mistake, judging from these events alone, to regard World Medical Association as a lobby bent only on fighting the evils of socialized medicine. Other efforts outline its role as an alarm ringer and fighter for unfettered medical practice. One is the drive for a central repository for medical credentials. Another is sponsorship of the first World Conference on Medical Education, in London in 1953 (the second is set for 1959 in Chicago). The World Medical Association also has adopted a modernized Hippocratic oath, as well as an international code of ethics. Already successful in some South American countries, World Medical Association is continuing to help in the establishment of rational medical associations elsewhere throughout the world. Currently, it is:

Promoting a freer international flow of proved therapeutic agents.

Formulating principles of cooperation between practicing physicians and public health officers.

Promoting medical research.

Observing and reporting on the activities of more than 23 other international organizations as they affect the practice of medicine.

Another World Medical Association project is universal adoption of a special emblem that will identify and protect medical units in civil defense—just as the Red Cross symbol protects units during armed conflict. The civil-defense design has been agreed upon by a joint committee of International Medicine and Pharmacy, the World Medical Association, and the International Red Cross; it already is ratified by several nations.

DO NOT CONFUSE WMA WITH WHO

World Medical Association makes a point of distinguishing itself from the World Health Organization. WHO is strictly an intergovernmental public health agency created by the United Nations and supported this year by member nations to the tune of \$13,500,000. The World Medical Association, on the other hand, is completely nongovernmental in its origin of national medical associations. Operating this year on a budget of only \$165,000 (little more than 1 percent of WHO's whopping expenditures), World Medical Association is the voice of the practicing profession and the individual patient. During its first 5 years, World Medical Association was pledged \$250,000 by joint action of the American Medical Association board of trustees and representatives of the pharmaceutical industry. This placed the fledgling organization on sound footing. Since then, a United States committee, and supporting groups of other nations—comprising individual physicians, laymen, and corporate members—have provided backbone support to World Medical Association through dues (\$10 annually per person in the United States) and voluntary activity.

One result of this individual participation is a stark awareness that what happens to the freedoms of 200 doctors and their patients on the Island of Malta, or in another part of the world, can affect the future of doctors and patients everywhere. The United States committee, approaching this year's membership goal of 10,000, thus is made up of physicians who have taken the lead in realizing that there is just as much need for boosting World Medical Association as for taking part in county, State, and National medical society activities. They know that health is a language that can be spoken everywhere. Last spring, for example, some 3,000 physicians from 48 nations including the Soviet Union kicked over all barriers of communication when they took part in an annual International Congress of Otolaryngology in Washington, D. C. The atmosphere was amicable because they had a common interest.

Similar rapport in the health field is taking place this week in Rome, where an estimated attendance of 1,000 American dentists at the Federation Dentaire Internationale is furthering President Eisenhower's people-to-people program. That program is being pursued not only by the United States committee of the World Medical Association but also by:

Thousands of United States Armed Forces medical personnel who care for local populations overseas.

American doctors who take part in demonstrations of new techniques during visits to hospitals and clinics abroad, as a means of stressing the desire of the United States to share its scientific progress.

Pharmaceutical companies which emphasize international good will in their worldwide contacts. One—Smith, Kline & French—now has television production crews assigned to film activities of American physicians abroad in private, missionary, military, foundation, and government practice. Next February the firm will present the story as a documentary, portraying doctors as United States ambassadors of good will in Japan, Korea, Hong Kong, India, Indonesia, Iran, Turkey, Ethiopia, France, and Guatemala.

INSTRUMENT OF PEACE

As Dr. Albert C. Holt says in his hospital office in Bombay: "We are representing the whole medical profession in America to these people. * * * If we fail, American medicine has failed in their eyes."

Dr. Gunnar Gunderson, who is president elect of the AMA, and also a director of World Medical Association's United States

committee, puts it this way: "We can add new meaning to the M. D. degree—medical diplomacy. World peace cannot be attained until we build peace into the hearts and minds of men. Since physicians are the most intimately acquainted with the physical and mental needs of their patients, they are the most logical engineers for this great moral reconstruction project. If we more than half million physicians assume this task on an individual personal basis we may yet succeed where soldiers, statesmen, and politicians have previously failed."

EMERGENCY DROUGHT RELIEF PROGRAMS

Mr. WILLIAMS. Mr. President, in the closing days of the 1st session of the 85th Congress the Senate passed S. 304, the purpose of which was to provide for mandatory contributions of not less than 25 percent on the part of the States toward any further emergency drought relief programs.

The administration strongly recommended the enactment of this legislation, and I am glad to note that the House Agriculture Committee has finally taken action on this proposal and reported the bill.

The principle behind this State participation requirement was not altogether to reduce the cost of the Government's contribution, but to make the States and local communities more responsible for good administration of the program and the disbursement of relief only to those in need.

In the past, it has been disclosed that the wealthy owners of two of the Nation's most famous racehorses were recipients of relief under this 100 percent Government financed program. Each had been certified by the local communities as being in dire need to the extent that they needed this Federal assistance. Even the fabulously wealthy King Ranch in Texas was found to be on the relief roll.

In another instance about \$800 in relief, or free feed, was given to an individual whose only livestock was a polo pony and a bird dog. Yet he, too, was qualified as a needy livestock owner and thereby eligible for Government relief.

Numerous other glaring abuses were called to the attention of the Senate in support of the need of this corrective legislation. These disclosures of abuses resulting from the distribution under the emergency drought relief program were so scandalous that they became embarrassing to the Democratic controlled committee, and they, in 1957, suddenly stopped the investigation, and have refused to proceed further with the exposure. Public opinion would prevent any such practices being followed if the local or State communities were paying a part of the cost.

The emergency drought relief program was administered in two phases: One provided subsidized feed to those livestock owners who were certified as being financially unable to maintain their basic herds without Government assistance. The second phase was that if, in addition to subsidized feed they needed emergency loans to tide them over the distressed

period, such loans were made by the Government at a low rate of interest and with lenient terms as to collateral required. In both instances it was intended that these liberal loans and subsidized feed were to go only to those in need, and then only to help the livestock owners maintain their basic herds.

A major argument in support of that bill when considered was that its benefits were primarily intended for the small farmers; however, an examination of its administration shows that the largest percentage went to the exceptionally large owners.

The King Ranch and the owners of the racehorse Swaps certainly were not little farmers, and never should have been on the relief rolls.

Several loans ranging from \$50,000 to over \$1 million were approved, with the proceeds being used not only to maintain basic herds, but also for expansion.

The Fowlkes Bros., of Marfa, Tex., borrowed from the Farmers' Home Administration \$1,046,605 to meet their annually recurring farm and home operating expenses. The loan was granted on the basis that it was needed to enable the partnership to maintain its basic herds throughout the drought period. However, the record shows that the partnership used \$257,500 of the \$1-million loan to enlarge their herd and buy additional equipment. Yet it was said that the whole purpose behind the legislation was to enable the farmer to maintain his basic herd.

In addition to granting this low collateral loan, the Fowlkes Bros. received emergency feed purchase orders with a cash valuation of over \$160,000—\$46,685 in 1954, \$5,156 in 1955. In 1956, they did not receive any feed purchase orders, but they did receive \$1,000 in ACP payments from the Government, and in 1957 they received feed purchase orders with a value of \$73,760, plus another \$1,000 for ACP payments, plus hay and roughage certificates redeemed in the amount of \$39,179. This makes a total of \$166,780 in subsidy for feed given to this corporation during the 4-year period, in addition to the emergency loan of almost \$800,000.

In other words, at a time when the Government was advancing about a million dollars in loans and grants to this partnership, including \$166,000 in free feed, on the basis that they were helping him to maintain his basic herd, the Government loaned him an extra quarter million dollars to expand his herd and buy more livestock to be put on the same relief program. Certainly the law was never intended to allow one farmer to use this program to expand his herd at the expense of his neighbors and the taxpayers.

A second example: O. G. Hill, O. G. Hill, Jr., and Foster Hill, of Hereford, Tex., were loaned \$1,076,300 to maintain their basic herd, and during this same period, from 1954 through 1957, this group received \$62,081 in free feed from the United States Government.

These are just a couple of examples of the so-called little farmers receiving

benefits under the program. It should be remembered that in many areas bona fide and worthy small farmers were denied assistance and loans on the basis that there were inadequate funds available. The relief was being siphoned off in these uncontrolled areas.

I reemphasize what I have said on many previous occasions—the purpose behind the enactment of the emergency drought feed program and emergency loan program was sound in that its objective was to enable those farmers living in drought-stricken areas to maintain their basic livestock herds throughout the critical period. I voted for this program, and am perfectly willing for the Government to underwrite a major part of the cost of the grants in instances where it is necessary, and I will underwrite the principle that the Government should make loans on very lenient terms under the emergency which developed as the result of the extreme drought. But that does not mean that the program should not be closely administered to prevent abuses. When we find examples such as have been called to the attention of the Senate before, wherein operations like the multi-million-dollar King Ranch, comprising an area larger than the entire State of Delaware, is feeding its cattle on relief, it is time to call a halt.

Such irresponsible administration would not develop under a program when the local taxpayers knew that a part of their money was going to underwrite the cost. It is therefore imperative, if these programs are ever to be used again, that some State and local participation in the cost be mandatory.

I am glad that the House Agriculture Committee has at least seen fit to report this proposed legislation, which was passed by the Senate last year. The need of this legislation was strongly recommended by the administration.

I have a report listing the loans in excess of \$50,000 granted under this program in the two-State area of Oklahoma and Texas, along with a report of the amount of subsidy under feed purchase program which were given as grants to the same individuals, plus the amount they received as ACP payments, and I ask unanimous consent that the entire report be printed in the Record at this point.

There being no objection, the reports were ordered to be printed in the Record, as follows:

UNITED STATES DEPARTMENT
OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D. C., January 13, 1958.
HON. JOHN J. WILLIAMS,
United States Senate.

DEAR SENATOR WILLIAMS: Attached are copies of the two reports requested in your letter of December 9, 1957. One report shows the number and amount of emergency and special livestock loans made in Oklahoma and Texas during the last 5 years. The other report lists borrowers indebted for more than \$50,000 in the aggregate on these types of loans along with the purposes for which the loan funds were advanced.

Sincerely yours,

K. H. HANSEN,
Administrator.

U. S. DEPARTMENT OF AGRICULTURE

FARMERS' HOME ADMINISTRATION

Borrowers in Texas owing \$50,000 or more on emergency and special livestock loans

Borrower	Total amount loaned	Amount loaned for—				Unpaid balances		Amount of principal delinquent as of Jan. 17, 1938
		Annually recurring farm and home operating expenses	Purchase of livestock and equipment	Refinancing of debts	Real estate repairs and improvements	Interest	Principal	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
William E. Crews, Jr., Marfa, Tex.	\$255,190	\$172,115	\$83,075	0	0	\$5,266	\$61,714	\$61,714
Fowlkes Bros., Marfa, Tex.	1,046,605	789,105	257,500	0	0	62,080	549,144	549,144
N. B. Chaffin, Marfa, Tex.	83,400	83,400	0	0	0	7,215	47,148	47,148
Carl B. Black, Marfa, Tex.	114,880	85,850	29,030	0	0	1,815	52,067	24,607
W. R. Cartledge & Son, Marfa, Tex.	139,320	42,820	96,500	0	0	2,134	56,882	56,882
O. G. Hill, O. G. Hill, Jr., and W. Foster Hill, Hereford, Tex.	1,076,300	1,076,300	0	0	0	48,330	582,857	481,857
James L. and Lee M. Gates, Pearsall, Tex.	121,120	69,720	51,400	0	0	2,647	62,627	47,475
William M. Hemphill, Jr., San Angelo, Tex.	136,265	136,265	0	0	0	5,812	54,401	54,401
Lacy Bros., Benjamin, Tex.	242,535	155,245	87,290	0	0	6,331	68,616	68,616
Lee R. Graves, Fort Stockton, Tex.	119,020	80,720	38,900	0	0	6,309	57,497	46,493
Frank A. Perry, Iraan, Tex.	121,585	85,010	36,575	0	0	5,473	50,253	50,253
Powell C. Coates, Sanderson, Tex.	98,325	81,225	17,100	0	0	5,371	54,818	54,818
Harry O. Geffert, George West, Tex.	104,240	44,270	59,970	0	0	5,262	56,826	56,826
D. K. McMullan, Jr., Big Lake, Tex.	190,570	190,570	0	0	0	5,380	70,596	70,596
Ernest D. Goodloe, Pecos, Tex.	74,900	39,400	35,500	0	0	5,759	52,746	52,746
Mike Q. Smith, Savinal, Tex.	139,120	67,120	72,000	0	0	1,687	51,829	21,746
Everett Bros., Pandale, Tex.	94,945	94,945	0	0	0	5,059	50,153	50,153
Lemuel E. Henderson, Pumpville, Tex.	148,535	148,535	0	0	0	6,288	59,699	59,699
Charlie F. Hinds, Comstock, Tex.	125,745	102,825	22,920	0	0	4,572	61,266	44,851
Ira G. Deaton, Del Rio, Tex.	236,080	236,080	0	0	0	5,174	52,776	52,776
Marvin T. Ratliff, Del Rio, Tex.	103,510	103,510	0	0	0	3,694	55,315	55,315
William J. Riggs, Dryden, Tex.	151,075	151,075	0	0	0	5,847	47,852	47,852
Jack and Roy Deaton, Sanderson, Tex.	236,240	236,240	0	0	0	5,137	62,570	62,570
Tol Murrah, Sanderson, Tex.	150,160	150,160	0	0	0	7,490	64,777	64,777
Manning H. Vick, Graham, Tex.	64,505	32,605	31,900	0	0	583	49,708	29,945
James C. Roark, Alpine, Tex.	104,970	82,190	22,780	0	0	3,944	54,337	42,637
Levi M. Waters, Jr., and Arnold O. Waters, Meadow, Tex.	186,920	181,760	5,160	0	0	1,943	57,548	57,548
L. J. Schmidt, Dalhart, Tex.	93,100	53,100	40,000	0	0	1,163	87,600	19,450
Henry D. Lewis, Dumas, Tex.	187,110	89,515	60,630	\$16,320	\$20,645	2,445	72,077	30,204

Agricultural conservation payments, dollar value of emergency feed purchase orders cashed, and dollar value of hay and roughage certificates cashed in Texas by certain farmers and ranchers

Name of borrower	Location	1953	1954		1955		1956		1957		1958
		ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	ACP payments	Hay and roughage certificates redeemed
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Texas											
Wm. E. Crews, Jr.	Marfa	\$1,214	\$3,125	\$1,373	\$856	\$2,268	\$296	\$1,489	\$5,553	\$1,500	0
Fowlkes Brothers	do	0	46,685	0	5,155	0	0	1,000	73,760	1,000	\$39,179
N. B. Chaffin	do	0	6,996	0	64	500	205	1,142	475	1,000	946
Carl B. Black	do	0	1,524	0	861	0	0	0	395	247	95
W. R. Cartledge & Son	do	0	0	663	0	0	0	0	0	0	0
W. R. Cartledge (individually)	do	0	1,376	741	1,680	1,152	0	1,211	1,320	0	0
Gene Cartledge (individually)	do	0	7,632	640	300	0	0	1,125	1,998	0	0
O. G. Hill, O. G. Hill, Jr., and Foster Hill	Hereford	0	3,042	384	0	120	7,815	0	6,756	0	645
O. G. Hill, Sr. (individually)	do	0	7,057	0	2,435	0	4,050	0	7,758	0	0
O. G. Hill, Jr. (individually)	do	0	7,210	0	6,642	0	0	0	0	0	0
Foster Hill (individually)	do	0	1,781	0	6,386	0	0	0	0	0	0
James L. and Lee M. Gates	Pearsall	0	788	1,000	0	1,500	718	0	450	0	0
James L. Gates (individually)	do	0	453	0	0	0	0	0	0	0	0
William M. Hemphill, Jr.	San Angelo	500	3,053	450	1,174	353	218	0	376	0	87
Lacy Brothers	Benjamin	459	186	1,336	524	1,041	0	0	0	0	1,606
Lee R. Graves	Fort Stockton	0	795	427	447	0	0	0	0	0	0
Frank A. Perry, Jr.	Iraan	0	3,992	0	0	0	775	0	380	0	3,728
Powell C. Coates	Sanderson	0	3,601	0	0	0	1,044	0	1,915	0	277
Harry O. Geffert	George West	0	1,868	0	0	0	507	0	1,313	0	0
D. K. McMullan, Jr.	Big Lake	0	6,334	400	8,960	700	5,663	700	15,634	700	1,000
D. K. McMullan, Jr. and Bob Sims (partnership)	do	0	2,057	0	6,987	1,374	753	0	8,464	0	5
Ernest D. Goodloe	Pecos	0	1,246	0	0	0	0	0	0	0	0
Mike Q. Smith	Sabinal	600	209	584	429	239	520	0	0	0	0
Everett Brothers	Pandale	597	6,981	422	250	0	0	925	1,686	500	0
Lemuel E. Henderson	Pumpville	1,804	5,964	750	280	1,499	1,015	1,500	3,818	1,500	0
Charlie F. Hinds	Comstock	1,096	994	750	600	1,500	400	1,445	1,555	1,200	360
Ira G. Deaton	Del Rio	0	1,589	0	2,460	0	0	0	1,406	0	0
Ira Deaton & Sons (partnership)	do	1,999	0	500	0	0	0	799	0	0	0
Jack and Roy Deaton	do	0	0	0	0	0	0	0	0	0	342
Marvin T. Ratliff	do	621	5,737	1,200	1,374	1,350	1,932	1,500	2,955	550	1,015
William J. Riggs	Dryden	0	10,419	0	698	700	997	800	3,287	1,450	1,373
Tol Murrah	Sanderson	0	32,778	0	1,059	0	324	800	2,038	1,350	187
Manning H. Vick	Graham	0	0	420	0	0	0	0	2,064	0	360
James C. Roark	Alpine	1,453	1,781	0	785	0	0	605	750	877	470
Levi M. Waters, Jr., and Arnold O. Waters	Meadow	0	1,717	0	0	0	0	0	0	0	0
Levi M. Waters, Jr. (individually)	do	0	0	793	0	1,380	0	756	0	338	0
Arnold O. Waters (individually)	do	600	0	1,428	0	1,002	0	600	0	0	0
L. J. Schmidt	Dalhart	0	0	268	0	674	0	826	0	0	0
Henry D. Lewis	Dumas	345	130	23	0	966	0	1,060	0	402	386

Borrowers in Oklahoma owing \$50,000 or more on emergency and special livestock loans

Borrower	Total amount loaned	Amount loaned for—				Unpaid balances		Amount of principal delinquent as of Jan. 17, 1958
		Annually recurring farm and home operating expenses	Purchase of livestock and equipment	Refinancing of debts	Real estate repairs and improvements	Interest	Principal	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Walter H. Hyatt, Beaver, Okla.	\$57,935	\$11,196		\$22,459	\$24,130	\$1,690	\$48,314	\$9,879
George W. Kirton, Boyd, Okla.	84,490	28,040	17,100	20,565	12,785	1,200	61,162	8,422
Robert E. Selman, Selman, Okla.	128,810	125,956	1,580	0	1,274	8,386	81,737	81,737
Charles V. Word, Arnett, Okla.	92,925	35,450	33,050	24,000	425	740	52,928	9,456

Agricultural conservation payments, dollar value of emergency feed purchase orders cashed, and dollar value of hay and roughage certificates cashed in Oklahoma, by certain farmers and ranchers

Name of borrower and location	1953	1954		1955		1956		1957		1958
	ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	ACP payments	Feed purchase orders redeemed	Hay and roughage certificates redeemed	ACP payments
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Walter H. Hyatt, Beaver	0	\$549	0	\$178	0	\$2,406	0	0	0	\$2,010
George W. Kirton, Boyd	\$54	764	0	126	\$1,514	440	\$1,885	0	\$1,048	0
Robert E. Selman, Selman	0	6,132	0	2,838	785	6,315	1,277	0	1,373	0
Charles V. Word, Arnett	0	0	0	0	0	0	0	0	0	1,162

THE SOLID RECORD OF ACCOMPLISHMENT BY MONTANA'S FRESHMAN REPRESENTATIVE, THE HONORABLE LEROY H. ANDERSON

Mr. MURRAY. Mr. President, I wish to call attention to the solid record of accomplishment compiled by the junior member of the Montana Congressional delegation, Representative LEROY H. ANDERSON, during his first term in Congress.

Fifteen of the bills he introduced, or companion measures to them, have become law. These measures deal with major fields such as agriculture, Indian affairs, reclamation, wildlife, banking and currency, excise taxes, military affairs, and social security.

His ability has been particularly recognized here in Congress in the fields of agriculture, military affairs, fiscal policy, and veterans affairs.

He serves on the Committee on Banking and Currency and the Committee on Interior and Insular Affairs, and has appeared before many other committees, both in Senate and House, on behalf of his Montana constituents.

Let me cite an example of the kind of work he has done to further worthy development of the Nation's resources:

We have in Montana, at Benton Lake near Great Falls, a potentially wonderful breeding ground for ducks. However, except for about 1 year out of 20, the rainfall is insufficient to attract the waterfowl.

Representative ANDERSON talked this problem out with local wildlife enthusiasts and managers of a nearby irrigation system. Plans were developed to divert water from the irrigation system into the lakebed. Representative ANDERSON was instrumental in obtaining approval of this plan from the Fish and Wildlife Service. Then, the pertinent appropriations bill having already left

the House of Representatives, he personally conferred with members of the Senate and House Appropriations Committees, and convinced them of the merit of this plan. Consequently appropriations for this project were made, and Montana and other States will soon share the benefits of another fine waterfowl refuge, thanks to the little publicized but effective work of Representative LEROY ANDERSON.

His many years of experience as a Montana farmer, plus his legislative experience as a member of both the Senate and House of Representatives in the State legislature, qualified him to step right in and help solve some of the agricultural problems so important to Montana's Second Congressional District.

He steered through the House of Representatives legislation which continued the durum-wheat program last year. Additionally, he has been particularly effective in conferences with Agriculture Department officials, such as we had on the subject of wheat grading and re-sealing, for the simple reason that he knows at least as much about grain and livestock as the departmental experts do.

As a member of the Committee on Banking and Currency Committee, he played an important role in obtaining approval of the area-development bill, which offers great possibilities for economically depressed communities in our State and for our Indian citizens.

As chairman of the Senate Interior and Insular Affairs Committee, I have been privileged to work with Representative ANDERSON toward successful action on a number of bills relating to Montana's resources and Indian problems.

His efforts in the Interior Committee resulted in Congressional approval of bills relating to mineral development of the Crow Indian Reservation, compensation for the Crow Indians for land within the Huntley project, and exchange of land on the Huntley project as desired by

a local school district. In each instance Representative ANDERSON was able to obtain approval of amendments desired by local interests.

Most important, perhaps, was Representative ANDERSON's yeoman service on behalf of the Yellowtail Dam resolution, now signed into law. Largely because of his efforts, a settlement on payment to the Crow Indians has been reached. Next year, with his help, I am confident we will obtain construction funds for this large multipurpose dam, which will mean so much to eastern Montana, particularly the Billings-Hardin area.

One of the most important pieces of legislation approved by the 85th Congress, as regards Montana, was Representative ANDERSON's bill—now Public Law 85-151—which provides that the Surgeon General may, instead of building hospitals merely for Indians, construct community hospitals to serve Indians and non-Indians alike, when he finds it more efficient to do so.

The first hospital to receive funds under the Anderson Act was in Polson, Mont. High on the priority list to benefit from this law, when local questions are settled, are the communities of Wolf Point and Poplar.

As a member of the Banking and Currency Committee, Representative ANDERSON has an intimate acquaintance with the problems of Montana business. As a railroad worker, when a young man, he learned the problems of the laboring man the hard way.

An example of one community where both business and labor benefited from Representative ANDERSON's efforts is Roundup, where the coal mines are producing for the Atomic Energy Commission plant at Hanford, Wash., thanks to Representative ANDERSON's successful efforts to obtain a fair share of production, for the AEC, from this Montana community in his Congressional District.

A graduate chemical engineer with a degree from Montana State College, and advanced study in physical chemistry at California Institute of Technology, a major general in the Army Reserve, and national president of the Senior Reserve Commanders Association of the United States Army, a member of a national committee of the Presbyterian Church, **LEROY ANDERSON** is one of the most versatile and well-rounded men to serve in Congress. He is fair, capable, and a worker, and I am proud to serve on a delegation which includes a man who delivered so well for the people of Montana during his first term in Congress.

PRESIDENT EISENHOWER'S STATEMENT ON THE LITTLE ROCK SCHOOL SITUATION

Mr. STENNIS. Mr. President, President Eisenhower's statement at his press conference yesterday shows that, once again, his plan is to use troops in integrating the Little Rock schools.

This plan is based on a misunderstanding of the conditions in that troubled city. The use of force cannot achieve any constructive goal, for the real opposition to integration is not found in lawless elements. Opposition to integration is actually the overwhelming voice of the mothers and fathers of the children, those most directly concerned. Their objection is in no spirit of defiance or lawlessness on their part. They are sincere, patriotic, and law-abiding citizens. Traditions and customs for a pattern of separate social and civic activities between the races have been handed down from mother to daughter, from father to son. This pattern has afforded generations of peaceful and harmonious cooperation among the people of the two races. These traditions cannot be erased by court orders, nor swept aside by force.

The evils of bad law have a way of multiplying and perpetuating themselves. The illegal school decision of 1954 will continue to haunt people of this country and bring division between men until corrective action is taken. The local institution which we highly regard, our public school, must again become subject to the control of the good citizens who have struggled to raise it and our educational standards to their present levels.

The Supreme Court decision which established this principle vested the control of the local situation with the district judge. The court of appeals' unfortunate and tragic decision of Monday indicates the adoption of a course which will destroy public-school education in the South. If the extreme proponents of integration, at whatever cost, continue to prevail in their insistence on rule or ruin, they will succeed only in rule and ruin of our local public-school system.

Mr. President, there was recently published a very timely editorial on the tragic situation, in the Washington Star of August 20, 1958, entitled "Little Rock's Ordeal." I ask unanimous consent that

the editorial be printed in the RECORD as a part of my remarks.

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

LITTLE ROCK'S ORDEAL

Unless it is held in abeyance pending an appeal to the Supreme Court, the 6 to 1 ruling by the Eighth Circuit Court presumably means that Little Rock's ordeal will begin all over again 2 weeks from tomorrow.

What is presented in this situation is a potentially destructive collision between wisdom and the law.

The six appellate judges conceded that they were directly concerned only with the legality of District Judge Lemley's order for a 2½-year postponement of integration in Little Rock. They were only incidentally concerned with the consequences of their reversal of the Lemley order. The basic issue, as the majority saw it, "plainly comes down to the question of whether overt public resistance, including mob protest, constitutes sufficient cause to nullify an order of the Federal court directing the board to proceed with its integration plan. We say the time has not yet come in these United States when an order of a Federal court must be whittled away, watered down, or shamefully withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto."

This seems to say that the appellate court reversed Judge Lemley because it would not yield to mob action, and this, as a principle of law, may be valid. But we are not so sure that it is wise.

Certainly, the strong language used by the court is not likely to help the Little Rock School Board and School Superintendent Virgil Blossom in the coming school year. Both the board and the superintendent have tried throughout in complete good faith to put the integration plan into effect. The appellate court concedes this. The court also concedes that integration under Federal bayonets imposed physical and mental strain on teachers and members of Central High School's administrative staff, and that, in general, there was bedlam and turmoil in and upon the school's premises, outside the classrooms.

These were among the practical considerations which prompted Judge Lemley to grant the 2½-year postponement, and which persuaded Chief Judge Gardner of the appellate court that Judge Lemley was right in doing so. The chief judge put it this way: "The action of Judge Lemley was based on realities and on conditions, rather than theories. The exercise of his discretion should not, I think, be set aside as it seems to me it was not an abuse of discretion but rather a discretion wisely exercised under the conditions."

It may be that this gets to the heart of the matter. How much discretion did the Supreme Court intend that a district judge should have? Are the findings of a district judge to be ignored by an appellate court which does not wish to appear to be yielding to mob pressures? What, really, is the meaning of all deliberate speed, as that term was used by the Supreme Court?

If this ruling is appealed, perhaps the Supreme Court will take the case and clear up these uncertainties. We hope so. For there is no future, it seems to us, in merely sending a case of this kind back to the school authorities who have tried in good faith to implement integration and who now say, also in good faith, that they simply cannot, in the existing circumstances, cope with the problem. This kind of judicial policy can lead only to a succession of Little Rocks, with severe impairment if not the destruction of public education for both colored and white children.

DEFICIENCY IN TROOP CARRIERS

Mr. SYMINGTON. Mr. President, a member of the staff of the News and Courier of Charleston, S. C., has sent me a thought-provoking article from that outstanding newspaper entitled "Fast Troop Carriers Lacked by MATS To Deploy United States Armed Forces for Battle."

Mr. President, we all know of the tragic inadequacy of the airlift for our Army and Marines. The article is but further proof of that fact. I ask unanimous consent that the article from the News and Courier be printed in the RECORD at this point.

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

FAST TROOP CARRIERS LACKED BY MATS TO DEPLOY UNITED STATES ARMED FORCES FOR BATTLE

(By Anthony Harrigan)

France is a flock of green under the clouds as this turboprop troop carrier, loaded with a 9-ton truck needed in Lebanon, flies at 22,000 feet toward Evreux Air Base outside of Paris.

The Lockheed C-130-A plane, built in Georgia, is fast (350 miles per hour) and takes off after a short run, which is important for planes designed for use in a battle zone. But C-130-A's are few in the United States Air Force.

The fact is that the United States airlift capability is inadequate to meet the needs of the Nation in a major crisis.

The small number of planes in the pipeline to Lebanon testifies that the Military Air Transport Service should be equipped with new planes of the most advanced types.

On the flight line at Rhein-Main Air Base, Frankfurt, Germany, are 20 giant, 4-motored C-124's, the Globemasters familiar to residents of Charleston and Greenville. The propeller-driven C-124's are part of a special task force that flew to Germany from Donaldson Air Base (Greenville) to Germany within hours after President Eisenhower ordered troops into Lebanon.

Col. Roland J. Barnick, United States Air Force, a veteran of Bataan who flew B-29's in the Pacific during World War II, is commander of the task force. Within 15 minutes after the task force arrived at Rhein-Main Air Base, the first aircraft was dispatched for Lebanon.

But if Colonel Barnick and his men were ready to do their job, the United States has not demonstrated its willingness to provide aircraft in sufficient numbers.

Colonel Barnick cannot discuss the number of aircraft in the task force. But this writer, in conversation with pilots and officers handling cargo, as well as from studying scheduled flights, concludes that less than 40 C-124's are attached to the task force.

In addition to these planes operating under MATS control, the United States airlift was augmented in its early phases by approximately 40 C-130A troop carrier planes based in France, and a similar number based at Ardmore, Okla.

The C-124's can carry approximately 200 men. The C-130A's are equipped to carry 65 paratroopers with full equipment. Had all these planes been available in Europe at the time the President ordered intervention, they would have been able to airlift less than 10,000 men.

Actually, they wouldn't have been able to airlift 10,000 men who were ready for battle.

Soldiers without machine guns, ammunition, artillery, rockets, medical units, and all the housekeeping elements of field forces are not battle forces.

A large portion of the airlift capability was devoted to military supplies, not fighting men. For instance units of Colonel Barnick's task force flew gasoline to Jordan for the support of British units in that country.

The C-124's comprising the task force have a big payload but require more refueling stops than the C-130A's. The first missions were flown across the Brenner Pass into Italy. But the Austrians protested violation of their air space. Subsequent flights had to be made via Marseilles, France; Naples, Italy; Piraeus, Greece; Adana, Turkey; and Beirut, Lebanon. The C-130A's can make the flight to Beirut nonstop, but the heavily laden C-124's cannot.

MATS has a few modern C-133A's, big brothers to the C-130's. But these were grounded during the airlift because of an accident to one which required a survey of all planes of this type. Senator STUART SYMINGTON, former Secretary of the Air Force, pointed out July 15 that the United States is ordering only 15 C-133's a year.

The MATS activity that Charlestonians know is routine overseas transport of servicemen and military dependents. This is a task for which present equipment is clearly inadequate when MATS is called on to fulfill its primary obligation—the airlift of United States military forces and their battle equipment.

One wonders what would have happened had the United States troops in Lebanon met resistance from Red volunteers or if the Chinese Reds had launched a diversionary move against some area of American interest in the Far East.

It seems that the United States would have been completely incapable of meeting its needs for airlift.

The United States has rejected the idea of a mass Army deployed at bases throughout the world. Instead, it has chosen to develop a highly mobile force armed with tactical nuclear weapons. Such is the United States intention, but the planes to airlift these troops do not exist.

To this writer, it appears that MATS is suffering from acute anemia of appropriations. The super-Constellations that fly over Charleston are beautiful planes. But a few quality planes are not a substitute for numbers when the Nation faces a crisis requiring troops.

MATS needs quality and quantity in its airfleet.

MATS hasn't a single jet transport. But it is a fact that several European airlines have jet transports.

United States airlines are in the process of equipping themselves with the Boeing 707 transport. It is precisely such equipment that MATS needs at the earliest possible date. The Boeing 707 will carry 150 passengers at 550 miles per hour. The faster the planes, the quicker the delivery, the fewer the number of planes needed in the pipeline.

It is entirely possible that the Martin *Jetmaster* seaplane, developed for the Navy, should be added to the MATS fleet. This fast seaplane would be of use in many parts of the world where airports might be inadequate or damaged.

If Americans are concerned about the equipment available to their own military, they should consider the fact that the Russians already have the TU-104 jet transport in service that flies almost twice as fast as United States military transports. Observers in Russia have also remarked on the numbers of large jet helicopters the Russians have in service.

The workhorse of the Air Force on short personnel and cargo runs is the C-47, the two-engined transport familiar to American servicemen in the last war. It is a fine plane but a far cry from a jet helicopter.

The cost of enlarging and modernizing the MATS airlift fleet is likely to be very expen-

sive. A jet transport costs in the neighborhood of \$7 million, compared with \$2.5 million for a Superconstellation. But if the United States rejects a big military force, it can't fail to provide up-to-date equipment for a small, battle-ready force.

RURAL ELECTRIFICATION ADMINISTRATION: ADDRESS BY SENATOR SYMINGTON

Mr. SYMINGTON. Mr. President, several months ago, expecting this session of Congress to be over by this time, I accepted an invitation to speak at the 20th annual meeting of the Consolidated Rural Electric Cooperative at Mexico, Mo.

I was honored to receive the invitation and looked forward to meeting with this fine group of farm families, to discuss with them some of the work of the Congress and present to them some of my thoughts with regard to the problems of agriculture and rural electrification.

As the Members of the Senate know, we were in session from 10 o'clock the morning of August 19 until 12:15 a. m. the next morning, with 14 votes and 4 record votes during the day and evening.

Late Monday afternoon, August 18, realizing that it would be impossible for me to meet with the members of the Consolidated Rural Electric Cooperative, I talked to their manager, Mr. R. D. Buresh, and explained the situation to him. He understood. I appreciate that understanding.

My administrative assistant, Mr. Stanley Pike, did attend the meeting, however, and delivered my talk prepared for that occasion.

Since I discussed matters believed of interest to all of us, I ask unanimous consent to have my remarks prepared for the 20th annual meeting of this great cooperative printed at this point in the RECORD.

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

ADDRESS PREPARED BY SENATOR STUART SYMINGTON FOR DELIVERY AT THE 20TH ANNUAL MEETING CONSOLIDATED ELECTRIC CO-OP, MEXICO, MO., AUGUST 19, 1958

Thank you very much for inviting me to be with you in Mexico today as you celebrate 20 years of progress in your Consolidated Electric Co-op.

Several weeks ago, in reading the July issue of your co-op magazine, *Electric Gleams*, I was impressed by the growth of the Consolidated Electric Co-op since its origin in June of 1938—from a few miles of power line then to more than 1,800 miles today; and a few hundred members then to more than 4,700 members today.

I was also impressed with the way you have been paying off your debts and liquidating your loans. Yes, as stated in that article, it is indeed "a record to be proud of."

I congratulate you, the members, your board of directors, and your manager for this excellent record.

But, the success story of your co-op is typical of many hundreds of other electric co-ops throughout the country.

This is not to minimize your success. Your record emphasizes the national record of the rural electric co-ops.

REA is the success story of individual farmers, working in cooperation with their neighbors, with the assistance of their Government,

overcoming obstacles, to bring electric power to rural America—to bring farm families out of the dark ages.

In 1935, when the REA was first created, only 6 percent of our Missouri farms were receiving central station electric service. Today, 23 years later, more than 95 percent of our farms have electricity.

Along with light for the farm homes, have come the many electrical appliances—refrigerator, toaster, stove, radio, television, automatic washer—all designed to ease the workload and make farm life more pleasant for all members of the family.

In addition through the power provided by rural electric co-ops, much of the drudgery associated with farming has been greatly reduced, or eliminated.

The pump handle has been replaced with an electric motor and a complete water system on many farms. The manual chores of milking, feeding, handling grain, have all been made easier.

The advent of electricity in rural America is one of the most significant accomplishments in agriculture. In the 23 years prior to the creation of the Rural Electrification Administration, productivity per man-hour of farm labor had increased 20 percent. In the 23 years since 1935, farm labor productivity has more than doubled.

Of course, there have been many other factors contributing to the sensational increase in farm productivity. Improved crop varieties, increased efficiency in livestock production, modern power machinery, improved management techniques, all have contributed to this complex of agricultural development. In 1935, one farm worker was able to produce enough food and fiber to support 10 other people. Today, that same farm worker produces enough to support 20 other people.

Despite these outstanding accomplishments, the economic gap between agriculture and other segments of our economy has not been reduced.

In other segments of the economy, increases in productive efficiency are rewarded by higher wages, and increased profits.

This has not been true in agriculture. Farm productivity has doubled since 1935, but total farm income in 1957—in terms of purchasing power—was 2 percent less than in 1935.

What is even more serious is that the farmer's economic position has degenerated in recent years as compared with other segments of our economy. For example, from 1952 to 1957, corporate profits increased 15 percent; wages increased 30 percent; interest income increased 73 percent; but net farm income declined 24 percent.

In 1957, dollar farm income was at its lowest point since 1942—15 years.

In view of this situation, is it any wonder that nearly 4 million farm people have been forced to give up their farms and their homes in the last 5 years and move elsewhere to try to find jobs which would give them a reasonable standard of living?

A number of years ago, one of our great farm leaders warned that national depressions are farm bred and farm led.

As farm income decreased, the purchasing power of farm families dropped sharply. Business for main street merchants declined. Factories and businesses throughout America have felt the effect of these depressed economic conditions.

Since 1952, farmers have suffered a total loss of income of more than \$15 billion—an average of \$3,000 for every farm in the United States.

How much has this contributed to the current recession and to the hardships and suffering of the millions of workers who have been and are still without jobs?

No one can be certain, but we do believe that the depressed conditions in agriculture are the result of the farm policies being put

into effect in these past 5 years. That policy has been based on a theoretical assumption that lower prices will discourage farm production.

The farmers, who have been the unwilling tools in this experiment, know how foolish is this theoretical assumption. Farmers know what their fixed costs are. They know how their operating expenses have gone up in recent years. And they know that if the price per bushel or the price per pound goes down they have to produce and sell more bushels or more pounds in order to have the same number of dollars to meet their costs and to maintain a reasonable standard of living for their families.

Despite the obvious fallacy of this theoretical approach, and ignoring the protests of farmers, farm leaders, and many of us in Congress, the Department of Agriculture has doggedly driven prices down, repeatedly asserting that production would be reduced and markets would be expanded.

Has this happened?

Let's look at the record.

From 1952 to 1957, farm prices dropped 16 percent. If the theory that lower prices would reduce production is accurate, then total production should also have declined. But this has not happened.

Instead, between 1952 and 1957, total farm output increased 6 percent and, according to the latest Department of Agriculture crop-production report, it will increase even more this year.

The official reports of his own Department prove this part of Secretary Benson's textbook theory a colossal failure.

But what of the "expanded markets" which were to result from the lower farm prices?

The most obvious expansion has been in the Government warehouses and storage bins.

In January of 1953, the Commodity Credit Corporation's inventory of all agricultural commodities was valued at \$1.1 billion. In January of 1958, after 5 years of the policies of this Administration, there was \$5.4 billion of farm commodities in Government storage—an increase of 500 percent. These supplies would have been even greater had it not been for Public Law 480 and other export programs. They have moved billions of dollars of farm commodities out of CCC stocks and into foreign markets.

The failure of the present farm policy is even more evident when we examine the cost of the program.

During the 20-year period from 1933 to 1953, the cost of price support operations for the 6 basic agricultural commodities was \$20 million. In the 5-year period from June of 1953 through May of 1958, price support costs on the basic commodities have been \$2.4 billion.

In other words, in the 5 years under this Administration, the costs of price supports on basic commodities are 120 times greater than the costs in the previous 20 years.

At the same time, price support costs for all farm commodities have increased 445 percent.

During the 20-year period prior to the present administration, the cost of all farm price supports averaged only 35 cents per person per year. During the past 5 years, that cost has been \$5.70 per year per person.

As a former businessman and as one with experience in various Government agencies, I am always interested in the type and quality of the administration of any department in the Government. Based on the record, the present administration of the Department of Agriculture is weak.

The Department has some 20 percent more employees today than it had in 1952. The administrative and other general costs associated with the price support programs have increased over 900 percent in the past 5 years—from \$34 million in 1952 to \$312 million in 1957.

We need to keep in mind that, while the costs of the programs were increasing at an almost incredible rate, farm prices were declining 16 percent, the parity ratio dropped 18 percent, and farm income was down 24 percent.

This is the almost unbelievable record of the policies and administration of the past 5 years.

Some informed observers assert this record has been developed to bring public ridicule and resentment against the farmer and all farm programs, so as to eventually destroy all farm programs.

Whether or not this is true, there are examples where attempts have been made to destroy certain basic elements of the overall program. One of these is very close to home for many Missouri farmers.

I am, of course, referring to the efforts of the Department of Agriculture to weaken the local farmer committee system. Many of you may recall that in 1953 regulations and directives were issued which prevented the local elected farmer committeemen from functioning as administrators of the farm program on the local level.

County committees in Missouri were ordered to hire office managers who were to assume this administrative control. County committees were suspended or fired because, in some instances, they were unwilling to accept the office manager sent by the State office.

Others were discharged on various trumped up charges.

The situation became so serious that, in the fall of 1955 and again in 1956, a special Senate Agriculture Subcommittee conducted hearings to investigate the situation.

As a result of those hearings, and based on the report issued by the subcommittee, I joined with several other Senators in introducing a bill designed to prevent some of the abuses of the county committeeman system.

In spite of vigorous opposition from the Secretary of Agriculture, this bill has been passed by the Senate, and is now awaiting House action.

Another example of the Administration's efforts to weaken or destroy important farm programs is of great concern to you and to all REA members throughout the Nation.

For several years, people closest to the REA program have felt that the present Administration was not fully sympathetic to the general concept of farmers, through cooperative effort, supplying electricity in rural areas.

Until last year, however, there had been little positive evidence of any threats directed at the REA program. Then, sometime during May of 1957, the Secretary of Agriculture asked the REA Administrator to submit all REA loan applications of \$500,000 or more to the Secretary for final clearance.

This was the first time, since the creation of the REA in 1935, that the Administrator was not permitted to exercise his best judgment with regard to loan applications.

Through the years the Secretary of Agriculture has had the authority to exercise general supervision and direction over the Administrator of the REA. However, prior to 1957, no Secretary of Agriculture had tried to overrule the Administrator.

In 1953, during consideration of the Government Reorganization Plan, Secretary Benson testified before Congress that he would make no changes in the procedures relating to REA without first consulting not only the Congress but also with the farm groups concerned.

This he did not do.

When Secretary Benson told the present Administrator, Mr. Hamill, to submit loan applications, he had not consulted Congress or any farm groups. In fact, his action was kept secret for some time. Only

when a local co-op questioned a delay in the processing of its loan did the information become public that the delay came in the Secretary's office where the loan had been sent for clearance.

As this change in policy was reported in the newspapers throughout the country, REA members, their co-op leaders, Members of Congress and others familiar with and sympathetic to the REA program, protested this action as an effort to weaken or destroy the REA.

Many believed this was a substantial change in REA policy, and that it posed a serious threat to the future of the program. Questions were raised as to why Secretary Benson wanted to review the larger loans, why he did not announce this change, why Congress was not consulted.

The Senate Government Operations subcommittee charged with the responsibility for keeping a check on activities of Government agencies, immediately called Secretary Benson to testify and to explain his actions.

After some time, the Secretary finally appeared and gave his explanation. But that explanation was far short of being adequate, and legislation was immediately introduced to restore REA to the independent status it had prior to 1953.

During the hearings on that legislation, witness after witness, representing REA co-ops throughout the country, testified in support of restoring the REA to an independent status.

REA members and their co-op managers were also concerned with other actions of the administration which hit at the foundation of their program.

One of these was the administration proposal of legislation which would have the effect of raising the interest rate on REA loans. The justification for this action is based on the fact that, in recent years, because of the higher interest rates under the tight-money policies, the cost of money to the Government has been above the 2 percent interest rate charged on REA and other Government loans.

However, those proposing this legislation overlook the fact that for nearly two decades the Government actually made \$48 million on the 2 percent REA loans.

In addition, during our investigation we found that this proposal had not originated within the Administrator's office. Instead, it came from the Secretary of Agriculture and was sent to Mr. Hamill for his approval.

Before our committee, Hamill testified that higher interest rates would be harmful and would impede the development of REA co-ops in some areas of the country. It became rather obvious that the REA Administrator was, in effect, required to support the administration's recommendation, even though he did not believe it was in the best interests of the electrification program.

The Department of Agriculture cut by one-half the funds requested by the REA for new loans. Through the action of Congress, the entire amount needed by REA was restored.

When the REA appropriation bills came before Congress this past year, the Administrator of the program was relegated to a secondary position, while an appointed Assistant of the Secretary of Agriculture testified to the committee.

None of these incidents taken alone would be construed as a serious threat to the REA, but viewed together, they indicate the Administration's unsympathetic and perhaps hostile attitude.

This is the reason many of us in Congress believe legislation is needed to restore full authority for the functions of the program to its Administrator.

The REA program, which has provided such a great service to rural America, must not and will not become a pawn in the hands of any Secretary of Agriculture.

Even though we believe the REA concept is well established, all members, their leaders and their representatives in Congress need to be constantly on guard so that progress in the next 23 years can be as great and as significant as it has in the past 23 years.

So, too, must we be more vigilant and more emphatic in demanding overall farm policies that are sound, plus administration that will make those policies work.

In the entire farm program, we need the spirit of cooperation which has been so successful in your own consolidated electric cooperative right here in the heart of Missouri's Little Dixie.

If all of us who are interested in a fair share of American prosperity for the American farmer will but work together, with that spirit, then success will be assured.

To this cause, I pledge my full support and again thank you for the honor and privilege of presenting these thoughts today.

PROGRAM OF FEDERAL GOVERNMENT ACTION AT LITTLE ROCK

Mr. JAVITS. Mr. President, it is time that we were very clear about the major domestic crisis referred to earlier by my colleague, the junior Senator from Mississippi [Mr. STENNIS], which could be again brought on by events in Little Rock. It is essential that there be stated in advance not only the policy of the United States, which the President has now done, but also that there be initiated a course of action endeavoring to avoid if at all possible, dire emergencies like those which faced the country when rioting occurred at Little Rock last September.

Whatever may not have been done that should have been done by the Congress when the Senate eliminated part III of the civil rights bill of 1957, the fact is that we must act now with the means we have at hand. I believe it fair to say, however, that if the President finds that Congressional action is necessary to meet any emergency at Little Rock, then he should call the Congress into special session for the purpose. The courses of action which should now be taken I respectfully suggest and urge are the following:

First. That the Civil Rights Commission hold hearings in Little Rock in conjunction with its Arkansas Advisory Council, which was appointed to advise and assist the Commission in tackling our country's most crucial domestic problem.

Second. That the Attorney General should promptly intervene as a friend of the court, preferably at the request of the school board or the court, but in the absence of either on his own responsibility and at once.

Congress has enacted a statute establishing the Civil Rights Commission with broad powers to study and recommend—calmly and deliberately—in the field of school desegregation and other fields. I think Little Rock is an ideal place for the Commission to do its work now.

Mr. President, the Department of Justice should lend the full weight of the United States Government to the current judicial proceedings, and the Attorney General should without delay apply to intervene in the Little Rock case.

The history of the 1957 disorder at Little Rock's Central High School which required Federal troops to be sent to Little Rock last September and the continuance of the position of Governor Faubus along exactly the same lines which brought on the previous emergency demand that this be done.

In that connection, Mr. President, I ask unanimous consent to have printed in the RECORD, the text of the statements by Governor Faubus on the Little Rock decision, made yesterday and today; and, Mr. President, preceding those statements, I ask unanimous consent to have printed in the RECORD, the statement of the President of the United States at his press conference yesterday, expressing the same determination which he expressed in 1957, and in that connection I asked unanimous consent that the White House statement dated October 3, 1957, be printed as a part of my remarks.

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

(WASHINGTON, August 20, 1958.—Following is the transcript of President Eisenhower's news conference:)

President EISENHOWER. Good morning. Please sit down.

Ladies and gentlemen, anticipating questions about this recent decision [on school integration] of the Eighth Circuit Court, I am going to read a little statement, and there will be copies of it available to you; so you don't have to take specific notes. Because there are still some phases of this case pending in the courts it would not be appropriate for me to express my view on the case itself.

This case, however, or any person's agreement or disagreement with its outcome, must not be confused with the solemn duty that all Americans have to comply with the final orders of the court. Nor should we lose sight of the fact that the maintenance of order to permit compliance with the final orders of the court is the responsibility of each State. Each State owes to its inhabitants, to its sister States and to the Union the obligation to suppress unlawful forces. It cannot by action or deliberate failure to act permit violence to frustrate the preservation of individual rights as determined by a court decree. It is my hope that each State will fulfill its own obligation with a full realization of the gravity of any other course.

Defiance of this duty would present the most serious problem, but there can be no equivocation as to the responsibility of the Federal Government in such an event. My feelings are exactly as they were a year ago. And I said then:

"The very basis of our individual rights and freedoms rests upon the certainty that the President and the executive branch of Government will support and insure the carrying out of the decisions of the Federal courts."

Every American must understand—that is the end of the quote, by the way.

Every American must understand that if an individual, a community or a State is going successfully and continuously to defy the courts, then there is anarchy.

I continue to insist that the commonsense of the individual and his feelings of civil responsibility must eventually come into play if we are to solve this problem.

I will have nothing further to say about the integration problems and specific cases that are now before the courts, not only in this one particular case—there are four others—but we will have to wait for the outcome of decisions and actions before any further comment.

[From the New York Times of Thursday, October 3, 1957]

WHITE HOUSE STATEMENT

(WASHINGTON, October 2.—Following is the text of a White House statement of legal principles guiding President Eisenhower in the school integration problem.)

1. The executive branch of the Federal Government does not participate in the formulation of plans effecting desegregation.

This function is left to the community where maximum understanding of local problems exists so that proper and effective solutions may be devised. This was clearly recognized by the United States Supreme Court when it said:

"To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system."

Although the Federal Government has no responsibility to initiate action to desegregate public schools or to formulate any plans for desegregation, the courts have made it clear that the Department of Justice, at the invitation of the Court, must participate in litigation involving public school desegregation for the purpose of assisting the court.

TIME IS UP TO LOCALITIES

2. The period of time within which any such plan should be put into effect likewise must be proposed by the local authorities and approved by the courts.

The Supreme Court held that admission of children to public schools on a nonracial basis should go forward with all deliberate speed. In requiring a "prompt and reasonable start to full compliance," the Court also made it clear that insincere or dilatory tactics could not be used to defeat constitutional protections and rights.

The executive branch of the Government does not play a part in these local deliberations or under existing law in the court proceedings when such plans are considered.

3. A final order of a Federal court giving effect to a desegregation public school plan must be obeyed by State authorities and all citizens as the law of the land.

The action of the Supreme Court has conclusively settled the principle that public school desegregation is, under existing constitutional provisions, the law of the land. Final orders of the Federal courts carrying out this principle must be observed.

It is the duty of the State authorities to give full aid to the enforcement of a desegregation public school plan once it is finally ordered by the court. This obligation is not open to any doubt. It is also a required responsibility of good citizenship that every person in the community respect the law and its processes. Such observance of law is fundamental to our existence as a Nation of free people under constitutional government.

GOVERNOR MAY NOT BALK COURT

4. Powers of a State governor may not be used to defeat a valid order of a Federal court.

The governors of the respective States have the primary responsibility for maintaining domestic order. However, under a pretext of maintaining order a governor may not interpose military force or permit mob violence to occur so as to prevent the final order of a Federal court from being carried out.

When an obstruction of justice has been interposed or mob violence is permitted to exist so that it is impracticable to enforce the laws by the ordinary course of judicial proceedings, the obligation of the President under the Constitution and laws is inescapable. He is obliged to use whatever means may be required by the particular situation.

TEXT OF STATEMENT BY GOVERNOR FAUBUS ON
LITTLE ROCK DECISION

(LITTLE ROCK, ARK., Aug. 19.—Following is the text of a statement by Gov. Orval E. Faubus on a decision yesterday by the Eighth Circuit Court of Appeals in St. Louis. The decision overturned a district court ruling that had granted a 2½-year delay in integration at Little Rock's Central High School.)

The reversal of the Lemley decision by the Federal Court of Appeals is most regrettable. The higher court's decision indicates an indifference and disregard for the will of the people that is most alarming and dangerous.

The spotlight now has shifted to the school authorities, the officials of the NAACP (National Association for the Advancement of Colored People), and the parents of the Negro children.

Any action taken by the chief executive, the legislature, or the people before the attitude of these people is known, might prove to be premature and unnecessary.

The school board now needs to take the people of the district into its confidence and let them know its intentions and its plans. Does the board intend to continue to promote the complete integration of the Little Rock school while muttering insincere, half-hearted protestations, or does it intend to fight in every legal way possible the integration by force, with such dire consequences for education in the affected schools, and the peace of the community.

For evidence of the school board's attitude I point to two quotations from the reversal ruling itself:

"This court recognizes that, following the first Brown decision the members of the board, acting in good faith, and working with the superintendent of schools, moved promptly to promulgate a plan designed to gradually bring about complete integration in the Little Rock public schools, and they are to be commended for their efforts in that regard."

At another point in the reversal we find the following language: "On August 29, 1957, on application of the board, the United States district court at Little Rock entered an order enjoining the use of the State court injunction in an attempt to block the integration plan."

SCHOOL BOARD'S ACTION

It must be noted here that it was the school board that dashed into the Federal court presided over by Judge Davies the very next day after the State court ruling, staying the execution of the plan of integration, and asked for the ruling which said in substance: "Integrate forthwith, without regard for the consequences."

If the school board intends to continue to promote the complete integration of the Little Rock schools, the people are entitled to know. It is the people's business, because the schools belong to the people and not to the school board.

How many Negroes will be admitted to Central High School on opening day? If only those previously enrolled are readmitted, when will the number be raised to 900 or to 900, the latter figure being the number eligible to attend Central High School under the board's complete integration plan?

Will Negro students be admitted to Hall High School on the opening day? If so, how many? If not, when will this be done? It is necessary under the board's plan of

complete integration. The delay of the plan by Judge Lemley has now been reversed, and the board is ordered to continue.

What other schools will be integrated on opening day? They are all in the plan of complete integration. When will white students be ordered to enter the Negro school? Will that be on opening day this year, and if not, when will it be done? It is a part of the plan of complete integration, drawn up by the board and approved by the Federal Court.

How many Negro students have applied for admission to white schools? Who are they and when did they apply?

Why all the secrecy surrounding these developments? Why the secret board meetings? Aren't the people entitled to know about their own school affairs?

The school board must surely realize the dire implications of any forcible integration of the schools at this time.

Although it has been ordered to continue with the integration plan, it has every right to resist the order by any and every legal means.

1. The board may use the school-assignment law, now on the statute books, which was passed by the overwhelming vote of the people at the general election of 1956.

2. Meet with the parents of the Negro students, and the officials of the NAACP who have instigated and promoted the continued integration efforts. Discuss frankly with them the situation as it now exists, with the dire consequences that may ensue as to the quality of education for the Negro students as well as others, and also the jeopardy to the peace and tranquility of the community. These Negro parents may rise above their desires for the attainment of their immediate objectives in this matter.

Their decision, the Negro parents and the NAACP in the interest of harmony and greater good to the whole community, to allow a cooling-off period, by sending their students to school with their own race during the coming year, would do much, if not more than anyone else could do, to resolve this whole unhappy situation.

Failing in both of the above, the school board should resign as previously suggested by Judge John Pilkington, of Hope, Ark., and others and allow the people to select a new board which would have the courage to act in conformity to their wishes.

The schools are scheduled to open in less than 2 weeks from this date. If the people, the members of the legislature, or the chief executive are to have any opportunity to do anything about this situation, without the possibility of unnecessary action, or of conflicting action with the efforts of the school board, then it is necessary to know almost immediately the plans and intentions of the school board and the Negro leaders.

Surely the board has plans. If not, it has been very shortsighted indeed.

TEXT OF FAUBUS REPLY TO EISENHOWER

LITTLE ROCK, ARK., August 20.—Following is a text of a statement by Gov. Orval E. Faubus today in reply to President Eisenhower's comments at his news conference on problems raised by racial integration in the public schools:

You have asked for comment on the statement of President Eisenhower.

The free people of a democracy such as ours think of the "law of the land" in terms of laws passed by their own votes at the ballot box, or in terms of laws passed by their elected representatives.

Time after time the people of Arkansas and other States have voted overwhelmingly against forcible integration.

VIEWS ON COURT EDICT

Furthermore, many, many eminent lawyers throughout the Nation, regardless of their views on the segregation-integration

question, have expressed the view that the United States Supreme Court decision of 1954 is without the basis of law. No law has ever been passed which says that all people of every section of the Nation must be forced to integrate against their wishes and regardless of the consequences, however bad they might be.

Millions of Americans hold a deep and sincere conviction that the original Supreme Court decision is illegal and violates the principles of democracy, and that the decision is not in accordance with the Constitution, which guarantees to the States certain rights—among them the field of education.

Therefore, compliance cannot be obtained by invoking the sacred name of the Constitution, or by the use of the once-magic name of Eisenhower.

DISCORD SEEN LIKELY

It is, then, inevitable that the integration of the races cannot be achieved without great discord, except by the process of evolution, which requires patience, tolerance, and understanding over a period of time. The length of time must be based upon the peculiar circumstances and conditions in each area, and the period of time required will vary from community to community and, perhaps, from State to State.

If it is the purpose of Mr. Eisenhower's statement to reaffirm his position of last fall, that it is my duty as Governor to use the military to enforce integration in any school district in this State, then I must say that my position of last fall is unchanged.

I do not interpret my constitutional duties to cover any such theory as that advanced by the President.

I do recognize my duty to preserve the peace of my State, and I shall continue to do so to the best of my ability. It is also elementary that I am bound under my oath of office to uphold the Constitution and to enforce the laws of my own State, within the framework of the Federal Constitution.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes, to conclude my remarks on this subject.

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

Mr. JAVITS. Mr. President, only as I have indicated can the dignity and authority of the United States be manifested well enough in advance to work out within the bounds permitted by the mandate of the Supreme Court against public school segregation some program for desegregation in the Little Rock public schools which may prove just and feasible. Without the participation of the United States Department of Justice there is every reason to suppose that the situation can deteriorate as it did in September last with a national emergency—indeed what was an international emergency—on our hands again.

I point out again, Mr. President, we hear constantly from our Southern colleagues that one must be temperate and judicious in trying to work out this situation. Mr. President, I ask my colleagues to judge the words of Governor Faubus and tell us whether they are temperate and judicious and whether the Governor himself and the people of Arkansas could not make a great contribution toward handling this controversy temperately and judiciously.

I certainly agree that should be our aim and our end, and the suggestions

I have made are directed toward such objective.

The Circuit Court for the Eighth Circuit has settled the judicial situation as to Little Rock, and most Americans will applaud the statement of Judge Matthes that in the court's opinion, "The time has not yet come in these United States when an order of a Federal court must be whittled away, watered down or safely withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto. To hold otherwise would result in accession to the demands of insurrectionists or rioters and the withholding of rights granted by the Constitution of the United States."

Not only did the court eloquently state the problem with which this country is faced in Little Rock, it went further and observed "that at no time did the (school) board seek injunctive relief against those who opposed by unlawful acts the lawful integration plan, which action apparently proved successful in the Clinton, Tenn., and Hoxie, Ark., situations."

Mr. President, the President of the United States has made clear his determination to follow the policies which he followed in September 1957. The Governor of Arkansas has made clear his intention to use all legal force at his command again to endeavor to frustrate the Federal court—and, I submit, the Constitution itself. He tried it last year with the National Guard. Now he has urged the school board to resign rather than comply with the latest order of the court. It would be folly, under those circumstances, to expect the State to ask assistance, or to expect the school board and the local authorities to ask the Attorney General to intervene.

The court itself might well ask the Justice Department to intervene as a friend of the court, but I do not believe that the Federal Government should wait at the door considering the urgency of serving notice that there must be order in the house. Under the circumstances the initiative should be taken by the executive branch. The courts have borne the full brunt of this problem long enough. They cannot be expected to perform legislative and executive functions as well.

Congress has failed, in my humble opinion, by refusing to pass an effective part 3 to the Civil Rights Act, to do its part. Part 3 would have given the Attorney General authority to participate without leave of anyone, in individual actions to enforce the 14 amendment.

Again the situation bears out what I and others have been arguing, that such a course would be in the best interests even of those opposed to integration, because it would provide an orderly process of law, with the highest authority of the United States serving notice in advance as to what would be done, and not waiting until the emergency is upon us.

The authority of the courts and of the law and that their mandates shall be obeyed is the very essence of community order. Without it, government fails the people. Even if the Congress has not acted as a body to give the Federal Gov-

ernment specific authority to intervene in the Little Rock school litigation, each of us nonetheless has a duty to do his part to uphold the law and its enforcement by the Federal authorities. It is for this reason that I have urged these courses of action which are designed to anticipate events rather than to react to them just as they threaten to overwhelm us.

Mr. JENNER. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER (Mr. HOBLITZELL in the chair.) Morning business has not been concluded.

STATEMENT BY PRESIDENT EISENHOWER ON LITTLE ROCK INTEGRATION DECISION

Mr. NEUBERGER. Mr. President, inasmuch as the Senate is now debating the vital issue of Supreme Court rulings and judicial sanctity, I ask unanimous consent to include in the CONGRESSIONAL RECORD the statement made by the President of the United States on August 20, regarding the Little Rock integration decision and the crisis in school integration generally. I approve of the President's words, and I trust he will back them up with Executive action at the appropriate time.

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

[From the Washington Evening Star, August 20, 1958]

EISENHOWER STATEMENT

(Following is the statement on the Little Rock integration decision and school integration generally made by President Eisenhower at his news conference this morning:)

Because there are still some phases of this case pending in the courts, it would not be appropriate for me to express my view on the case itself.

This case, however, or any person's agreement or disagreement with its outcome must not be confused with the solemn duty that all Americans have to comply with the final orders of the Court. Nor should we lose sight of the fact that the maintenance of order to permit compliance with the final orders of the Court is the responsibility of each State.

Each State owes to its inhabitants, to its sister States and to the Union the obligation to suppress unlawful forces. It cannot by action or deliberate failure to act permit violence to frustrate the preservation of individual rights as determined by a court decree. It is my hope that each State will fulfill its obligation with a full realization of the gravity of any other course.

Defiance of this duty would present the most serious problem, but there can be no equivocation as to the responsibility of the Federal Government in such an event. Our feelings are exactly as they were a year ago. As I said then:

"The very basis of our individual rights and freedoms rests upon the certainty that the President and the executive branch of Government will support and insure the carrying out of the decisions of the Federal courts."

Every American must understand that if an individual, community or State is going successfully and continuously to defy the courts, then there is anarchy.

I continue to insist that the common sense of the individual and his feeling of civic responsibility must eventually come into place if we are to solve this problem.

UNHEEDED ALARMS

Mr. CLARK. Mr. President, I ask unanimous consent to be permitted to proceed for not more than 7 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CLARK. In this morning's Washington Post appears a thoughtful article by Walter Lippmann, entitled "The Unheeded Alarms." I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

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

[From the Washington Post and Times Herald of Thursday, August 21, 1958]

THE UNHEEDED ALARMS

(By Walter Lippmann)

A week ago Senator JOHN S. KENNEDY made a powerful and impassioned speech about the prediction, which is widely supported among experts, that within a few years the Soviet Union will be far ahead of us in the big strategic missiles. The period of our inferiority is estimated to be from 1960 to 1964 when the Soviet Union will, according to these estimates, have the power to destroy our Air Force and to devastate 85 percent of our industry, 43 of our 50 largest cities.

Senator KENNEDY's speech was applauded by the Democratic Senators who took part in the debate. But it was attacked by Senator HOMER E. CAPEHART of Indiana who objected to it on the grounds that in such a public exposure Mr. KENNEDY was selling America short and giving aid and comfort to the Russians. This charge was easily disposed of because the fact of the matter is that the speech contained nothing that could be news to the Russians, nothing that has not been said publicly many times before. The most notable occasion when it was said before was on January 23 of this year, during this session of Congress, in the unanimous report of the so-called Preparedness Subcommittee.

This subcommittee heard some 70 witnesses, interviewed some 200 experts, and took about 7,000 pages of testimony. It reported unanimously that the Soviet Union leads in ballistic missiles and in the number of submarines, that it will soon surpass this country in manned bombers. It reported too what is even more significant and portentous, that "the Soviet Union has a system which enables it to develop new weapons in substantially less time than the United States" and that "the Soviet Union is producing scientists and technicians at a rate substantially greater than our own country." If this is true, the lead of the Soviet Union will increase and the gap will not be closed.

Perhaps the most important question raised by Senator KENNEDY's speech is why, in view of the subcommittee report in January at the beginning of the session, he did not deliver this speech until August 14 at the very end of the session. What has been happening between January, when the alarm was sounded, and August when Mr. KENNEDY sounded it again? What happened, it is plain enough, is that the failure to respond to the alarm was in both parties, and that there is no discernible difference between the attitude of the Eisenhower administration and that of the Democratic opposition. A few Democratic Senators have made speeches which are on the record but the party as an organization has reacted to the warning as the President himself has reacted.

The bipartisan reaction to the discovery that the Soviet Union is forging ahead in the race of armaments has been governed, I think, by the human propensity to prefer a disagreeable fact which is still in the future to a disagreeable remedy in the present. The danger period, according to these calculations, will not begin for at least 2 years; the remedial measures to cope with it ought to have been laid down in this session of Congress. The bipartisan leadership has avoided the disagreeable remedies, hoping that somehow the alarming predictions of Senators SYMINGTON, JACKSON, and KENNEDY, and of Mr. Joseph Alsop, will not come true.

Indeed, so far as I know, there does not exist an agreed program of what the disagreeable remedies are. Mr. KENNEDY made a few suggestions but he offered no program, and although the Democratic opposition is very critical of President Eisenhower, there is no alternative Democratic program before the country.

Why is it like that? I think it is because the real problem—the relatively greater speed of Soviet technological development—cannot be overcome by a spending program alone. It would be quite easy to push Congress into new and bigger expenditures. But what the experts call the missile lag is essentially a weakness in American education and a lack of seriousness in American national purposes, when there is choice between private pleasures and the public interest. We are in competition with a new society which is in deadly earnest, and there is no use pretending that amidst our comforts and our pleasures, we are serious enough.

That is why, when the alarms are sounded, we turn over and go to sleep again.

Mr. CLARK. Mr. Lippmann states that—

Within a few years the Soviet Union will be far ahead of us in the big strategic missiles. The period of our inferiority is estimated to be from 1960 to 1964 when the Soviet Union will, according to these estimates, have the power to destroy our Air Force and to devastate 85 percent of our industry, 43 of our 50 largest cities.

I believe that that is a sound statement of fact, based upon nonsecret information available to every American citizen, and buttressed by the fine research done by the Preparedness Subcommittee, headed by the distinguished majority leader, the gentleman from Texas [Mr. JOHNSON], and ably abetted by the distinguished Senator from Missouri [Mr. SYMINGTON], and the distinguished Senator from Washington [Mr. JACKSON].

Mr. Lippmann further concludes that—

The Soviet Union is producing scientists and technicians at a rate substantially greater than our own country.

That also is a clearly established fact, buttressed by the Encyclopedia Britannica, as well as by visits to the Soviet Union by many distinguished American educators, two of whom come from my own Commonwealth of Pennsylvania—the president of the University of Pennsylvania, Gaylord P. Hornwell, the chancellor of the University of Pittsburgh, and other distinguished Pennsylvania educators.

At that point I leave Mr. Lippmann, because he states that there is no discernible difference between the attitude of the Eisenhower administration and that of the Democratic opposition on defense and educational policy. He

says that a few Democratic Senators have made speeches which are on the record, but the party as an organization has reacted to these warnings as the President himself has reacted—negatively.

I deny that allegation. I say again what I have said so many times on the floor of the Senate, that it is impossible to push water uphill. A legislative body cannot supply the zeal, the vigor, the imagination, and the implementing policy which it is the problem and duty of the Executive to furnish. No amount of money which the Congress might appropriate would make up for the feeling of smug complacency which affected the Eisenhower administration long before sputnik, and which, unfortunately, still continues.

I think we had a little indication the other night on the floor of the Senate that a guilty conscience was finally gnawing at the minds of some supporters of the administration in this body. I pray that that guilty conscience may gnaw further until, in God's good time, we find reawakened in this administration the sense of urgency which was present for a few short weeks after sputnik.

I commend my colleagues on the Foreign Relations Committee, on the Preparedness Subcommittee, and on the Armed Services Committee, for the extraordinary contribution they have made toward reawakening that sense of urgency. I hope that in some small way I have been able to aid them to a slight degree.

Mr. Lippmann continues:

The danger period in the missiles race, according to these calculations, will not begin for at least 2 years; the remedial measures to cope with it ought to have been laid down in this session of Congress.

That is correct. My friend, the Senator from Missouri [Mr. SYMINGTON], and my friend, the Senator from Washington [Mr. JACKSON], have pointed this out again and again on the floor of the Senate as the distinguished junior Senator from Massachusetts [Mr. KENNEDY] did the other day, and as the distinguished Senator from Arkansas [Mr. FULBRIGHT] did in his fine speech on the question of our policy in the foreign relations field.

I suggest that, as Mr. Lippmann says that the real problem—

cannot be overcome by a spending program alone. * * * But what the experts call the missile lag is essentially a weakness in American education and a lack of seriousness in American national purposes, when there is choice between private pleasures and the public interest. We are in competition with a new society which is in deadly earnest, and there is no use pretending that amidst our comforts and our pleasures, we are serious enough.

That is why, when the alarms are sounded, we turn over and go to sleep again.

I feel very strongly indeed that it is an obligation of Members of the Senate to hammer away at the sense of national complacency which is on its way to destroying our liberties, our freedom, and our very national existence.

I suggest that—

The fault, dear Brutus, is not in our stars, But in ourselves, that we are underlings.

Mr. SYMINGTON. Mr. President, I congratulate the Senator from Pennsylvania for his eloquent remarks in connection with the interesting and thought-provoking article by Mr. Lippmann. Ever since the first week the distinguished Senator from Pennsylvania came to the Senate, he has joined with a group of Senators who have been constantly warning the American people that the plans and programs of this administration with respect to our position, vis-a-vis that of the growing Communist conspiracy, are not adequate to meet the danger. I am glad once again that the voice of the Senator from Pennsylvania has risen in the Senate so that the people will know the truth in connection with the most important problem we have today.

Mr. CLARK. Mr. President, I thank my friend for his kind remarks. I point out that inadvertently—and I have no excuse for it—I overlooked mentioning the distinguished junior Senator from Montana [Mr. MANSFIELD] and the distinguished junior Senator from Alabama [Mr. SPARKMAN] as two of the Members of this body who have constantly impressed upon the Senate and upon the country the dangers of a continuation of our present course in foreign policy and in national defense.

THE UNITED STATES EXHIBIT AT THE BRUSSELS WORLD'S FAIR

Mr. GREEN. Mr. President, I have received a most interesting letter from 20 of the young American guides serving at the Brussels World's Fair. These guides are American young people who day after day have had an opportunity to observe the foreign reactions to our exhibit in the United States pavilion there.

The letter which these young Americans have sent to me is in defense of an exhibit there entitled "Unfinished Work." These 20 guides believe that a recent policy decision to remove this exhibit was provoked by criticism emanating from the Congress, and that the decision may well destroy one of the most significant and powerful of our exhibits at the Brussels Fair.

I have avoided thus far participating in controversies which have arisen over the nature of our exhibits at the fair, but this letter is so thoughtful that I believe it deserves the most careful attention of every Member of Congress, of the Department of State, and of the United States Information Agency.

The essence of the comments of these young Americans is that our exhibit entitled "Unfinished Business" has had a heavy and favorable impact on visitors to the fair, and also, these young Americans note, "It takes courage to be honest."

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

I intend to pursue this matter with the appropriate officials of the United States Government, and I take this op-

portunity to commend these Americans for their splendid, thoughtful letter:

BRUSSELS, BELGIUM,
August 16, 1958.

Hon. THEODORE F. GREEN,
United States Senate,
Washington, D. C.

MY DEAR SENATOR GREEN: We, the undersigned American guides at the Brussels World Fair, would like to submit a report on an exhibit in the United States Pavilion entitled "Unfinished Work." Our action has been inspired by a recent change in policy which will replace the three problems now portrayed in this exhibit (race relations, urban renewal, and conservation of natural resources) by a public-health exhibit. We understand that this change will be made because of the recommendations of some Members of Congress, the State Department, and the United States Information Agency.

Because Unfinished Work has been criticized in the United States, we believe it is imperative to present our evaluation of this exhibit which is based on our direct, personal experience. We are sending this report to you because we earnestly hope that you will understand our position and, if you see fit, take appropriate action.

Unfinished Work has been open to the public about 10 weeks (it opened late and was closed for changes), and has been seen by approximately 250,000 persons. Visitors are usually taken through it in separate language groups, ranging from 5 to 25 persons. This permits each guide to have direct contact with everyone. In brief, this exhibit is made up of three sections: (1) Introduction to the problems through newspaper clippings; (2) Improvements already achieved and steps being taken toward further progress through photographs and charts; and (3) the ideal for the future through photographs. The general purpose of the exhibit is to demonstrate how the dynamics of American society resolves its problems and eventually realizes the ideals for which we stand.

In the first part, the problems are simply stated as follows:

1. The American Negro: One American citizen in 10 is descended from African slaves. These 17 million Negroes have yet to win all of the equal rights promised them by American democratic theory.

2. The Alliance With Nature: The American Continent was settled with little thought for the future of its seemingly unlimited resources; now Nature needs help from man's management to husband and renew our trees, soil, and water.

3. The Crowded City: In less than two generations, Americans have changed from a country to a city people. Three-fourths of them now live in urban areas, whose rapid growth has brought problems of congestion and of housing that is not yet up to the other standards of American life.

Throughout this exhibit, we try to be as honest as possible, admitting that many aspects of the present situation are unfortunate, but that recent changes justify optimism. For example, in the second section of the exhibit, the racial problem is discussed from three points of view—educational, political, and economical. One graph shows the increase in the number of Negro students in American universities and colleges: 27,141 in 1930 and 196,000 in 1956. The accompanying photograph depicts Negro and white students, with a Negro professor, at the University of California. The graph below shows the results of the 1954 Supreme Court decision on integration. Out of a total of 3,008 southern school districts, 761 have integrated. In explaining this graph, we say that schools in the North already were integrated, but that the South does not have a monopoly on the problem. We add that although it is a legal problem in many parts of the South, it still remains a social

and economic problem in the North. On the subject of Little Rock, all heads immediately nod in recognition when this name is mentioned. Without exception, every European and Asian is familiar with this incident and all too frequently, this is as far as his knowledge extends. We add, however, that while the headlines were filled with the violence of Little Rock, there were many other communities in the South which carried out integration in a quiet and orderly manner. In these cases, usually committees of whites and Negroes cooperated in working out a long-range integration program which gave both sides adequate time to adapt to this new concept. The next photograph shows Negroes using voting machines (which fair visitors are already familiar with, having seen them in the pavilion). The accompanying chart shows the rise in the registered Negro vote in the South: 1947—595,000; 1952—1,008,614; and, 1956—1,238,038.

The next group of photographs depicts Negroes and whites working together. There is also a photograph of the New York Commission on Discrimination. We explain that many cities have such public service commissions which permit white and Negro citizens to protest against discrimination of any kind.

Another photograph shows a Negro couple in a modern, upper-middle class kitchen in a Little Rock home. In explaining these pictures, we say that they are not necessarily typical of either Negro or white living conditions but that they indicate that such standards are possible. The accompanying chart shows the rise in Negro per capita incomes: 1937, \$384; 1947, \$750; and 1956, \$1,070, on the basis of the constant dollar. We add that there is still a large difference between the average white and Negro income, but that this gap has steadily decreased in recent years. On the corner of this wall, there are photographs of President Eisenhower, Adlai Stevenson, the Rev. Martin Luther King, and Walter Reuther with accompanying quotations. For example, Reverend King's words are: "This is not a war between the white and the Negro, but a conflict between justice and injustice. It is one of the greatest glories of America that we have the right of protest."

The other side of this structure is occupied by the housing problem and the conservation problem. In the housing section there is a photograph of the southwestern section of Washington, D. C., showing slums with the Capitol dome in the background. This same photograph was circulated in some parts of Europe and throughout Communist countries several years ago as an example of how Americans live. A scale model of a new apartment building is placed under this picture, indicating the type of housing which is replacing this section. Other photographs contrast slum areas with new housing projects. We also explain in this section how cities can participate in an urban renewal program and share part of their costs with the Federal government. The accompanying charts explain that 60 percent of all homes in the United States are occupied by their owners. There are also photographs of Levittown showing our development of large scale, low cost, one family housing projects.

In the conservation of natural resources section, there is a photograph showing soil conservation through contour plowing, a concept which is relatively new to Europeans. The accompanying chart reveals that in 1957, out of a total of 4,900,000 farmers, more than 1,700,000 of them had conservation plans. A chart also shows that the forest area now under protection is 600 million acres, compared to 387 million in 1937. A map of California is exhibited as an example of how this State is helping to solve its irrigation problems through

such projects as the Shasta Dam. The adjoining chart shows that reservoir capacity has risen from 1.5 million acre-feet in 1940 to an expected 410 million in 1970.

According to the amount of space we have devoted to describing the racial problem in this report, it may appear as if it has been overemphasized. But we can explain this imbalance by the amount of interest shown in the racial problem abroad and the criticism which has been focused on the presentation of this problem by people in the United States.

In the third section of this exhibit, three large photographs communicate a loose idea of the American ideal. One wall shows Negro, white, and Oriental children dancing in a circle, hands joined. The other side shows the graceful sweep of threshers curving over a Kansas wheat field, and the third photograph is a tall, modern apartment building. The plaque reads: "American communities, like American individuals, like to emulate and surpass each other. By this process democracy's unfinished business, already partially mastered, will get done on a national scale. To be followed no doubt by other (and perhaps nobler) challenges. The goal that draws us is not utopia, but larger freedom, with more justice. Democracy is our method. Slowly, but surely, it works."

In this section we ask visitors, if they have questions about any part of the exhibit. Almost all will say, "Thank you very much," and will shake our hands. Visitors are definitely and positively affected by this experience. Others will add, "It shows the democratic and free spirit of the United States," or "You are very courageous to do this," or "Only a great country can recognize its own faults." Many, who have only heard of Little Rock, will say, "We did not realize that the Negro has made so much progress." Often it is contrasted to the Russian pavilion.

Each nationality group has a somewhat different reaction to the exhibit. Often they will admit that they have similar problems in their own countries: the British with the West Indians, the Dutch with the Indonesians, and some Belgians with the Congolese. The most interested response, however, comes from peoples from Asiatic and Communist countries. They have been told about our racial problems with more intensity and exaggeration than any other groups. Many will start out with complete skepticism and leave with an indication of new respect.

For example, a group of Indian and African students bluntly asked, "How can you call yourselves a democracy and the representatives of free peoples if you treat your Negro citizens like this?" This same group stayed and discussed the problem for more than an hour. They said that they were hesitant about coming to the United States to work and study. "If it is difficult we will come, but if it is impossible, please tell us." After the hour's discussion, although the problems had not been resolved, they had been opened up, and both sides felt as if something worthwhile had been accomplished. They came back again to say thank you. This is typical of many of the reactions we receive every day in this exhibit.

Some visitors will frankly ask, "But why do you have this problem at all?" We try to approach it from a historic, political, and economic point of view, adding, "It takes time for people to change, and it cannot be forced on them, especially in a democracy."

Sometimes people will start out almost belligerently, such as one German who said, "When the Americans came to Germany 10 years ago, they told us how terrible we were the way we treated the Jews, but you are doing the same thing with the Negroes." We made a distinction—the Germans tried to eliminate the Jew from society; we are

trying to integrate the Negro into our society.

Although American visitors are in the minority, almost all who have come to the exhibit have been impressed by it. While many may have heard critical reports before seeing the exhibit, they become convinced that it takes courage to be honest. This has been equally true of 3 housewives from Georgia as 2 law students from New York City.

In conclusion, we would like to evaluate this exhibit in terms of the larger context of the World's Fair and American foreign policy. The theme of the Exposition is a new humanism in a scientific age, and the efforts each country is making to improve the material standard and human rights of its citizens. The United States is the only country represented at the Brussels World's Fair which is engaging in this type of open self-evaluation. What has sometimes been termed as "hanging out our dirty linen" by critics of the exhibit in the United States has, on the contrary, turned out to be a powerful type of inverse propaganda. It is a total contrast to the Russian Pavilion and provides a positive answer to their twisted propaganda about us. This exhibit has succeeded in gaining for us a deep and sensitive measure of understanding and respect in the eyes of the average fair visitor.

Judging from the responses we have received when working in this exhibit, we strongly believe that the proposed changes in unfinished work will diminish our prestige abroad and will open us up to new and severe criticism because we have been forced by domestic pressure to retreat from a courageous position.

We thank you for your kind consideration.

Sincerely yours,

Michael C. Moore, Gloria H. Teal, Lawrence E. O'Neill, Madeleine May, Kibbe Fitzpatrick, Nancy Gore, Carol J. Hardin, Edward G. Janeway, Jr., Stanley Reeves, Kathleen M. Quinn, Ronald Davidson, Charles E. Butterworth, Lydia Blanchard, Henry Hammond, Beverly E. Franks, John R. Yancey, Mary-Lou Donahoo, Jane Bancroft, Armena Martin, Carleton Dallery.

THE PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ENFORCEMENT OF STATE STATUTES PRESCRIBING CRIMINAL PENALTIES FOR SUBVERSIVE ACTIVITIES

MR. MANSFIELD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Chair lays before the Senate the unfinished business, Senate bill 654.

The Senate resumed the consideration of the bill (S. 654) to amend title 18, United States Code, to authorize the enforcement of State statutes prescribing criminal penalties for subversive activities.

THE PRESIDING OFFICER. The pending question is on the motion of the Senator from Colorado [Mr. CARROLL] that the bill be recommitted to the Committee on the Judiciary.

IN RETROSPECT

MR. JENNER. Mr. President, the time has come for me to take my leave.

Twelve years spent in the Senate of the United States—nearly a third of a man's professional life—leave a mark which nothing will ever erase.

I am proud to have been chosen by my State of Indiana, to serve in the United States Senate.

I have made many happy associations here, and I hope they will not fade away.

Though I am sorry to leave, I am happy to return to the life of a private citizen. No people anywhere in our country care more for home and family, for private life and our local communities than the people of Indiana.

We have something of the feeling that our local communities are the hub of the universe, which was so strong among Americans in colonial and pioneer days.

It is nearly 14 years since the day in November 1944, when I first took the oath of office in this Chamber.

Those 14 years have been among the most critical in the history of the United States.

As I plan to depart, I ask myself, what does it all mean? What is happening to my country?

When I came to the Senate in 1944, the armies of the Allies had broken through the German West Wall and freed France from the enemy.

The end was in sight.

In the Pacific the Navy had begun the destruction of Japanese sea power. MacArthur and his men had started on the bloody island road to Tokyo.

Our country was the head and shield of the grand alliance.

We not only had 12 million men under arms, in every theater of the war, but we were the arsenal for all the Allied Nations.

Our farms and factories poured out rivers of goods for war. Our railroads carried them across a continent.

Our ships and the ships of the Allies braved the submarine-infested waters about England, the Arctic Coast of Russia, Africa and Latin America.

Our pilots set new records for flights over the oceans and opened the icy routes to Alaska, from which Russian pilots picked up not only planes for the defense of Moscow, but also secret reports on how to use atomic energy for war.

Though I abhor bigness as a test of American achievements, the might of our operations, at such a high level of quality, added the sense of overwhelming strength to the patriotic devotion which stirred our people.

We were fortified inwardly by the conviction that we had never used our superior power to impose our will on any other people.

We expected nothing from our sacrifices except liberty for all nations, and the peace that goes with freedom.

That year of 1944 was a truly great year in the record of our country.

MR. PRESIDENT, what has happened to that America? What has happened to our courage, our clear direction and purpose, our proper pride in our accom-

plishments and sense of restraint in using the power that was given us?

The glory has departed. We no longer have a sense of elation. We are confused, operating at cross-purposes.

We refuse to face the harsh realities of the world we live in, and instead fall back on moralistic platitudes to hide the emptiness of our minds.

I keep asking myself why. I do not have a clear answer.

But, at least, I have tried to free my mind of cant, to strip it bare of the platitudes which are in style today.

I am willing to face the emptiness of things, because I believe that only after we have cleansed our minds of lies can new seeds begin to grow, in the little clearings where the weeds of self-deception have been cut down.

Only if we have the courage to live with the winter of our disillusionment, will we see, once again, a spring of new ideas and hope rise from the store left by our Founding Fathers.

I am not going to retrace the struggle which has gone on in Congress and the executive branch since 1944.

The point is that we have been engaged in a far greater struggle, against a far more powerful force, than consumed our full powers in the war against the axis.

We are fighting against a tidal wave of collectivism, coming out of Eastern Europe, which, if it is not stopped, will destroy all western civilization and the Christian faith on which it is based.

It must be stopped, though we do not yet see on what battlefield the present-day Huns will be halted.

You recall the story of Jacob wrestling with the angel. Jacob struggled long and hard, in the darkness, with an opponent he could not see. He was sure his strength would fail, but he fought on. With the breaking of the day, Jacob knew he had been wrestling with superhuman power, but the angel told him he had the blessing of God and would prevail.

The Communist challenge may yet prove the goad which compels us to rise out of our sloth and security, to face the dangers of the world we live in.

In many ways Congress has been the frontline of this struggle for the soul of America.

We know of the determined efforts by a little group of willful men to perpetuate in the war and postwar years the unrestrained executive power they had built up during the New Deal period and World War II.

Let me say here that I am not speaking as a Republican. I am not making a defense of my party, and I am not making any partisan criticism of the Democratic Party.

My only concern is with the question: What is happening to our country?

As I have said repeatedly, the New Deal had no common interests with the Democratic Party. New dealism is an importation from countries where the executive power was always dominant, or where rising left-wing fractions, inexperienced in politics, yielded to the childish hope that, if governments were

made strong, they would use their power to serve the interests of the people.

I said to members of my own party in 1953 that the New Dealers were interested only in the party in power.

I said they would make the same efforts to capture the Republican Party in 1953 that they made to take over the Democratic Party in 1933. I leave the rest to my colleagues.

Let us go back to November 1944. Most Americans saw only the grand coalition with its huge armies and navies and air armadas pressing forward to victory.

The Atlantic Charter promised a just peace. But little groups of men were already hard at work, to make over our Government, on the anvil of war, in their own image.

We know how the Atlantic Charter was replaced by the agreements of the Big Three at Teheran, Yalta, and Potsdam.

We know how carefully thought out plans for military government of Germany and Austria were replaced by the Morgenthau plan for making Germany a pastureland and sending her scientists and others to slave labor in Russia.

We know how the trained diplomats who understood the Far East were replaced by John Carter Vincent and Lachlin Currie, Owen Lattimore, and E. C. Carter, with their precise plans for the softening up of Free China, and the abandonment of Asia to the Communists.

We know how American economic ideas of free enterprise in foreign trade were replaced by GATT and other parts of the blueprint for one economic world.

We know how our policy was directed to let Korea fall, without letting it look as if we pushed her. Our valiant fighting men in Korea resisted and defeated the screaming hordes of Red China. We know how the victory was taken away from us, in the dark recesses of collaboration between our State Department and the United Nations.

We know how the Republican Party was gradually shifted from the leadership of Ken Wherry, Robert Taft, Arthur Vandenberg, and the group of Senators who fought so bravely with them. We know how it was taken over by Paul Hoffman, and his kind, the modern Republicans, and the men in the shadows behind them.

We know how the Democratic Party was transformed from a party which accepted Franklin Roosevelt's temporary reforms, but still was committed to the Constitution, into a party managed by Harry Hopkins, Dean Acheson, Walter Reuther, and the men in the shadows behind him.

We know how brilliantly Congress brought out the facts about the Communist influence on our Government's policies. The House of Representatives supported, through every kind of pressure and abuse, the Committee on Un-American Activities. The Senate supported the Subcommittee on Internal Security, under Senator McCarran, Senator Eastland, and myself. The evidence brought out by those committees and other committees of Congress docu-

mented large areas of the Communist conspiracy within our Government.

We know the pressure which set in to destroy these committees and to besmirch the evidence the Congress had gathered, and, even, to attack the legislative power itself.

Many brave and distinguished Members of Congress were retired to private life, because they incurred the anger of the Communists, who relentlessly pursue any one who dares oppose them, until the day he dies. There is a long line of such brave, defeated, forgotten men, up to the day of infamy when Joe McCarthy was censured by his own colleagues in the Senate because someone in high office did not want him to get nearer to the secret places where Communists had power over our Armed Forces.

While this struggle was going on in our country, the Soviet rulers were busy expanding the empire of death over half the world of living men.

We remember that, even while our flyers were piloting planes over Canada to Alaska, and our seamen were going down to death in the icy waters near Murmansk, the Soviet Union had its spy network in Japan, under Richard Sorge, urging the Japanese to attack America, instead of Siberia. When Japanese planes rained death out of the morning sky on Pearl Harbor, the Soviet Union knew Siberia was safe. It moved its Asian forces to the European front.

Let every American who praises the Russian defense of Moscow remember that the Russian victory was possible only because our loyal ally, the Soviet Union, had persuaded the Japanese to attack our country.

The Soviet Union, in 1944, was so weak that it barely survived the conflict with Hitler. It survived only because America sent the extra margin of food and planes and trucks which kept the Russian armies in the field.

How did the Soviet Union repay our help, when the victory was won? Just exactly as they had said they would repay it. Lenin had long taught the Communists that they must use every nationalist war to start the world civil war. As soon as the Communists were sure we would defeat the Nazis, Soviet political leaders started their intrigues to destroy Chiang Kai-shek and conquer China. They intended that America would have no friends and no bases between Outer Mongolia and the coast of California.

They lit the fires of civil war in Korea and Southeast Asia, stirred up civil commotion in Germany, Italy, Austria, France, and England, trained their subversive followers in India, Africa, and Latin America, and brilliantly directed their traitorous fifth column and its dupes in America.

Now half the world is under the heel of their armies. A large part of the so-called Free World is so confused by their intrigues, so fearful of their vengeance, that it cannot plan a counterattack.

All over the world the simple people know the score. They know Communism is death. They will try to escape so long as they can. All over the earth they are leaving the Communist

world for the Free World—voting, if you please, with their feet.

Our Government tells us Tito is a great champion of freedom; but the plain people of Yugoslavia do not understand. Every day they are walking their way to freedom.

In Germany, all the human traffic is one-way—from Communist Germany to Free Germany. We remember the pictures of the Korean refugees clinging by the hundreds to every cart and truck that left the Korea of the Communists for the land of Syngman Rhee. They are still coming. Farther south, the Chinese flee in junks from the mainland to Taiwan; yet we are asked to believe the armed forces of China, with the best modern equipment, could never return from Taiwan to the mainland.

Politically, the world is covered with a blanket of silence. There is not much debate or argument. There is only the stillness, and the soft sound of feet crossing the borders to freedom, or junks sailing in the winds to the land of hope.

Our people have not failed. Our principles have not been found wanting. Our political leaders have failed. The people have courage, and the instinct for truth. They know the greatest political earthquake in history has destroyed all landmarks. They are willing to work and to suffer. They ask of their leaders only that they be given new maps, so they can find their way over the new territory, through which, like the children of Israel, they must journey if they are to reach the promised land.

Our times call for soul-searching by both our political parties. In a crisis as deep and as wide as that of today, political leaders cannot do everything. But have they done enough?

It is the task of political parties, under the two-party system, to mediate among the many special interests, but to find answers that serve the common good.

Today, that task is, I admit, harder than it has ever been before. America is sick with a sickness that goes very deep. The sickness has spread into our schools, our industries, our unions, even our churches. But that is no excuse for failure of the political parties to do their own work.

The duty of our parties is to serve the one great political interest in our country, the interest of those Americans who ask no gifts from their country, who believe—with Cleveland—that the Government does not support the people. The people support their Government.

Have our political leaders read Plato and Aristotle and learned how old is the trick of buying the support of the people with their own money? Have they worked hard enough to see that those who promise a brave new world in our day are no different from the demagogues of Athens and Rome? Have they learned to read, in the high-minded pronouncements about peace, collective security, and a new day for the common man, the same lies and deception that have destroyed so many republics?

Do they know, but fear for their own little safety?

It is the duty of political leaders to lead the Nation to clear political thinking. They must tell the people where, in the lies and confusion, their vital interests will be found.

Behind all the fooling and the horse-play, the partisan argument, and appeals to emotion, the great American parties have served our Nation well. I hope they will again. But today the individual who is trying to understand the dangers to our country must stand alone, and do what little he can, until the parties take up their burden again.

This is no time for me to speak of what I have done, or tried to do, although I am trying, by this recounting, to find the answer for myself.

Wherever I could, I have fought vigorously the Communist penetration into American Government and American life. The records of our subcommittee and other committees tell the story of how much we uncovered.

Wherever I could find a means to weaken the communism influence on our soil, I have fought for it—in the immigration laws, in internal security legislation, in the fight to give the States their sovereign right to legislate, except where it conflicts with the national purpose. The bill before the Senate on yesterday, which I first introduced, would take from the Supreme Court the power to hear appeals in areas where the Court has deliberately restrained Congress, the executive branch, our States, our school system, and our bar examiners, from necessary and proper steps to guard our country against internal communism. That bill is not before the Senate at this time; it was defeated yesterday by a vote of 41 yeas to 49 nays. But I hope it has left its impression. That fight is not over; it still will have to be won.

In foreign affairs, I have opposed solemn agreements with men who frankly admit they regard all agreements as military feints to deceive the hated enemy. I have opposed collective security and foreign aid, because they are failures, and the record shows it. They have not strengthened American security or brought peace and good will to the world. Instead, we have exported jobs and have drained away the wealth of this country; and still the Communists go merrily on their way.

It is just as stupid for us to fall into Communist boobytraps as it would have been for President Roosevelt and his advisers to talk peace with Hitler, join him in a world government for collective security, and distribute billions of our earnings in foreign aid to keep the neutral nations from turning pro-Nazi.

I have urged at every opportunity that we take the Communists at their word, and admit they are engaged in a civil war against the world. That means we should keep from them everything which builds up their warmaking power. We cannot feed their strength by trade, diplomatic relations, summit conferences, unchallenged rulership of the satellites, and the most absurd folly of all—cultural exchange with those who have reduced all culture to obedience to the state.

I have fought against all steps leading to world government, by people afraid to make an honest appeal to Americans to abandon their Constitution. I have opposed the perversion of the treaty power into an instrument for reducing our Government to a province of a world state. I have opposed abandonment of the constitutional rights of our fighting men through status of forces treaties and agreements. I have fought all the many-pronged attempts to transform American fighting forces into police contingents, subject to control by the Security Council of the United Nations, where they would no longer be able to safeguard our country or obey our Constitution.

Finally, I have fought, wherever I saw a chance, against the weakening of America through financial waste, Government extravagance, red-ink budgets, the lies about owing our debt to ourselves, and the widespread inflation throughout our whole economy which follows fiscal dishonesty.

Congress is kept in a state of perpetual confusion, goaded to such speed the Members cannot think. But if one looks carefully, there is no confusion. The problems are really simple.

If I had to reduce everything I have learned in the last 14 years to one sentence, I could sum it up in these words, "Please do not give your Government so much money."

Easy money is the root of political corruption. Rigid control of public money is the root of political morality and political creativeness.

Corruption of governments by too much wealth is not a new problem, but a very old one. The founders of our country understood how essential it is to keep government close to poverty's edge. They put the control over expenditures into the hand of Congress for a simple reason. The Congress which appropriated the money would not have the spending of it, and could not build up an empire of pressure groups. The executive, which could misuse public money, was not permitted to appropriate it, or lay taxes to collect it.

If the New Dealers had not had too much easy money, they could never have set up emergency agencies and created the sprawling bureaucracy which devoured the old-line Federal agencies. If the Government in wartime had not had too much money, it would never have been able to put teams of one-worlders into every field of Government, to prepare the directives, to write the laws, and to make the propaganda for our postwar Tower of Babel.

If the postwar agencies had not had far too much money, they would not have been able to make our executive branch so huge, that Congress cannot control it, so secret that neither Congress, the press, nor the people can find out what is going on.

A government with too much money to spend destroys the society it governs, in two ways. A spending government corrupts the weak with the current equivalent of bread and circuses. Today we call them Federal aid and summit conferences. More important, a spending government must destroy the strong.

No spending government ever gave up spending voluntarily. If it is threatened with loss of the money it loves, a spending government will fight with everything it has to preserve its advantage. A government with billions of dollars to spend as it likes is a government with economic soldiers it can send out to make war on its own people.

It must use money as a weapon to destroy the strong, who want no dependence on government. Why should anyone be surprised when the obvious happens?

I need only mention the income tax, Federal control of expenses of industry like advertising and depreciation, Federal control of income-tax exemptions and tax-exempt foundations. Why is it that the tax-exempt foundations are almost as a unit committed to the welfare state? Let us not be naive.

The Members of this body have seen the growing demand by the public for reduced spending, and lower taxes, which reached its peak last year. Senators remember how angrily the public protested the Eisenhower budget for fiscal 1959.

Yet we have seen this year the wildest spending debauch ever engaged in by any Congress. I have chosen those words deliberately. Nothing in the New Deal, nothing in World War II, and nothing in the postwar years or Korea, is anything like as outrageous as was the spending spree of 1958.

The administration had virtually achieved a balanced budget in 1957 and was trying to pay back part of the debt that now costs us \$8 billion a year in interest alone.

Where is the surplus now? Gone with the wind. The Secretary of the Treasury says we went into the red nearly \$3 billion in the year just ended. The deficit will be perhaps \$12 billion this year. We have thrown away the hope of a balanced budget for years to come.

I think the estimates of our deficit will prove much too low. The inflationary spirit is like a fire. Once started, it is hard to bring under control.

What is the end? We know. It is an old, old story. Always the end has been foreseeable long before the crash.

I will not repeat to you the story of inflation in Germany or France or any other country. But I say this—the financial losses of inflation are of the size of catastrophe. But they are not intolerable.

The American people could stand the loss of every dollar of their accumulated capital, and start from the bottom, to rebuild all their wealth, as Germany did after 1945.

My fear is this. The American people, like other people, cannot stand the moral deterioration, the intellectual decadence, that the flight to inflation brings. The men in Congress who pushed the American economy over the brink, from financial responsibility to runaway inflation, will have to answer for the destruction of everything political, economic, moral, intellectual that has made America strong.

Inflation in Germany was the start of Adolf Hitler's journey to the summit. In-

flation in the French Revolution led to Napoleon Bonaparte. Inflation is political suicide.

I have not said the American people are going to travel the primrose path of inflation. I say they are being pushed in that direction by wild-eyed Socialists, ambitious intellectuals, power-seeking demagogues and hidden Communists.

I say the issue is not over money. The issue is over the political sanity, the intellectual honesty, the moral decency, and the military vitality of the United States.

I am not retiring from political life because I am retiring from Washington.

As I said recently, our country is not governed by officials in the Capital. So long as America is true to itself, its strength will lie in the country, not in the Capital. Its political sovereignty will lie in the people, not in the officials. Its intellectual energy will be widespread in all parts of the Nation, not emanating in a cloud from Washington. Its spiritual strength will be in its families, its local communities, its local papers, its local schools and colleges, and symphony orchestras and baseball sandlots. Whenever the American people decide to rise up and rebel against Government that comes from their Capital City, they can end it forever.

If the day should ever come when the centralists and power seekers succeed in draining the strength of America to the Capital, I hope they will give up the sacred name of our country, and let it gather dust in the annals of history instead of being perverted to serve men not worthy of our past.

Our time will be known as one of the most decadent periods in political history, or it will be a time of great creativeness. We do not know. But let us not forget that the years immediately preceding the Constitutional Convention of 1787 have gone down in history as the Critical Period. The men who struggled with the difficulties that followed the Revolution did not know what 1787 would bring.

What Americans did once, they can do again.

The men who assembled to form the Constitutional Convention, were deeply grounded in both history and the practical affairs of life. They did not try to impose on the New World an exact model of the England of Magna Carta or Simon de Montfort, or the Parliamentary war with the Stuart kings. As men of wisdom and true scholarship, they knew the only way to preserve for new generations the virtues of the past is to understand both the deeper significance of history, and the challenge of formless new experience.

We have inherited in our Constitution and our political system something greater than that document itself, magnificent as it is. We have inherited something of the greatness of mind of the men who made our Nation. They were faced with heavy burdens, but they took from the confusions and currents of their day the best that men had learned from the past and crossed it with their clear understanding of the universe opening before us, in which we

move step by step into the new world of time.

It is my hope that the people of our generation will meet the difficulties of this period of confusion and chaos with the same fiery spirit of our forefathers. I hope and believe they will recreate the spiritual life of our country, for new generations, as the voyagers from old Europe recreated the spiritual, intellectual and political achievements of the Old World in the virgin lands of America.

To leave the Senate is not to abandon the fight. Those who have been once involved in this conflict will never be able to turn away again until the fight is won.

I close with the words John Adams wrote to his wife Abigail, the day after the signing of the Declaration of Independence.

Adams wrote:

You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure it will cost us to maintain this Declaration, and support and defend these States. Yet through all the gloom I can see the rays of ravishing light and glory.

I leave the Senate with regret. I return to my home in Indiana with hope and joy. Wherever we are, we shall continue working together, to make sure that this new birth of freedom shall not perish from the earth.

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

Mr. JENNER. I yield.

Mr. GOLDWATER. I have not the words with which to express myself and my gratitude—and I think I speak for the people of my State when I say their gratitude, too—for the service of the distinguished Senator from Indiana, who will leave the Senate at the end of this session.

I believe that his speech today will go down in history as a part of the warning sign which is long overdue, not about what is happening to America, but what has happened to America.

I wonder if the Senator from Indiana will allow me to ask him a question or two in that connection.

Mr. JENNER. Certainly.

Mr. GOLDWATER. I wonder if, when the Senator came to the Senate 14 years ago, even though we had been subjected to 10 or 12 years of New Deal philosophy, he did not find at that time the majority of Members of this body and the other body, the executive branch, and even the judicial branch, adhering to the words of the Preamble to the Constitution:

We, the people of the United States—

Did the Senator not find that to be the situation, even in those days?

Mr. JENNER. I did.

Mr. GOLDWATER. Am I correct in thinking that when the Senator came here 14 years ago there was still some sanctity attached to the 10th amendment, which reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Was not some degree of sanctity attached to that part of the Constitution 14 years ago?

Mr. JENNER. It certainly was.

Mr. GOLDWATER. Mr. President, I believe in history. I am a firm believer in what is written on the front of the Archives Building "What is past is prologue. Study the past."

I am not going into ancient history. But does the Senator from Indiana remember hearing on this floor yesterday, about 18 hours ago, these words from one of our colleagues:

But we cannot go back 75 years. We must go forward. Each year the population of this country increases by 3 million persons. Our economy is expanding and we are moving forward. We are constantly confronted with new problems.

Does the Senator remember that, vaguely?

Mr. JENNER. That is what I referred to in my remarks. That is a part of the New World philosophy which we are asked to accept, breaking loose from all fundamentals, and destroying the greatest country under God's shining sun.

Mr. GOLDWATER. I wonder what our forefathers would think about us if they could see us shivering about an increase in our population, and not preparing to get along as they did when their population increased by the same or a greater percentage rate. Their problems were far greater than those we have to solve today.

I wonder if the Senator heard on the floor of the Senate yesterday these words:

We are moving in a new age, a new era. We have been living in a new era since 1945.

Mr. JENNER. We have been living in a new era since 1787. However, that does not mean that we can safely abandon all basic principles, all keystones of constitutional government, and depart on the primrose path of inflation, in the belief that we, 170 million people, can feed, clothe, support, and elevate the standard of living of the rest of the world, and still retain our standard of living and our form of government.

Mr. GOLDWATER. That is exactly the point I am trying to make in my colloquy with the Senator. I believe that words were uttered on the floor of the Senate yesterday which are dangerous words, words which have never before been heard in this Chamber, words which give us all pause and cause us to feel concern.

Let me read a little further, to see if I can refresh the Senator's memory:

What is the value of talking about going back 75 years? We have problems enough as we move forward, and that is what we are attempting to do in connection with this legislation. We do not want to turn the clock back 150 years with this legislation.

Mr. JENNER. How many times have we heard that?

Mr. GOLDWATER. I ask the Senator, if our problems could be solved 179 years ago by the Constitution, the Declaration of Independence, and the Bill of Rights, problems which were basic then and are basic today because they deal with man's spiritual strength, not his material strength, why must we depart

from that concept and say that we must change the Constitution and change the intent of the Constitution to put one branch of the Government—nay, two branches of the Government—above the branch which is supposed to represent the people?

Mr. JENNER. I thank the Senator for his remarks.

Mr. GOLDWATER. Mr. President, before the Senator takes his seat, I wish to express my gratitude to the Senator for having expressed in so eloquent a way the fears of so many Americans. Again on the floor it was said yesterday:

I suspect, though I could be wrong—I am not at all sure I am correct—that the stream of history, the one-world concept, and all the things which have bound us together, from space to the atom bomb and interstate commerce are carrying us inevitably to a situation in which the supremacy of the Federal Government is something we will not much longer be able to controvert because it is essential to national safety.

Is the national safety helped by the recognition on the floor of this body that our Constitution, in effect, means nothing, that what we need is a Federal bureaucracy over us?

Mr. JENNER. And then one world.

Mr. GOLDWATER. I thank the Senator for having yielded to me. I know that other Senators will wish to comment on what the Senator said. One of the greatest events in my life has been the friendship of the Senator from Indiana, and as he goes back to the green hills and green fields of Indiana and to the wonderful people of that State, of whom my wife is one, I hope our friendship will continue to grow and blossom throughout the years.

Mr. CURTIS. Mr. President, I wish to commend the distinguished Senator from Indiana, not only for the speech he has just made, but for many he has made heretofore. We are taught in Holy Writ to prove all things; hold fast that which is good.

The theory of the American Constitution, including States rights, the rights of local government, the rights of the individual and adherence to a system set up under the Constitution, has proved to be good. Those who would change that concept, who would tear down State lines and would make the Federal Government powerful in all things, those who feel that this economy can be changed and divided and deviated from, have not proved their case. They have tried for many years but they have never proved that their methods can bring about a happier, healthier society than has been enjoyed under this Republic.

Mr. CAPEHART. Mr. President, I have been with BILL JENNER from Indiana, our home State, in many a fight. Some of them we won; some we lost. I have known BILL JENNER politically for 20 years, and I have never known a man who was a harder fighter, a harder hitter, or one who campaigned more aggressively for the things he believed in than BILL JENNER. We shall miss him here because of his aggressive fighting spirit. We all wish him well "back in Indiana." I shall be joining him one of these days. If there is anything that I or any other

Senator can do for him, I am sure we shall be happy to do it. I wish him well in his new business. I hope he will not completely withdraw from politics. He should not get out of politics, and I certainly hope he will not. I am sure that every Member of the Senate wishes him health and happiness in the coming years.

Mr. JENNER. I thank my senior colleague.

Mr. CASE of South Dakota. Mr. President, 6 years ago this summer it was my privilege to attend a dinner at the Hotel Claypool in Indianapolis to which 1,000 women from all over the State of Indiana came to help launch a campaign to speed up a campaign for the reelection of BILL JENNER to the United States Senate. On that occasion I heard the distinguished Senator from Indiana deliver a speech which, in fervor and strength, was second only to the one which he has given here today. He made certain pledges to the women of Indiana and to all the people of Indiana on that occasion when he was a candidate for reelection. I wish to say to him—and through the RECORD, to the people of Indiana—that the Senator from Indiana has done his level best to redeem every promise to carry forward the ideals which he expressed on that occasion when those 1,000 women came to wish him well in that campaign.

Mr. THURMOND. Mr. President, I wish to extend my congratulations to the able and distinguished Senator from Indiana. This is my fourth year in the Senate, and I look upon the Senator from Indiana as one of the soundest, ablest Senators within this body. He is a true patriot, a loyal citizen, an able Senator, and a great American. I regret that he has not sought reelection to the Senate of the United States. America needs more men of his type and his mind.

I am proud to have served here with the great Senator from the State of Indiana, and I wish him the finest of success and happiness in the years to come.

Mr. KEFAUVER. Mr. President, I have served on the Judiciary Committee with Senator JENNER for a number of years. On a great many fundamental problems we have disagreed, as we do now, within the committee, and on other legislation that has come to the floor of the Senate.

Senator JENNER has always been a man of his word. If he ever tells us anything, we know that is the way it is going to be. There could not be a more likable, charming person than he is to work with on a committee or in the Senate. I wish him good luck in his endeavors. We shall miss him in the Judiciary Committee of the Senate.

Mr. COOPER. Mr. President, I wish to make a short statement about our colleague, Senator JENNER. I do so, first, because we came here together in 1947. Second, because he is representative of a State, the State of Indiana, which is very close to my own State, not only geographically, but in the character of its people; for there were thousands of people from the eastern seaboard who streamed through the

Cumberland Gap, remained a while in Kentucky, and then passed on into Indiana. Among them was the Great Emancipator, Abraham Lincoln.

We all know that Senator JENNER is not only strong but relentless in his views, and yet outside of this Chamber he is tolerant of the views of others. No one is more kindly or friendly than BILL JENNER. In a personal sense I believe I have been his friend, and I have felt always in a personal sense that he has been my friend. I know he is an American of great patriotism and of strong convictions. He presents his vigorous views to the Senate and to the Nation. I know that he is a man who deeply loves his country. So I say as a friend to my colleague, I shall miss him, and I wish him every success.

Mr. BRIDGES. Mr. President, service in this great body has two important byproducts not often thought about either by our own Members or by the public at large. One—and of great value to the Nation—is that the Senate is a testing ground for the talent, personality, and character of the men sent here to represent the sovereign States of the Union. The scroll of statesmen in the Nation's history has been distinguished by the names of many great men whose service was rendered in this Chamber.

SENATE IS CRUCIBLE OF FRIENDSHIPS

The other is that the Senate is the crucible in which so many fine and understanding friendships are compounded.

I have been fortunate to have nearly 22 years of service in this body. What I have done here for my State and Nation will ultimately recede into history, but the treasured friendships I have made here will remain fresh in memory for all the rest of my life.

The closing days of each Congress always lay an extra strain on the heart-strings because for one reason or another some of our good friends and colleagues will not be with us when the roll of the next Congress is called.

One, who leaves this body by his own choice, is my good friend and able colleague, BILL JENNER.

COULD HAVE BEEN EASILY REELECTED

Senator JENNER was elected to the Senate three times by the people of the progressive midwestern State of Indiana. He represented them so ably that if he had chosen to remain here they would have supported him overwhelmingly.

BILL JENNER's life and career express the good earthiness of the Indiana soil where he was born. He was raised by stern but loving parents in a day when fathers and mothers recognized their responsibility to guide their children along the straight and good road. He learned from them the simple code to fear God, love his country, and to stand on his own feet.

These are the virtues he brought to his service in this body. They are the great values which distinguish our Nation's history.

HIS CODE OF LIFE

BILL JENNER has never shirked the basic responsibilities of the devoted parent, the good citizen, and the trusted public servant. In his code of life there

is no room for the fair-weather friend, the political faddist, or the middle-of-the-roader who fears to take a positive stand.

His service in this body is distinguished by political honesty, by the courage of his convictions, by true patriotism, and by firm insistence on the sound principle of self-reliance for men and nations.

His yardsticks are his understanding of the eternal truths of life and of the principles which have molded our American Republic. These he found embodied in our heritage, in sound economic principles, in the Declaration of Independence, in the Constitution, and in Washington's Farewell Address.

And so he fought loose fiscal policies, the Socialist welfare state, distortions of the Constitution by the executive branch and by the judiciary, and the feather-brained doctrines of those who maligned the good name of liberalism.

AMONG FIRST TO RECOGNIZE RED THREAT

BILL JENNER was among the first to recognize the true nature of the Communist international conspiracy against the United States and the Free World. In his fight to expose subversion and propaganda in the Communist aim to destroy America, he gave no quarter and asked for none.

In BILL JENNER's book, the yardstick of American foreign policy is true patriotism and the national interests of the United States. He sought strength, independence, and dignity for the Nation at home and abroad.

He has been the foe of bigness in government, of bureaucracy, of welfarism and blind internationalism—not because he is out of date with the times as his critics charge—but because he believes that these developments weaken the self-reliance and individuality of men and nations.

FUNDAMENTAL PRINCIPLES ARE ETERNAL

BILL JENNER would not deny that times have changed, but he insists that fundamental principles are eternal. In this he does not stand alone, but in the illustrious company of some of the greatest statesmen in the history of this body.

In the light of his patriotism, convictions, and forthright courage, it is no mystery that Senator JENNER became a controversial figure. There were times when his critics charged him with intemperateness.

What these critics never understood was that here is a man true to himself, a man moved by intense love for his country, devoted to fundamental principles, and determined to discharge his responsibilities to the Nation as he saw them.

Like Ezra, the celebrated Biblical character whose name he bears, BILL JENNER sought to call his countrymen back from what he believed were the errors of our times.

Progress in such a mission is not made by tip-toeing around the fringes of controversy, nor by imitating the squeak of a mouse.

GREAT MEN ALWAYS CONTROVERSIAL

So what if he were controversial and occasionally intemperate? These are controversial and intemperate times.

And few men have been great in history who were not controversial.

What matters most is that BILL JENNER is honest and sincere; that he spoke out for the preservation of the Constitution; that he fought for sound economic principle; and that he held the patriotic interests of his country a sacred trust of his public service. In these things, he has met successfully the high standards of this body.

RESCUED MANY A DULL DEBATE

All Senator JENNER's friends and colleagues regret his decision not to stand for reelection. We shall miss him. He always proved to be a loyal and understanding friend. His personal integrity and good sportsmanship constantly inspired us. Many a dull debate on this floor was rescued from boredom by his earthy wit and humor.

His leaving is a temporary parting of friends. What is said here is not an epitaph on BILL JENNER's public life. He is still young with many years of public service yet before him.

This is a bon voyage as he leaves for his new undertakings, with all of us wishing him success and happiness.

And it is something of a reminder, too, that whenever he decides to return to public life, he will find many friends to welcome him.

Mr. BARRETT. Mr. President, I join my colleagues in paying tribute to BILL JENNER. He has been a great advocate on the floor of the Senate for all the measures which will mean much for the betterment of our country. He has taken a great part in the development of legislation which he thought and which we thought would be best for the country as a whole. He has been a great Senator from the State of Indiana. He has been a great United States Senator. He is a great American. I am proud to say to BILL JENNER today that we are sorry he is leaving this body.

Mr. ALLOTT. Mr. President, it is a real honor and a privilege to join my colleagues in saying a few words on the floor about a man whom we all know as BILL JENNER, and who will always be known to us as BILL. I know of no man in the United States Senate, whether we have agreed with him or disagreed with him—and I have done both—who has more consistently attempted to resolve issues on the basis of the principles which our forefathers laid down in the Constitution. I believe that is something all of us should practice, for the good of our country. As a personal friend I admire him, and I can only say to him that in the choice he has made the Senate of the United States will suffer. He has made contributions to the Senate which will not be appreciated for some time. We will all miss him immensely.

BILL, all I have to say is, God bless you, and I hope you will find in your life ahead the fulfillment of your dreams and aspirations which you so richly deserve.

Mr. JAVITS. Mr. President, I am very much pleased to be on the floor to join with my colleagues and friends in saying, "BILL, we are sorry to see you go. We wish for you all the best. We wish for you personal happiness and all the things which you want for your future."

The junior Senator from Indiana and I have practically had an automatic voting pair. It became a matter of interest. When we voted alike on the floor, it was something really unusual.

Yet I have a deep conviction that such a condition is the very essence of why our country is so great; that it is this amalgam of ideas which makes it great; that each of us, in his own way, has an impact upon our people and upon our time. That is the way we want it. I think I would be untrue to my own conscience if I did not say that only the Lord knows who is right.

It is only the free and fair exchanging of ideas and awaiting the mandate of the Senate, of Congress, and the country, that gives us the national virility and strength to meet the towering challenges, unmatched in history, which our country faces today.

I say to my colleague, as he leaves, that notwithstanding our disagreements on many fundamental matters of policy, I appreciate the sincerity and respect, the indefatigable energy and erudition, with which he has attacked problems in his way, as I have tried to do so in my own. I believe that in this way each of us makes his contribution to what is good for the United States and the Free World.

Mr. JENNER. I thank the Senator from New York.

Mr. BUSH. Mr. President, I appreciate the fact that it must be very difficult for the distinguished Senator from Indiana to take leave of the Senate. That was evident in the remarks which he made a few minutes ago.

I wish to acknowledge that it has been a privilege to enjoy the friendship of the Senator from Indiana. While holding very sharp and definite views, and perhaps opinions different from those of other Senators, he has never allowed that to interfere with his friendliness or with their having the advantage of the warmth of his friendship. I am one who appreciates that.

The Senator from Indiana has made many contributions to this body. I think of two at the moment which I should like to mention, so that if the Senator from Indiana ever looks at this RECORD he will know that I have remembered them.

I recall the days when he presided over the very important subcommittee which was investigating largely in connection with Communist activity and infiltration. Those were days when Senators were under criticism concerning the fair procedures of investigating committees. I recall particularly that the distinguished Senator from Indiana was commended by many persons, both those who agreed with him and those who did not, for the way in which he conducted the hearings over which he presided.

I recall particularly a statement made by Dr. Harry D. Gideonse, of Brooklyn College, one of the great institutions of learning in the New York area, in which he specifically said that he thought that the Senator from Indiana had conducted those hearings with eminent fairness to all concerned. I thought that was a great compliment to the Senator from

Indiana, especially as it came from so eminent a source.

Finally, I think the Committee on Finance will miss the Senator from Indiana very much. I doubt—and in private conversations other Senators have indicated to me that they doubted—that his place on that committee can be filled, from among those who remain in the Senate, by one who has the sound ideas which he has respecting matters which come under the attention of the Committee on Finance.

I congratulate the Senator from Indiana particularly upon his service on the Committee on Finance, which I believe has been only in the closing years of his membership here, but which has been extremely useful to the committee, to the Senate, and to the people of the United States.

I wish the Senator all happiness in his retirement. I hope he will not lose contact with us; nor will we lose touch with him.

Mr. JENNER. I thank the Senator from Connecticut.

Mr. SALTONSTALL. Mr. President, while I do not always agree with my friend from Indiana, I shall miss him as a Member of this body. I look to him as a friend. I have always enjoyed him as a colleague, even though at times we have differed.

Mr. JENNER. I thank the Senator from Massachusetts.

ORDER FOR SENATOR MARTIN OF PENNSYLVANIA TO ADDRESS THE SENATE

Mr. MARTIN of Pennsylvania. Mr. President, I am very desirous of saying something concerning the distinguished Senator from Indiana and also the other Senators who are retiring with me at the end of the year. I ask unanimous consent that I may have the floor immediately after the distinguished Senator from Massachusetts [Mr. SALTONSTALL] has concluded his address.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 3268) to amend the National Science Foundation Act of 1950, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the Senate amendment No. 36, and further insisted upon its disagreement to the amendment of the Senate No. 114 to the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. THOMAS, Mr. ROONEY, Mr. GARY, Mr. TABER, Mr. BOW, and Mr. FORD were appointed managers

on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 12212) for the relief of certain employees of the Department of the Navy, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1258. An act for the relief of M. Sgt. Robert A. Espe;

S. 1801. An act for the relief of Guerdon Plumley;

S. 3195. An act to authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries;

S. 3776. An act to extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 3966. An act to amend Public Law 85-422;

S. 4169. An act to amend the act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization; and

S. 4273. An act to provide for cooperation with the European Atomic Energy Commission.

THE NATION'S SECURITY

Mr. SALTONSTALL. Mr. President, complacency certainly has no place in our consideration of the adequacy of our Nation's defenses now or in the future; but equally certain, we must not become panicky about them.

This last week we in the Senate have listened to discussions concerning our Nation's defenses: First, whether studies concerning methods of surrender were being conducted. The President ended that with the word "nonsense" and the Senate disposed of it by a vote of 88 to 2 against the use of any Government funds for any such study; and, second, whether our preparations for the defense of our country are adequate.

The American people have a right to all of the facts we can possibly make available. I have based my entire life in public office on the belief that the people reach right decisions once they know the facts on which to base a decision.

Our Nation's security requires a frank discussion of our capabilities, for much has been said in recent weeks estimating the possible inadequacy of our defenses in the years ahead. To make an intelligent appraisal of our Nation's defense capacity all of the facts must be known.

Policies must be debated and should be criticized—but responsible criticism must be grounded on a solid foundation of fact.

By affirming as fact what is, at best, opinion does not lead to sound action by our people.

Above all, let us not give credence to the propaganda of those who would destroy us by adopting their boasts as facts.

Surely every one competent to judge tells us that today we are sufficiently strong so that no nation will dare to at-

tack us because of our ability to retaliate devastatingly.

But, will the day come, say in 1960 to 1964, when the Soviet can inflict damage on us without our ability to inflict great enough damage on them to stop them from attacking us? That is what some critics of our defense policies say may happen.

The fact that they can damage us we all realize. The asset that we must have is the strength to damage them sufficiently so that they will not attempt to damage us.

We will never be the underdog if we maintain confidence in ourselves, advance our science by hard, constructive research, develop new weapons, and put them into production.

We do not hide our failures—we cannot be complacent in our successes.

Our defense policies are postulated on two fundamental considerations:

First. We must maintain adequate retaliatory power, not necessarily overwhelming, but sufficient to deter attack by any nation now or in the future.

Second. We must build a strong economy, maintain strong conventional forces to back up free nations who are our friends, and maintain our defenses against the political and economic aggression so characteristic of the Soviets.

Our task is to maintain this strength, not man for man, with any potential enemy, and not bomb for bomb, but by sufficient strength—whatever that quantum may be—so that we may discourage an attack on us by any nation.

We must look at the whole spectrum of our Nation's defense, not merely one isolated aspect.

Consider for a moment a few hard facts—some recent developments—about our defense posture:

First. The intermediate-range ballistic missile is in production. And this even though our missile program was not begun until 1953. The Russians had a 5-to-10-year headstart on us.

Second. The Atlas ICBM has been successfully test-fired and a nose cone has been shot into space and returned. We have developed the ICBM with unprecedented speed.

Third. The United States has unsurpassed leadership in the application of nuclear power to naval vessels. The 1,500-mile Polaris missile-firing nuclear sub is being converted from dream to reality; and it was great news when our nuclear-powered sub, the *Nautilus*, split the North Pole under the icepack and the *Skate* followed 8 days later.

Fourth. Three American satellites are circling the globe in outer space, better instrumented, scientifically, than any of the models produced by the Russians.

Fifth. American military forces are on 24 hours' call anywhere on the globe, with mobility that all the Russian ground forces put together cannot muster.

Sixth. The Strategic Air Command is equipped with the most modern manned aircraft in the world. Our drawing boards are replete with bold, new models.

Seventh. (a) Our atomic weaponry, including nuclear depth charges, has in-

creased a thousandfold the striking power of our military forces.

(b) An atomic charge has been fired several miles into the air—a precursor of the anti-ICBM missile.

Eighth. The BOMARC, a deadly defensive missile, has been fired, with incredible accuracy, by remote control 1,500 miles away.

Ninth. Under the reorganized Pentagon, we have good reason to believe that our Nation's defenses will be administered more speedily, more efficiently, and with less waste.

Is this lack of research or—lack of progress? Does this indicate that we are headed for second best in 1960 or 1964?

So let us not sell ourselves short. The Soviets may be ahead of us in some developments. But when some persons base their conclusions on estimates of Russian efforts, as compared with our efforts, when actually the Russians' are merely estimates, and are not hard, certain evidence, then I am worried. There is a great deal of difference between making a judgment based on estimates of what we think the Soviets are doing, and making a judgment based on what we know they are doing.

Let me offer one illustration of the kind of misunderstanding which can arise. We have heard a great deal of discussion about the quantitative comparison of Russian and American ICBM strengths. Figures which have been used show 130 United States ICBM's in 1964, as compared with 2,000 Russian ICBM's in the same year.

But this, I find, is a comparison of two entirely different things, for the 130 United States ICBM's represent only our developmental objective, and do not take into account what we can mass-produce, once preproduction models are completed and a decision to concentrate on a particular missile has been made.

The Russian figure of 2,000, however, is based on estimates of the maximum number they might produce, once in full mass production.

Furthermore, preliminary production estimates on one ICBM model indicate that we can exceed the Soviet effort numerically, if desirable. The exact numbers are classified, however.

In other words, we are comparing the optimum Russian mass production capacities with what are simply our own preliminary objectives, and do not even account for what we intend to produce.

We shall never be the underdog if we keep on the job. We need more efficiency. We must cut down on waste. We must make decisions as to choice of weapons, and then must proceed to develop and produce them.

The Preparedness Committee, under our majority leader, developed 17 points where speedy decisions and more action are needed. Decisions have been made; actions have followed.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Massachusetts yield? He referred to me, and I wish to make a brief comment in that connection. Ordinarily I would wait until the conclusion of the Senator's formal statement; but I am required to leave the Chamber in a moment or two.

Mr. SALTONSTALL. Let me say that in connection with these remarks I intend to submit a memorandum on the 17 points, and to include the unclassified material submitted in that connection. I realize that there is also a group of classified material; I have a copy of it, and so does the majority leader. However, I intend to submit for the Record only the unclassified material.

Mr. JOHNSON of Texas. Mr. President, if the Senator from Massachusetts will yield briefly to me—

Mr. SALTONSTALL. I yield.

Mr. JOHNSON of Texas. I should like to observe that the distinguished former chairman of the Armed Services Committee [Mr. SALTONSTALL] and I have no difference of opinion about the need for adequate defense for the Nation. I commend the Senator from Massachusetts for his efforts to keep America prepared.

I commend the Defense Department, under Secretary McElroy, for its attempts and his attempts to accelerate our defense preparations.

I do have a difference of opinion, I believe, in regard to whether we are going far enough, fast enough.

So I do not think the question here is one of patriotism or dedication to one's country. The question is purely one of judgment.

I recognize that the President, the Commander in Chief, has had great experience in this field; and naturally his opinions carry great weight. However, I wish the Record to show now—as I have wanted it to show year after year—that I believe the question is one of relative strength; and I do not think America is doing as much as it should be doing now.

I thank the Senator from Massachusetts for yielding to me; I appreciate his courtesy. I commend him for his efforts to keep America strong.

Mr. SALTONSTALL. I thank the Senator from Texas.

Mr. JOHNSON of Texas. I do differ with him on the extent of our effort.

Mr. SALTONSTALL. In the course of the remainder of my prepared remarks, I believe I shall answer some of the questions the Senator from Texas has raised.

Mr. JOHNSON of Texas. I reviewed the Senator's prepared statement a short time ago; and I wished to make this statement to him.

Mr. SALTONSTALL. I appreciate it very much.

Mr. CASE of South Dakota. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDING OFFICER (Mr. MORTON in the chair). Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. SALTONSTALL. I prefer to finish my formal statement before I yield further, Mr. President. I yielded to the majority leader because I realize that he is extremely busy, and that he had to leave the Chamber. After I conclude my prepared remarks, I shall be glad to yield to other Senators.

Mr. President, in the coming January, we must review those actions, to

see whether we are still going forward as fast as we should.

I ask unanimous consent to have printed at this point in the Record the 17 points named by the Preparedness Subcommittee, together with the unclassified answers of the Department of Defense.

There being no objection, the memoranda were ordered to be printed in the Record, as follows:

RECOMMENDATION No. 1.—MODERNIZE AND STRENGTHEN THE STRATEGIC AIR FORCE

Since April 3, 1958:

(1) The standard SAC alert force has been increased. The number of bombers on 15 to 30 minute alert is up 33 percent and tankers by 50 percent. In the present situation, number is higher (but classified).

(2) One ICBM training squadron and one Atlas squadron have been activated at Cooke Air Force Base. We have commenced deployment of the first Thor squadron to the United Kingdom to assist in training program. We have revised the ICBM operational concept to decrease vulnerability to enemy attack and permit greater effectiveness. (Refers to dispersal—which is classified.)

RECOMMENDATION No. 2.—STEP UP THE DISPERSAL OF SAC BASES

Since April 3, 1958, all money has been released to the construction agencies, and construction contracts are being placed as rapidly as possible.

RECOMMENDATION No. 3.—PUTTING MORE EFFORT INTO DEVELOPING ANTIMISSILE MISSILES

(1) Appropriate modifications to missile test ranges in order to test adequately the missile when available are being determined.

(2) Program of over \$200 million for Nike-Zeus for fiscal year 1959 has been approved.

(3) Management responsibility for Nike-Zeus program has been assigned to chairman, ballistic missile committee (Holaday) to provide expediting advantages possible through ballistic missile committee channels.

(4) Advanced Research Projects Agency has been directed to proceed with fundamental research phases aimed at later missile improvements.

RECOMMENDATION No. 4.—IMPROVE EARLY WARNING SYSTEM FOR MANNED AIRCRAFT AND ACCELERATE THE DEVELOPMENTS OF AN EARLY WARNING DETECTION SYSTEM FOR BALLISTIC MISSILES

(1) Program for construction of a two-station ballistic missile early warning system and associated communications with estimated cost of over \$500 million has been approved.

(2) Negotiations underway with appropriate government to increase number of stations in ballistic missile early warning system.

(3) Negotiations underway with appropriate government for improving communications with ballistic missile early warning system and distant early warning.

(4) Negotiations are underway with appropriate government for augmenting DEW line and other warning lines with more modern radars.

(5) The Argentia extension of the DEW line on the Atlantic side and the Aleutian extension on the Pacific side are in operational use.

(6) Management responsibility for the BMEWS assigned to the chairman, BMC (Holaday) in order to achieve expediting advantages through specialized organizational structure.

(7) Advanced Research Projects Agency to proceed with fundamental research phases applicable to later improvements of BMEWS.

RECOMMENDATION No. 5.—MODERNIZE AND STRENGTHEN GROUND AND NAVAL FORCES

Army modernization by its very nature is a continuing process. This program continues and will be strengthened with the approval of the fiscal year 1959 budget. Among the advanced weapons in progress are Honest John adaption kits, battlefield radars, improved reconnaissance systems, communications, and equipment to provide increased mobility.

Since April 3, 1958:

1. On April 18 the 4th Army Missile Command (air transportable) was activated in Korea.

2. On June 20 the 40th Field Artillery Missile Group (Redstone) was deployed to the 7th United States Army in Germany. This unit has successfully fired Redstone missiles as part of its training program (two).

3. Conversion of Continental United States Nike-Ajax air defense units to Nike-Hercules was initiated and training begun. The first three Nike-Hercules batteries are now in operation.

4. By June all 24 batteries of the 6 Nike-Ajax air defense battalions in Europe were operational.

5. The F4H-1 supersonic all-weather carrier-based fighter was assigned a DOD urgency second only to the national priorities program. This priority and the comparable priority previously given to the F8U-3 will help assure early availability of the F4H-1 for evaluation of which aircraft is to be procured for the air defense mission of the Navy.

6. About 80 percent of fleet Marine forces have completed reorganizing under new concepts of amphibious warfare and tactical nuclear warfare. The remainder will be completed by the fall of this year.

7. On August 3, the *Nautilus* reached the North Pole under ice, followed by the *Skate* crossing the North Pole on August 11, 1958.

8. Army authorized to procure Mohawk airplanes.

9. Navy extends contract with Martin Co. for engineering studies on nuclear seaplane.

10. World's largest submarine *Triton* to be launched August 18, 1958. A total of 33 atomic powered subs have been authorized, the *Triton* will be the 8th launched.

STATEMENT BY GEN. NATHAN F. TWING, UNITED STATES AIR FORCE, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE (JOHNSON) OF THE COMMITTEE ON ARMED SERVICES, UNITED STATES SENATE, ON RECOMMENDATION No. 6, PROVISION OF ADEQUATE AIRCRAFT FOR GROUND FORCES, JULY 24, 1958

One of the 17 recommendations of this subcommittee was that there should be provided for the Armed Forces of the United States "an adequate airlift for ground troops." In my first report to the committee on this recommendation on February 26, 1958, I stated that, as of that date, the Joint Chiefs of Staff were on record that our airlift capabilities were, in general, adequate. I further stated that the Joint Chiefs of Staff had directed that another study be made of the whole airlift problem in the light of the world situation as it exists today. On April 3, I reported that the Joint Chiefs of Staff study on airlift was still in progress and would not be completed for some time.

Any study of strategic airlift is bound to be complex, studded as it must be with assumptions that may or may not be valid in actual emergency situations. Such factors as I discussed in my testimony of April 3, as—bases, servicing facilities, stocks of gasoline and spare parts, communications, and termi-

nals capable of receiving, unloading, and servicing the aircraft expeditiously—must be taken into account. Furthermore, these factors must be taken into account for each movement contemplated. All of the factors I enumerated vary for movements from and to different points. A very good discussion of the general factors involved in strategic airlift was given by my predecessor as Chairman of the Joint Chiefs of Staff to the Mahon subcommittee of the House Committee on Appropriations. A sanitized version of this presentation appears at pages 2049 through 2097 of that subcommittee's hearing on the Department of Defense Appropriations for 1958.

With the above as a background, let me give you a progress report on what the Joint Chiefs of Staff organization has accomplished since I last testified on this subject 2½ months ago. The Joint Staff has, all during this period, been engaged in an extensive and comprehensive study of strategic airlift under mobilization and wartime conditions. This study covers a 4-year time period, 1958 through 1962—and constitutes an overall evaluation of airlift capability versus airlift requirements for the first 2 months of a general war. The evaluation is made under two major conditions: First, when D-day follows a mobilization day of 6 months; and second, when D-day and M-day coincide. This study has been completed and coordinated throughout the Joint Staff and is currently being commented upon and cleared by the services. It should be ready for formal presentation to the Joint Chiefs within the next 2 weeks. Should the committee desire, the conclusions and recommendations of this study could be discussed in a later executive session, subsequent to consideration of the paper by the Chiefs.

In addition to the study I have outlined above, the Joint Chiefs of Staff have noted and approved a report of the joint advanced study group on United States airlift capability in a specific emergency situation in the Pacific. This group took a typical limited war situation as set forth in an existing CincPac operation plan calling for United States military participation in the defense of a Far Eastern country. The group did what we in the military call "war gaming" of this particular operation plan. In developing that portion of the study concerned with United States airlift capability to support troop deployments to the emergency area in accordance with plans, a problem allocation of airlift consistent with United States airlift capabilities in the Pacific area was utilized. The study group concluded that, with the airlift allocated, the planned deployment of forces and materiel to implement the operation plan was feasible from the airlift point of view. That is to say—they concluded we had sufficient airlift to do the job required. I wish to emphasize that this is but one limited war situation out of many possibilities. It was studied and war gamed, however, with the maximum amount of realism which can be put into such a problem. Because this is an actual, not a theoretical, war plan, the solution is very highly classified and further details cannot be given in open session.

I would like to conclude by stating that nothing which has been developed by the Joint Chiefs of Staff organization thus far has changed my opinion that we have in being and programed sufficient airlift to meet our real needs. I want the committee to know, however, that I and the Joint Chiefs of Staff as a corporate body have an open mind on this subject and our study of it is deep, thorough, and continuous.

The balancing of priorities in what we must buy to best defend the United States is one of the most difficult problems which face the Chiefs as a corporate body. If the individual services could have everything

they wanted, I'm sure the Air Force would like to have more troop carrier aircraft—so would I. But, as I pointed out to this committee on February 26 of this year:

"Somewhere the Joint Chiefs as a corporate body has to make up its mind what you are going to buy."

The fact of the matter is—when the Joint Chiefs were considering in March of this year a priority list of what they would like most to buy if they were given \$1.5 billion additional funds and what they would like most to buy if they were given \$2.5 billion additional—troop carrier aircraft were not on any service list.

RECOMMENDATION No. 7.—POUR MORE EFFORT INTO OUR ANTISUBMARINE PROGRAM

Since April 3, 1958, several significant steps have been taken to improve antisubmarine capabilities. All of these, primarily involving detection, are of highly classified nature.

August 4: Navy awards multimillion contract to Lockheed for F2V-7 antisub aircraft and equipment.

RECOMMENDATION No. 8.—SET UP PRODUCTION SCHEDULES OF ATLAS, THOR, JUPITER, AND ACCELERATE DEVELOPMENT OF TITAN

(1) Successfully completed first phase of testing Atlas program with successful June missile flight. Now engaged in more complex test phase of this missile.

(2) Buildup of Atlas production rate continues.

(3) Titan, which was started later than Atlas program, is coming along in satisfactory manner.

(4) Thor program on schedule with flight test program achieving considerable success. Expect occasional flight test failure as reliability and debugging test program proceeds. Expect to meet scheduled operational deployment date.

(5) Buildup of Thor production rate continuing toward maximum approved schedule.

(6) Thor-Able, a Thor missile with a modified Vanguard second stage, successfully boosted a nose cone to a distance of over 5,000 miles giving us important nose cone re-entry information.

(7) Two full-scale Jupiter nose cones have been successfully recovered after full-range flights, confirming solution of IREB nose cone problem and providing data for further improvement.

RECOMMENDATION No. 9.—REDUCE LEAD TIME IN THE DEVELOPMENT OF WEAPONS SYSTEMS BY CUTTING DOWN ON DECISION TIME AND BY SIMPLIFYING PROCUREMENT PROCEDURES

(1) Reorganization of the Defense Department is expected to assist materially, particularly the establishment of the Director of Defense Research and Engineering.

(2) Progress has been made in simplifying procurement procedures governing smaller transactions which impose heavy workloads on industry and government.

RECOMMENDATION No. 10.—PROVIDE FOR A FREER EXCHANGE OF SCIENTIFIC AND TECHNICAL INFORMATION BETWEEN THE NATIONS OF THE FREE WORLD

Since April 3, 1958 Congress has just (July 2) enacted Public Law 85-479, broadening the degree to which information in the atomic field can be shared with our allies. The President on July 3 submitted to the Congress a new proposed agreement for cooperation with the United Kingdom.

Under our revised national disclosure policy, the sharing of scientific information with selected allies has increased.

RECOMMENDATION No. 11.—START WORK AT ONCE ON THE DEVELOPMENT OF A ROCKET MOTOR WITH A MILLION-POUND THRUST

Since April 3, 1958 a contract has been let with North American Aviation for develop-

ment of an engine of about 1-million pound thrust. Development of this engine is carefully coordinated between ARPA and NACA.

[Department of Defense news release of July 25, 1958]

In amplification of Defense Secretary McElroy's remarks before the Senate preparedness investigating subcommittee yesterday, the Department of Defense said today that, after careful coordination between ARPA and the National Advisory Committee for Aeronautics, the Air Force has been authorized to proceed with the development of a liquid propellant rocket engine which will produce over 1 million pounds of thrust from a single combustion chamber.

While the first application for such a large engine has not yet been definitely established, it will unquestionably be needed in this era of satellites and space vehicles. An engine of this size could be used to put up a manned satellite weighing approximately 20,000 pounds or an interplanetary vehicle weighing 5,000 pounds.

The Air Force has let a contract to the Rocketdyne Division of North American Aviation to begin development of major components for the engine, which is similar in principle to the Rocketdyne powerplants now used in the Atlas, Thor, and Jupiter missiles. One aspect of this new engine development is that the single combustion chambers may be clustered together to provide a multimillion pound thrust capability for United States military and civilian space programs of the future.

The authorization comprises only a part of the total program for high thrust engines under consideration. It is considered an interim measure to ensure continued progress in this field, while the total program was being developed between ARPA and the National Advisory Committee for Aeronautics.

RECOMMENDATION No. 12.—GIVE SERIOUS ATTENTION TO THE QUESTION OF SHELTERS AND STOCKPILES FOR CIVIL DEFENSE

This does not fall under our direct responsibility.

RECOMMENDATION No. 13.—REORGANIZE THE STRUCTURE OF THE DEFENSE ESTABLISHMENT

Since April 3, 1958, a bill embodying most of the points in the President's proposal has now been enacted.

RECOMMENDATION No. 14.—PROVIDE INCREASED INCENTIVES FOR THE RETENTION OF TRAINED PERSONNEL IN THE MILITARY SERVICES

Since April 3, 1958:

(1) The military pay bill (Cordiner) has been passed into law (May 20).

(2) To amend the Universal Military Training and Service Act to authorize additional deferments in certain cases (category IV).

Modern weapons have intensified our urgent need for realistic standards of initial acceptability for service whether through enlistment or induction. In the absence of this authority, the Army has been compelled to accept through induction many marginal individuals with limited training capability, requiring the Army to place them into uniform, house them, assign them basic training, and—then—after considerable initial outlay has been forced to separate them from service as inept or unsuitable.

Status: This legislation has passed both Houses and is before the President for signature.

(3) To amend title 10, United States Code, with respect to active duty agreements for Reserve officers, and for other purposes (term retention).

This proposed legislation is designed to provide an improved status for Reserve officers on active duty with the Armed Forces.

It is urgently needed to raise the critically low rate of retention of Reserve officers beyond their obligated tours of duty.

Status: It has been introduced in the House as H. R. 13472. Hearings have not been set by either Senate or House Armed Services Committee.

RECOMMENDATION No. 15.—ACCELERATE AND EXPAND RESEARCH AND DEVELOPMENT PROGRAMS; PROVIDE FUNDING ON A LONG-TERM BASIS

Since April 3, 1958:

(1) It is hoped that the new office of the Director of Defense Research and Engineering will help in this respect.

(2) The Department of Defense has requested increased transfer authority in the Department of Defense emergency fund from \$100 million to a total of \$500 million. Such an increase would enable us to move promptly in both research and development and procurement, to capitalize on any unexpected developments or important technological breakthrough.

RECOMMENDATION No. 16.—PUT MORE EFFORT INTO DEVELOPMENT OF MANNED MISSILES

(1) X-15 rocket powered manned research aircraft development program is proceeding on schedule.

(2) Contracts have been awarded to the General Electric Co. and the North American Aviation Corp. for design of full-scale sealed capsules capable of providing environment adequate to sustain a man in space.

(3) The joint ARPA-NACA panel has continued its review of various proposals for placing a man in space with the object of achieving manned space flight at the earliest practicable date.

RECOMMENDATION No. 17.—ACCELERATE THE DEVELOPMENT OF THE POLARIS (FBM) MISSILE SYSTEM

Since April 3, 1958:

The Polaris program is continuing to meet its demanding schedule with a remarkable degree of success thus far. To assure continued acceleration of the program in the interim preceding passage of the 1959 budget, the Navy was given special authorization of \$248 million for obligation and commitment for Polaris.

The Secretary of Defense has assured the Defense Appropriations Subcommittee that this program will be carried forward at all practicable speed.

Mr. SALTONSTALL. Mr. President, above all, America possesses an intangible quality which no totalitarian world power can share, namely, a will to win, and a belief, indeed, a conviction, in that which we know to be right. This spirit is our most formidable weapon. H-bombs can never destroy it, for freedom and liberty know no compromise.

Mr. President, let us never sacrifice, by psycho-surrender, the heritage of our great free democracy.

Instead, let us take a realistic look at the situation we face. The Communists are the aggressors. As aggressors, they may select the time for attack.

It is simple for them to concentrate on developing, for example, 1965 weapons, and to disregard today's technology. We must strike the proper balance between the weapons of the future and the weapons we need today. We cannot hope to concentrate on each year's military weaponry to the same extent that the Russians, if they choose to attack us, can concentrate on the weaponry of the one particular time they may select for attack.

Should we be drawn by fear into laying all-out effort on a particular period of time—let us say, the period from 1960 to 1964—for our primary defensive emphasis, we may then neglect the modernization of our present forces, and may invite an attack at the present time. Or we may neglect the weapons we need for defense in 1970, and may invite disaster in that year.

It is our job to strike the balance which will most effectively, at any given time, insure the security of our Nation. This is the balance that we have achieved today.

It is this balance that we must maintain each hour, each day, and each week of each year. We cannot be panicked into unwarranted emphasis on any future time, at the expense of the present time. The alternative, clearly, is to select a period of time for primary emphasis on our military development. And that, we can easily see, might well lead to disaster, because then we would either lose our present strength or lose our future strength beyond that selected period.

We can never rest on our oars. But much of our work will be undone if we pass to our people, as judgments, what are truly mere estimates.

I have confidence in the judgment of our President and his military advisers. I have faith that our scientific researchers, our leaders in education, and our industrial leaders and workers will continue with their skills and efforts to keep us in front. I have confidence in the will of our people to remain free.

The gap we have to avoid is in our will and determination. Then there will be greater security for ourselves and, we pray, more peace in the world.

We have confidence in our will to win and in our belief—indeed, our knowledge—that ours is a right and just cause. For in this knowledge lies our greatest strength; and from this strength emerges a weapon more powerful than anything a totalitarian nation can shoulder.

Mr. President, the strength of our will and determination, of our belief in ourselves and the rightness of our purpose, stands between freedom and slavery.

Mr. CASE of South Dakota. Mr. President—

Mr. SALTONSTALL. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. First of all, I wish to commend the efforts of the Senator from Massachusetts in the entire field of military preparedness and national security. I also wish to commend him for the speech he has made in the Senate today.

I should like to draw attention, by way of emphasis, to one of the points he made. He said we have the problem of selecting weaponry and building a defense balanced for the particular danger which will face us at any particular time.

Does not he feel that one of the important values provided for in the military reorganization bill which recently was passed by Congress was the placing upon the Secretary of Defense of the responsibility for making decisions with respect to new weapons systems, so that

in spending our money and in devoting our efforts, we may concentrate on those best suited to meet our particular needs?

Mr. SALTONSTALL. That is one of the most important parts in the reorganization bill, in my opinion—to give that decision to the Secretary of Defense, through his administrator, for that purpose.

Mr. CASE of South Dakota. I am reminded of one of the little stories I learned when I was a boy, which was allegedly credited to Benjamin Franklin, in which he told of the boy who went to the fair and spent all of his money buying whistles at the first stand he found when he went inside the fair gates. After he had loaded up on those whistles, he made the rounds of the stands at the fair, and saw many other whistles and other articles he wanted to buy, but he was out of money.

I have thought of that story many times in thinking about the problems of national defense. Along comes a new gadget which sometimes is attractive. Perhaps it has some value. But any nation that spends all its scientific talents and money upon a Maginot Line or on something new may use up all its money and resources and not have them available for something which is really needed. The problem of the correct exercise of judgment as to what we should spend our money on is a real one. I am glad the Senator from Massachusetts has pointed out that problem in connection with our national security.

Mr. President, supplementing what the Senator from Massachusetts has already done in the way of asking unanimous consent to have printed the 17 conclusions of the Preparedness Subcommittee, to which I was one of the subscribers, and the comments of the Defense Department thereon, I should like to ask, if I may, that following my remarks there be printed in the RECORD an interview which took place in a television broadcast, in which Professor Wiesner, of Massachusetts Institute of Technology, was interviewed by Mr. Erwin D. Canham, of the Christian Science Monitor. This contains the key paragraphs of the interrogation of Professor Wiesner, by Mr. Canham, followed by the comment of the Defense Department, which was placed in the open record of the Preparedness Subcommittee hearings.

There being no objection, the television interview and the Defense Department statement were ordered to be printed in the RECORD, as follows:

CANHAM-WIESNER INTERVIEW

The panel moderator, Mr. Erwin D. Canham, of the Christian Science Monitor, asked Professor Wiesner this question:

Mr. CANHAM. . . . In what areas are the Soviets already stronger than we?

Professor WIESNER. I presume you are talking about military areas now?

Mr. CANHAM. That's right.

Professor WIESNER. First of all I believe, although not everyone would agree with me, that the Soviets have managed to make a considerably more effective air-defense system than we have; I think it is perfectly obvious to everyone that they are ahead of us in the missile field. I believe that their limited war capability both in quality and quantity is superior to ours, and their

submarine fleet is certainly a much larger one than we have at the present time.

Mr. CANHAM. If their air defense is as strong as you state, and assuming a surprise attack such as Mr. Sprague spoke of, does this mean that our capacity of retaliation is uncertain?

Professor WIESNER. At this point I do not think that is so. The situation is changing rapidly and it could be that a few years hence it would be impossible for us to do an effective retaliation.

Mr. CANHAM. You think the situation is getting worse instead of better?

Professor WIESNER. I think so; yes.

DEFENSE DEPARTMENT STATEMENT ON WIESNER'S REMARKS

We would comment as follows on Professor Wiesner's remarks. His first statement is that "the Soviets have managed to make a considerably more effective air-defense system than we have." He wisely prefaces this assertion with the statement that not everyone would agree with him, since as General Twining pointed out (see p. 278 of the record), no one, including the Chairman of the Joint Chiefs of Staff, really knows the answer to this question.

As Secretary McElroy pointed out in his testimony before your committee (p. 277 of the record), " . . . the Soviet Union has one problem of defense, we have another. He puts together his defense program in relationship to his need and we put ours together in relationship to our need."

Thus, any comparison of our air-defense system with that of the Soviet's should be based on an evaluation of the problems of the two powers. Taking into consideration, however, that our defense needs are different and examining all the weapons in our arsenal, offensive as well as defensive, and evaluating the Russian capabilities in the same fields from known intelligence, we conclude on the basis of the best military advice we can get that our air-defense system is superior to that of the Soviet Union.

Professor Wiesner's second comment was that "it is perfectly obvious to everyone that they are ahead of us in the missile field."

We would not concede that it is perfectly obvious. It has been stated publicly that it is probably true that the Soviets are ahead of us in the development of the intercontinental ballistic missile with a range of some 5,000 miles. Mr. McElroy made such a statement on June 6, just 2 months ago. We believe, however, that we are closing the gap in the development of this long range missile.

Our successful Atlas firing the other day is evidence of our progress in this field. There are some categories of missiles, such as air-to-air and air-to-surface, where we believe we have a definite edge on the Soviets. It is misleading to take just one category and draw conclusions from it without considering the whole missile picture.

WHAT SORT OF WAR AND WHERE?

Professor Wiesner's next statement was that the Soviet's "limited war capability both in quality and quantity is superior to ours."

It is difficult to comment on such a statement without asking the obvious question: "What sort of a limited war, fought with whose troops, and what weapons in what location of the globe?"

This is the sort of statement on which long essays could be written unless the conditions for the limited war were set forth. In some areas of the globe, we believe our limited war capability, both in quality and in quantity, is superior to the Russians', while in other areas of the globe, we would concede the opposite.

We have no quarrel with Professor Wiesner's next statement that the Soviet "submarine fleet is certainly a much larger one than we have at the present time."

On the other hand, the Soviets have nothing to match our nuclear submarines now coming off the ways in increasing numbers.

We have accelerated our Polaris program, and the Navy is bending every effort to improve its antisubmarine capability, for which additional moneys were voted by the Congress in the budget augmentation programs.

There is no doubt that the large numbers of Soviet submarines pose a great threat to our Navy, our merchant marine, and our Nation. However, our answer to this threat should not merely be to try to build a larger submarine fleet.

Of course, we disagree with Professor Wiesner's final conclusion that the military situation is getting worse instead of better.

We believe great strides have been made in the past few months and we, therefore, think if our military posture versus that of Russia has changed, it is getting better instead of worse. This is no indication of complacency on our part for we in the Department of Defense realize full well that herculean efforts must be made to keep us in favorable military balance versus the Soviet Union.

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

Mr. SALTONSTALL. I yield to the Senator from Washington.

Mr. JACKSON. I gather from the distinguished Senator's speech that he wants to make the point that our knowledge of Russian capability in certain areas is based on estimates. Is that correct?

Mr. SALTONSTALL. Well, not entirely based on estimates; based partly on estimates of intelligence and some on facts.

Mr. JACKSON. Obviously we do not want to get into facts here, that involve problems of security.

Mr. SALTONSTALL. That is correct.

Mr. JACKSON. Is it not true that, generally speaking this Nation has erred on the side of underestimating Russian capability?

Mr. SALTONSTALL. I know the Senator from Washington has a lot of information on this subject, but I would not say his statement is true in every respect, although it is true in some respects.

Mr. JACKSON. Not in every respect, but in some vital areas we have underestimated the capabilities of the Russians, have we not?

Mr. SALTONSTALL. In some areas.

Mr. JACKSON. In trying to project our capabilities in relation to the Soviets, it is well documented that, for a long period we have underestimated the Soviets. We underestimated the time at which they were going to get the first A bomb and the first hydrogen bomb. We underestimated them on the long-range bomber, the ballistic missile, their submarine fleet, and right on down the line. I think the past record is clear. While I agree with my friend that we clearly do not want to overestimate the Russians, the truth is that, until sputnik, many of the American people did not realize the growth of Soviet military power. The fact did come home to the American people with the dramatic revelation that the Russians had developed a propulsion system far superior to anything we had.

Mr. SALTONSTALL. I agree with the Senator that we underestimated the

Russians as to the time sputnik would be launched.

Mr. JACKSON. I make this statement in all fairness, and not with any intent to be partisan. As I said, we also underestimated the Russians on the A bomb.

Mr. SALTONSTALL. However, we have overestimated them in at least one instance which I would rather not mention—a very important instance.

Mr. JACKSON. I think there has been a miscalculation with respect to what the Senator has in mind. While the Russians may have dropped off in the particular area which the Senator has in mind and which I have in mind, that fact may be the basis for the development of a new and better system.

Mr. SALTONSTALL. That is what we have to be ready for.

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

Mr. SALTONSTALL. I yield to the Senator from Connecticut.

Mr. BUSH. I congratulate the distinguished Senator on his statement. In that connection, the Senator talked about our position in the field of missile development. I wonder if the Senator would permit me to ask unanimous consent to have printed in the RECORD at this point one page of the testimony from the hearings of the Johnson subcommittee, in which Dr. Teller answered the questions of Mr. Weisl. Mr. Weisl asked the question:

Dr. Teller, why do you believe we are behind the Russians in the development of the long-range missile?

Dr. Teller replied:

That is something of a long story; and may I take the patience of the committee to answer it in more than just a few words?

Senator JOHNSON. Yes.

Then Dr. Teller made the answer which I am sure is familiar to all members of the committee. He pointed out that the Russians began a vigorous ballistic missiles development program immediately after World War II, and that we did not. His answer appears in part I, page 9, of the hearings, and I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks, in order to conserve the time of the Senate.

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

WHY WE ARE BEHIND THE RUSSIANS

Mr. WEISL. Dr. Teller, why do you believe we are behind the Russians in the development of the long-range missile?

Dr. TELLER. That is something of a long story; and may I take the patience of the committee to answer it in more than just a few words?

Senator JOHNSON. Yes.

Dr. TELLER. I would like to say that there is a special reason, and there is a general reason.

The special reason I have already tried to indicate. The special reason is that we have not embarked on a really vigorous missile program before we had clear and definite evidence what we shall do with such a missile, how such a missile can be used.

Let me make this a little bit more complete. In 1946, right after the end of the war, we could have said: Let us develop

ballistic missiles. One can go big distances, they are extremely interesting developments, some important wartime usefulness has been demonstrated by the German V-2.

Well, we did go into the development of ballistic missiles, but at an exceedingly slow and small rate. We did not start a vigorous development because it could not be proved that these missiles will be really important in the next war. We did not, if the next war comes, we did not have the really powerful explosive that would be needed in the warhead of such a missile.

Years later we finally realized that a system consisting of a guided missile and a warhead, which in the meantime has been developed, would indeed be an extremely powerful weapon. Therefore, we have determined to start a very vigorous program on the ballistic missile.

When we started this program, we went into it with quite a bit of energy and I think the efforts have paid off, and I have nothing to say about that program that would not bear out that it has been an excellent and excellently managed program, but it came too late.

The Russians have started on their ballistic-missile program, from all we know, right after the war, and they kept at it.

Mr. BUSH. Mr. President, I also ask unanimous consent, following that insertion, to have printed a table entitled "Programed Obligation Totals for United States Missiles Programs, Department of Defense, Fiscal Year 1946 Through Fiscal Year 1958" at this point in the RECORD.

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

Programed obligation totals for United States missiles programs, Department of Defense, fiscal year 1946 through fiscal year 1958¹

(In millions of dollars)

	Total missile program	Surface-to-surface program ²	Long range surface-to-surface program ²	IRBM and program ²
Fiscal year:				
1946 and prior	70	19	9	(³)
1947	58	20	6	-----
1948	81	36	11	-----
1949	98	45	18	-----
1950	134	65	22	-----
1951	784	186	113	-----
1952	1,058	240	143	-----
1953	1,166	406	270	3
1954	1,067	350	258	14
1955	1,470	559	376	161
1956	2,270	902	679	515
1957	4,283	2,000	1,743	4,138
1958 (preliminary)	4,638	2,100	1,928	1,400

¹ Program data contained in this table include the cost of bringing guided missile weapon systems to an operational status, combining research and development, production facility expansion and tooling, procurement, contract, and military overhead to support missile testing and certain construction costs for research and development. The figures above do not include military pay, the cost of maintaining and running operational sites, construction installations not included in research and development costs, or building or converting ships incident to the guided-missile program.

² Each of the above columns is a part only of the preceding column to the left.

³ Totals less than \$1,000,000 are not included above.

⁴ Unusually high expenditures in fiscal year 1957 were due to a large nonrecurring capital investment in test facilities.

Mr. BUSH. Mr. President, in a recent speech on the floor of the Senate the distinguished junior Senator from Massachusetts [Mr. KENNEDY] drew some conclusions from the Lebanon operation which I believe were unwarranted and bear comment, and perhaps correction. The statement of the junior

Senator from Massachusetts which I have in mind reads as follows:

It should be obvious from our Lebanon experience that we lack the sea and airlift necessary to intervene in a limited way with the speed, discrimination, and versatility which may well be needed to keep it limited—and without weakening our ultimate retaliatory power. It is shocking to realize that units entering the Lebanon pipeline at the time of the Iraqi revolt emerged at the other end to find that by then the dust had settled and we had already recognized the new regime and it was time to evacuate.

I have attempted to analyze that statement and present a statement for the RECORD in which General Twining's comments on this matter are given, and in which conclusions are reached which I think do not support the statement of the distinguished junior Senator from Massachusetts. I ask unanimous consent now that the entire statement of mine be printed in the RECORD at this point.

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

STATEMENT BY SENATOR PRESCOTT BUSH

In a recent speech on the floor of the Senate Senator KENNEDY drew some conclusions from the Lebanon operation which I believe were unwarranted and bear correction.

Senator KENNEDY's statement was as follows:

"It should be obvious from our Lebanon experience that we lack the sea and airlift necessary to intervene in a limited way with the speed, discrimination, and versatility which may well be needed to keep it limited—and without weakening our ultimate retaliatory power. It is shocking to realize that units entering the Lebanon pipeline at the time of the Iraqi revolt emerged at the other end to find that by then the dust had settled and we had already recognized the new regime and it was time to evacuate."

Let me say at the outset that, as I understand the Lebanon operation from questioning officials of the Department of Defense, neither airlift nor seallift was a problem. We had both in more abundance than needed. The despatch and landing of our troops in Lebanon was effected at a deliberate and preplanned speed, executed as planned. Airlifting or seallifting of troops into Lebanon at greater speeds would not have been in consonance with the desires of our military and diplomatic planners.

I think the best description of the relationship of airlift and seallift to the Lebanon operation was given by testimony of General Twining before an executive session of the Senate Armed Services Preparedness Subcommittee on Friday, July 25. This testimony, while given in executive session, has since been edited by General Twining and declassified by the Department of Defense. Senator SALTONSTALL, a member of the committee, asked Secretary McElroy and General Twining, who were witnesses together, the following question:

"Senator SALTONSTALL. Following along those lines, if you had to move substantially more of our military forces into Lebanon or anywhere in the Mideast, have we got the available airlift or would we do it by water?"

The reply by the Chairman of the Joint Chiefs of Staff was as follows:

"General TWINING. We have a great deal more airlift than we could possibly use in connection with Lebanon. There is an example of the airlift problem. If we had to put a division into Lebanon on an emergency basis, what would be the fastest way to get it there from the United States? It certainly would not be by air because we

could not get it in by air. It is impossible. And there is the heart of the matter.

"The quickest way to get them into Lebanon would be to put them on a ship and send them over there or, airlift a small advance echelon and send the rest by ship. But we only have one field in the whole area. Even using it to full capacity, it would take a solid week to land a division in airplanes even if we had all the airplanes.

"So those are the problems you run into on his airlift. The Chiefs have been studying these problems through the years.

"I do not know of any place except the mainland of Europe itself where you could really launch a great massive airlift of the kind that General Gavin was talking about, 2 or 3 divisions."

The following colloquy then ensued:

"Senator SALTONSTALL. So your opinion on that question of the airlift versus the water transport, because of bases throughout the world—is still the same that you gave us 6 months ago?"

"General TWining. That is right. Even on this small lift we had in connection with the Lebanon operation, the tactical lift, we had congestion at some of our terminals on the way over with some of these airplanes * * * If we had to put in a division somewhere in the world, Lebanon is an example for us to look at to see the difficulties * * * We could not airlift them into Lebanon. We just could not. The terminal facilities just are not there."

In this statement, General Twining has touched on the core of the problem. Careful study has shown that, for these extremely complex and complicated airlift operations the problem of terminal facilities will, in many areas of the world, establish limits upon the size and tempo of operations that can be successfully carried out.

It does not therefore, seem obvious to me, that anyone could conclude from this testimony or from the Lebanon operation itself that we lack sea and airlift to intervene in a limited war with the speed, discrimination and versatility which may be needed to keep it limited.

May I state once more that the Lebanon operation was carried out as planned and that lack of sea and airlift was not a factor. Therefore, the only conclusion which should be drawn from the Lebanon operation with respect to air and sealfit is that we had all we needed for the operation as planned.

The entire Lebanon operation, airlifting 4,200 troops and 2,500 tons of cargo (1,800 Marines from the United States and 3,400 Army troops and cargo from Europe) used only a little over 100 transport aircraft. The United States has over 5,000 military type transport planes in its inventory, not to mention civil aircraft which could be used in any grave emergency.

This is more than twice as many transport aircraft as are possessed by any other nation in the world, including the Soviet Union. This does not suggest that all of these have the capacity of the transports that were used for the Lebanon operation. Many of them are older, smaller types. But even a quick comparison of the number of planes used for that operation with the total number on hand will show that we had many times the airlift capability that we actually used.

Our total airlift capacity is determined only after a most careful and searching study of the military problems we confront around the world today. Our responsible military leaders endeavor to make a reasonable provision from an overall point of view for such airlift needs—and not to be swayed by overemphasis on this, or any other major component, of our total military power.

Both military and commercial shipping were also more readily available than the troops they had to transport. Here again in numbers and types of troop ships the Free World enjoys an overwhelming superiority.

I would like to repeat the last sentence of Senator KENNEDY's paragraph on the Lebanon operation so it will be fresh in our minds:

"It is shocking to realize that units entering the Lebanon pipeline at the time of the Iraqi revolt emerged at the other end to find that by then the dust had settled and we had already recognized the new regime and it was time to evacuate."

Now I have read this statement several times and each time I return to probe its meaning. So far as I know, this Government never expressed or had any intent to intervene in the Iraqi revolt. It is a disservice to imply that we did, since the inaccuracy plays into the hands of the Soviets as they broadcast the same unfounded assertion. I cannot and do not register any shock, therefore, that our troops failed to reach Lebanon in time to intervene in Iraq. The important thing is they reached Lebanon at the time they were supposed to reach Lebanon and for the purpose they were sent there.

Mr. SALTONSTALL. I thank the Senator.

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

Mr. SALTONSTALL. I yield to the Senator from Colorado.

Mr. ALLOTT. A remark was made on the floor a few moments ago concerning the underestimate of the potential of the Russians. I should like to ask the senior Senator from Massachusetts if he recalls a statement by a certain columnist, whom everyone seems to love to quote at this particular time. Concerning the Russian potential about 2 years ago, the columnist made the prediction that by now the Russians would have over 800 operational Bisons. Does the Senator recall that prediction?

Mr. SALTONSTALL. I think I know to whom the Senator refers.

Mr. ALLOTT. Now we are told by this same columnist that the Russians have only about 250 Bisons.

A remark has also been made with respect to Russian submarines and how we have underestimated the Russians in that regard. The distinguished Senator has been a member of the Committee on Armed Services for some time. Is it not a fact that ever since World War II the Russians have been building up their submarine fleet, which was a matter of common knowledge and has been a matter of common knowledge throughout the world?

Mr. SALTONSTALL. That is entirely correct. Of course, the purpose of our submarines may be quite different from the purpose for which the Russians want to use submarines. There are some common purposes, but there are also completely different purposes. As I have tried to say, we have to have a balanced defense, which includes things other than submarines.

Mr. ALLOTT. I thank the Senator for yielding.

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

Mr. SALTONSTALL. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am interested in the talk of the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. I appreciate that comment. I have always been interested in the talks of the Senator from

Missouri, although we sometimes disagree.

Mr. SYMINGTON. I appreciate what the Senator has just said. The Senator says in his talk that he wants to present the facts. The Senator mentions a figure of 130 ICBM's in 1964 and 2,000 Russian ICBM's in 1964. Does the Senator say that the figure of 130 ICBM's in 1964 is incorrect?

Mr. SALTONSTALL. I do not quite understand the question.

Mr. SYMINGTON. Does the Senator say we plan to have more than that number of 130 ICBM's in 1964?

Mr. SALTONSTALL. I have checked 3 or 4 times with responsible authorities on this matter. As I understand it, those figures are the figures of ICBM's for development purposes. That is, the different missiles which are being experimented with for development purposes. As I understand the situation, when the development of any one of those instruments, or of any group of them, is perfected, the missile or missiles will go into the production stage. Perhaps a lot of other missiles now being used for development purposes will be dropped. The first chosen will be mass-produced. That is what I understand to be the situation, and that is what I tried to say.

Mr. SYMINGTON. Does the Senator believe there are any plans or programs for producing, on any basis of any kind, more than 130 ICBM's by 1962?

Mr. SALTONSTALL. Mr. President, the answer to that is "Yes." The figures of the proposals are classified. I am confident the Senator can get the figures if he wants them.

Mr. SYMINGTON. Does the Senator say that we plan to make more than 130 ICBM's by 1962?

Mr. SALTONSTALL. I would prefer not to answer that on the floor, but it is my understanding these figures relate to development weapons. The figures as to the amounts we can produce are under security regulations.

Mr. SYMINGTON. Let me say that I have not originated these figures which the Senator referred to in his talk. I was simply asking the Senator for his opinion. As I understand the Senator, he believes the plans are to produce more than 130 ICBM's by 1962.

Mr. SALTONSTALL. I say to the Senator from Missouri, who I know knows much about these things, that the 130 relates only to the developmental models planned and is not production capacity.

Mr. SYMINGTON. I am sorry I did not know the Senator was going to make this talk, until I saw excerpts from it on the ticker.

Mr. SALTONSTALL. I will say to the distinguished Senator from Missouri, the Senator has been courteous to me at various times, but I did not send a copy of the remarks to the Senator because I had no idea when I could get the floor to deliver them.

Mr. SYMINGTON. I thank the Senator.

Is not the Senator, in effect, comparing the estimated Russian position with what we could produce if we changed our military schedules with respect to ICBM's?

Mr. SALTONSTALL. Will the Senator please repeat the question?

Mr. SYMINGTON. Is the Senator not comparing the estimated Russian position with what we could produce if we changed our missile schedules?

Mr. SALTONSTALL. I am comparing their maximum production with what I understand is our developmental objectives. What we may then produce is classified.

Mr. CASE of South Dakota rose.

Mr. SALTONSTALL. Will the Senator permit me to yield to the Senator from South Dakota, who has a more elaborate answer on that subject?

Mr. CASE of South Dakota. Mr. President, on that point my understanding is that when the Secretary of Defense makes the decision he is required to make under the Reorganization Act our schedules may be revised with respect to ICBM's or whatever the application would be of his selection of the weapons systems.

Mr. SALTONSTALL. I thank my friend from South Dakota.

Mr. CASE of South Dakota. That is the purpose of the procedure.

Mr. SYMINGTON. I am simply trying to make the record clear.

Mr. President, in the talk the distinguished Senator has given, he stated the missile program was not begun until 1953. Does the Senator not know that the first contract for the intercontinental Atlas was given to Convair in 1946 or 1947?

Mr. SALTONSTALL. The first program was begun in fiscal year 1946, but the total program was then only \$70 million.

Mr. SYMINGTON. Yes.

Mr. SALTONSTALL. The program ran from 1946 up to 1953, when it was \$1,166,000,000. The figure for 1958 was \$5,107,000,000, and in 1959 it is estimated at approximately \$6.6 billion.

Mr. BUSH. Mr. President, will the Senator yield on that point, for a question?

Mr. SYMINGTON. May I please finish the colloquy, first?

It is true, is it not, that due to the discovery and development of new weapons, it was possible to have a great change in the missile picture later?

Mr. SALTONSTALL. Yes.

Mr. SYMINGTON. When the Senator says that the missile program did not start until 1953, does not the statement the Senator just made at least partially refute his statement?

Mr. SALTONSTALL. Partially.

Mr. SYMINGTON. I thank the Senator.

Mr. SALTONSTALL. I meant to give the impression that was when the program got under way as such.

Mr. BUSH. Will the Senator permit me to comment on the very point he is discussing?

Mr. SALTONSTALL. Will the Senator from Missouri permit that?

Mr. SYMINGTON. I would be glad to have the Senator do so.

Mr. BUSH. The important point under discussion in the remarks of the Senator from Massachusetts was in connection with the medium and long-range missiles. I think the table did show it

was not until 1953 that any money was spent in that area.

Mr. SYMINGTON. That is not correct.

Mr. BUSH. That is in the table, which was submitted at the hearing.

Mr. SYMINGTON. The original contract was for the Atlas intercontinental ballistic missile.

Mr. BUSH. That information is in the table submitted officially to the Johnson subcommittee. It was in the hearings. I have excerpted the information and had it printed in the Record.

Mr. SYMINGTON. The contract was given to the Convair Co. for the Atlas intercontinental missile in 1946 or 1947.

Mr. BUSH. Let me say to the Senator, I do not question that.

Mr. SYMINGTON. The \$70 million was appropriated at that time. I was simply asking a question so that the facts would be brought out.

Mr. BUSH. I was simply saying, there must be a question about the matter.

Mr. CASE of South Dakota. If the Senator will yield to me, I have a little personal knowledge on that point.

Mr. SYMINGTON. If the Senator from Massachusetts would prefer to yield to others, I will be glad to ask more questions when he has finished the colloquy.

Mr. SALTONSTALL. The Senator from Missouri has always been courteous to me.

Mr. SYMINGTON. May I continue?

Mr. SALTONSTALL. The Senator may do so.

Mr. SYMINGTON. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the distinguished Senator from Missouri permit me to support his statement?

Mr. SYMINGTON. If the Senator desires to support my statement, that very much influences my position in the matter.

Mr. CASE of South Dakota. Mr. President, I happened to be a member of the appropriations subcommittee which dealt with the Department of Defense in 1946 and 1947. I know the Senator from Missouri is correct in saying money was made available to the North American or Convair people for a missile project in 1946. The Senator from South Dakota was one of those who at that time protested very bitterly—and it is a matter of record in the hearings in 1947—the transfer of part of the research and development money to "Pay of the Army."

Mr. SYMINGTON. The Senator is correct.

Mr. CASE of South Dakota. Representative Engel, of Michigan, and I bitterly opposed that transfer because we thought that the research and development program should continue. However, the decision was dictated at that time by someone in the Budget Bureau, I suppose. It is a matter of record.

The Senator from Missouri is correct in saying that the program was started then, that the money was transferred, and that we lost valuable time in 1947 and 1948 as a result.

Mr. SYMINGTON. The Senator is correct. With only the atomic bomb, the

development of the intercontinental ballistic missile program could not progress satisfactorily. It was not until the development of the hydrogen bomb plus the great savings of weight that the ballistic missile program became really practicable.

Mr. SALTONSTALL. The missile program was started in 1947, canceled in 1948, reinstated in 1951, and began to operate in a bigger way in 1953.

Mr. SYMINGTON. We had the Navaho. The Senator remembers when that development started. It included the Rocketdyne engine.

Mr. SALTONSTALL. I take the Senator's word for that.

Mr. SYMINGTON. The present thrust of the Atlas intercontinental ballistic missile uses the Rocketdyne engine.

Mr. SALTONSTALL. So I understand.

Mr. SYMINGTON. If the development of the Rocketdyne had not been started in 1947, we would be at least 2 years further behind in the production of the Atlas ICBM would we not?

Mr. SALTONSTALL. I agree with the Senator.

Mr. SYMINGTON. I thank my friend from Massachusetts.

In connection with point 4, the Senator says:

Three American satellites are circling the globe in outer space, better instrumented, scientifically, than any of the models produced by the Russians.

I ask the Senator how he knows that?

Mr. SALTONSTALL. That is based upon information given to me as recently as this morning. With respect to the instrumentation of our satellites, we are using miniaturized electronic equipment, while the Russians are still using conventional vacuum tubes. I cannot explain to the Senator the details of the miniaturized electronic equipment, but that is the information which I have received.

Mr. SYMINGTON. We are engaged in a discussion of relative military strength. The Senator knows that the largest satellite we have put up has no military significance, whereas the Russian satellite has a weight which indicates the Russians have a thrust capable of use in intercontinental ballistic missiles.

Mr. SALTONSTALL. I agree with the Senator. However, our scientists report that we are getting more data from our satellites than the Russians are from theirs.

Mr. SYMINGTON. In connection with the fifth point the Senator makes, he states:

American military forces are on 24 hours' call anywhere on the globe, with mobility that all the Russian ground forces put together cannot muster.

What is the implication of that statement?

Mr. SALTONSTALL. I thought over that statement fairly carefully before I made it. The implication in that statement is that we are alert today to help our friends in a situation in which our assistance might be required.

Mr. SYMINGTON. The Senator knows, does he not, that we have sworn testimony before our committee that this

country cannot lift and properly support overseas a single division?

Mr. SALTONSTALL. I agree with the Senator that we received such testimony. I am concerned with the airlift. In the original statement that I had prepared there were some statements on that subject, but I omitted them because I thought the statement was becoming too long. There is the question of the airlift and the sealift. As I understand, in the recent landing at Beirut, we used 10 percent of our airlift, and a very small fraction of our sealift. I am sure the Senator will agree that the question involves landing fields. That is a problem in many sections of the world today. The question is, How big an airlift will be practicable and realistic to use, in view of the shortage of airfields around the world?

Mr. SYMINGTON. When the Senator says that American military forces have a mobility which all the Russian ground forces put together cannot muster, is he talking about airlift?

Mr. SALTONSTALL. I am talking about the airlift and the sealift combined.

Mr. SYMINGTON. There would be no reason for the Soviets to go by sea if they could go by land.

Mr. SALTONSTALL. That is correct.

Mr. SYMINGTON. There is no need for the Soviets to have any large airlift of a strategic nature, is there?

Mr. SALTONSTALL. A large airlift of a strategic nature?

Mr. SYMINGTON. Yes. In other words, their distances are shorter than ours.

Mr. SALTONSTALL. Distances in Europe and Africa are shorter than ours. I am not sure that they are shorter in all parts of Africa, but certainly in certain parts.

Mr. SYMINGTON. Is there any question in the Senator's mind, based upon his membership on the Armed Services Committee and other information he has available to him, that we are falling behind the Soviet Union so far as our defense strength is concerned vis-à-vis theirs?

Mr. SALTONSTALL. I would certainly disagree with that statement. That is what I have tried to say. I believe the Senator from Missouri, who is very well informed on all these subjects, will agree with me that all the testimony before the so-called Symington Committee and before the so-called Johnson Committee indicated that as of today and through 1958—and we hope the same situation will continue in 1959, and possibly in 1960—we are sufficiently strong so that no nation would dare to attack us. The problem will come in later years. We are never going to be an attacker Nation. Therefore we must remain prepared today. We must be prepared in 1959, 1960, and 1961. In certain respects we are not as far ahead vis-à-vis any possible opponent as regards certain weapons. On the other hand, we are very substantially ahead in the development of certain other weapons. For example, I know the Senator had the same pride I had when the *Nautilus* and *Skate* went under the North Pole. The Senator has the same

pride as I have in the development of the *Polaris* submarine.

Those are weapons that we believe are unique insofar as we are concerned at the present time, and we hope that those weapons will be of very great value to us in the days ahead. I do not agree with the Senator that we are falling behind. I say that what we have to do is to continue our efforts, and in that, I will collaborate with the Senator from Missouri, although we differ in certain particulars.

Mr. SYMINGTON. I thank the Senator from Massachusetts. It is never a pleasure to disagree with him. I am sure he is sincere in his position and I hope he thinks I am sincere in mine.

Mr. SALTONSTALL. I agree with the Senator. I know he is sincere in his position; I disagree with him perhaps only as to tempo, and certain other respects.

Mr. SYMINGTON. I ask the Senator if he did not sign a report on last January 23, the first finding of which stated:

The Soviet Union leads the United States in the development of ballistic missiles.

Mr. SALTONSTALL. I did. I signed it and I put into the RECORD, as the Senator has said, a report on the 17 points up to the present time. I know he has seen or can see the classified answers.

Mr. SYMINGTON. May I ask if the second point which he signed and agreed to on January 23, did not read as follows:

The Soviet Union leads the United States in number of submarines, which raises the possibility of attack with modern weapons or missiles, although the indications are that we are ahead in the production of atomic submarines.

Mr. SALTONSTALL. I agreed with that statement then. I agree with it today. But I think the fact that we are so far ahead in the development of nuclear-powered submarines and certain other weapons for the protection of ourselves and our friends, offsets the increase in submarines on the part of the Russians.

Mr. SYMINGTON. The third point in the statement, which I believe the Senator remembers signing was:

The Soviet Union is rapidly closing the gap in manned air power—and, at present rates, will surpass this country in a comparatively short time.

Mr. SALTONSTALL. I signed that statement in January. I believe the situation has somewhat changed now, as the Senator knows, but we cannot go into that subject here.

Mr. SYMINGTON. I agree that if there is a change it is in all probability because of their rapid missile development.

The fourth point, with which I think the Senator agreed is:

The Soviet Union has a system which enables it to develop new weapons in substantially less time than the United States.

Mr. SALTONSTALL. We have had evidence to that effect. I believe that evidence is what might be called reasonably hard evidence. I have introduced a bill on that very subject, which I have discussed with the Senator from Missouri, and I hope that if he feels the

same way as I do, we can both try to improve the bill when I introduce it again next January. I think we should make every effort to cut lead time.

Mr. SYMINGTON. Let me say I certainly agree with my able friend from Massachusetts.

I shall skip the space item and go to the final point, because at that time we did not know the Soviets were going to launch a satellite. That was in 1956. Finally the point which was unanimously adopted by the Senator from Massachusetts, as well as all other members of the committee, was:

The Soviet Union is producing scientists and technicians at a rate substantially greater than our country.

Mr. SALTONSTALL. I agree, and recently we passed a bill in this body, now pending in conference, which we hope and trust will improve that situation.

Mr. SYMINGTON. Mr. President, I have read the speech of the Senator from Massachusetts, and it is an interesting address. He talks about not being worried, but what worries me today on the floor of the Senate is that all of these matters which the Senator agreed to in January 1958, he disagreed with in January 1957.

As a result, the report which the able Senator was very helpful in formulating in 1956 was in effect discarded and considered perhaps unilateral; and I have never quite been able to figure out why it was that the Senator felt willing to sign and agree to a report in January 1958 to which in January 1957 he did not agree.

Mr. SALTONSTALL. Mr. President, that goes into a matter of history. I would first answer the question by saying that there again it was a question of degree. The Senator is referring to the so-called Symington committee.

Mr. SYMINGTON. It was the Subcommittee on Air Power. The counsel was picked with the Senator's approval.

Mr. SALTONSTALL. There it was a question of degree. The majority report, if I may say so without being rude or in any way intemperate to my colleague, for whom I have a great regard, was so intense that I did not feel I could sign it. I wanted to sign it, and, if it had been more moderate in its tone, I would have signed it.

Mr. SYMINGTON. Will the Senator yield and permit me to insert into the RECORD the language of the report of 1957 and the report of 1958?

Mr. SALTONSTALL. That is the Senator's privilege, and I would not disagree. I did not intend to discuss past reports, and I am sure the Senator does not want to emphasize them too much.

Mr. SYMINGTON. The statement that it was "intense" is an unfortunate charge. If the Senator will permit me, I should like to read into the RECORD and let the Senator decide as between the language of 1957 and the language of 1958.

Mr. SALTONSTALL. I shall withdraw the word "intense." I was working hard to find a word which I thought represented what I meant. I would say the minority report was more moderate in

tone, and the majority was a little less moderate than I cared to sign.

Mr. SYMINGTON. Will the Senator from Massachusetts permit me to insert in the RECORD at this point information I have about the investigations?

Mr. SALTONSTALL. Certainly. That is the Senator's privilege.

Mr. SYMINGTON. Mr. President, during 1956, hearings were held to bring out both the absolute and relative facts regarding our airpower. Not only was the record of these hearings published promptly after the witnesses gave their sworn testimony, but in January 1957 a report was issued, giving findings and conclusions as based on the expert testimony previously received.

One year later, in January 1958, another important report was issued regarding our military strength.

First of all, I would compare the 6 findings in the 1958 report with findings in the 1957 report.

The 1957 report states:

The Soviet Union has exceeded the United States at least in some aspects of the ICBM and IRBM * * * has fired long-range ballistic missiles farther than we have * * * [and] they are as far, if not further, advanced in the long-range ballistic missile field.

The 1958 report states:

The Soviet Union leads the United States in the development of ballistic missiles.

The 1957 report states:

The Soviet Union is producing substantially more submarines than the United States and the testimony credits them with the capability to produce missile-launching submarines.

The 1958 report states:

The Soviet Union leads the United States in number of submarines, which raises the possibility of attack with modern weapons or missiles—although the indications are that we are ahead in the production of atomic submarines.

The 1957 report shows:

The Soviet Union is producing more combat aircraft than the United States; has thousands more aircraft in combat units than the United States; and if present plans and programs are not changed, by the period 1958-60 the Russian long range Air Force will be stronger than that of the United States and therefore we will have lost our superiority in strategic airpower.

As we both know, these figures have been checked, but we cannot discuss them in detail.

The 1958 report states:

The Soviet Union is rapidly closing the gap in manned air power—and, at present rates, will surpass this country in a comparatively short time.

The 1957 report shows:

The Soviet Union has decreased the time used between the original design and quantity production of combat aircraft as compared with the time required by the United States.

The 1958 report states:

The Soviet Union has a system which enables it to develop new weapons in substantially less time than the United States.

The 1957 report shows:

The Soviets are progressing at a faster rate than the United States in the development

and production of new type scientific weapons.

The 1958 report states:

The Soviet Union has led the world into outer space.

The 1957 report states:

The Soviet Union is currently graduating twice as many trained scientists and engineers per year as the United States.

The 1958 report states:

The Soviet Union is producing scientists and technicians at a rate substantially greater than our country.

I believe the 1957 testimony was given by Dr. Killian.

This comparison shows a remarkable similarity in findings. In fact, five of the six 1958 findings are practically the same as those listed in the 1957 report. The one partial exception is that the 1957 report points up the Soviet Union's greater progress in scientific developments, while the 1958 report simply states the fact that such scientific developments have permitted the Soviet Union to lead the race into outer space.

The 1957 airport report cited a large number of findings, and pertinent portions of testimony to support those findings, and also listed 23 conclusions. It recommended that the deficiencies in military strength which had been pointed out in the findings and conclusions be corrected as promptly as possible.

The 1958 report of the Preparedness Subcommittee listed 17 principal areas upon which decisive action must be taken.

It is clear that both reports called for action to correct weaknesses in, and otherwise strengthen, our defense posture.

A comparison of the 17 points in the 1958 report with the findings and 23 conclusions in the 1957 report reveals a significant degree of similarity.

The significance of this similarity can be more fully understood when it is realized that the sworn testimony given in both hearings was based, in large measure, upon the same character and content of intelligence information. This point prompts reference to one of the conclusions in the 1957 report which was not in the 1958 report—namely:

The defenses of the United States have been weakened because of the failure to act on national intelligence information; and also because of a tendency to either ignore or underestimate Soviet military progress.

Mr. President, I ask unanimous consent, with the permission of the Senator from Massachusetts, to have inserted at this point in the RECORD a point-by-point comparison of the 17 recommendations in the 1958 report with the contents of the 1957 report.

Mr. SALTONSTALL. I am glad to have the Senator do that. I think the two reports must be read in full in order to understand them.

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

1. (a) The 1958 report:

"Modernize and strengthen the Strategic Air Force."

(b) The 1957 report:

Several of the conclusions and a number of the findings for which corrective action was urged dealt with the modernization and strengthening of SAC. As example, the conclusions cited the "insufficient number of long-range modern jet bombers" and the absence of a "program to produce a sufficient number"; the failure of the United States "to produce an adequate number of jet tankers"; and the absence of "any adequate program to overcome that deficiency."

2. (a) The 1958 report:

"Step up the dispersal of SAC bases."

(b) The 1957 report:

"The United States has an insufficient air base structure. The present structure affords neither the alert status, nor that dispersal necessary for security."

3. (a) The 1958 report:

"Put more effort into developing anti-missile missiles."

(b) The 1957 report:

Reference was made to "the importance of a solution to the problem of a defense against long range ballistic missiles," and also to the limitations that had been placed on many research and development programs which, in turn, had "retarded needed modernization of weapons systems," and also to the "increased vulnerability of the United States to sudden attack."

4. (a) The 1958 report:

"Improve our early warning system for manned aircraft and accelerate the development of an early warning detection system for ballistics missiles."

(b) The 1957 report:

Reference is made to the failure of the Department of Defense "to develop an adequate defense warning system."

5. (a) The 1958 report:

"Modernize and strengthen ground and naval forces."

(b) The 1957 report:

Specific reference was made in the conclusions to the inadequacy of the "direction and planning of naval strength"; the "inefficiency in defense planning * * * with respect to limited war"; the insufficiency of action taken "to maintain the mobility of the Army and enable the latter to meet overseas commitments."

6. (a) The 1958 report:

"Provide an adequate airlift for ground troops."

(b) The 1957 report:

This point was covered in the reference to "the mobility of the Army" and also in the language which points up the absence of plans for "provision for adequate airlift."

7. (a) The 1958 report:

"Four more effort into our antisubmarine program."

(b) The 1957 report:

The report stresses the fact that the United States is vulnerable "to submarine attack against our shipping, and particularly vulnerable to submarine missile attack on military and civilian targets within our heartland."

8. (a) The 1958 report:

"Step up production schedules of Atlas, Thor, Jupiter, and accelerate the development of Titan."

(b) The 1957 report:

This report refers to "duplication, even triplication, among the 3 services in the development and production of missiles"; to "waste in the allocation to the 3 services of responsibility in the missile field"; to delay "in giving overriding priority to the ballistic missile program"; and also to the "serious loss of time as compared with the rapid progress of the Soviets in this field."

9. (a) The 1958 report:

"Reduce lead time in the development of weapon systems by cutting down on decision time and by simplifying procurement procedures."

(b) The 1957 report:

The conclusions cited the fact that the Soviet Union has "decreased the time used between the original design and quantity production of combat aircraft as compared with the time required by the United States," and also scores our relative lack of "speed and quantity of prototype development."

11. (a) The 1958 report:

"Start work at once on the development of a rocket motor with a million pounds thrust."

(b) The 1957 report:

The report points up the "extraordinary Soviet progress in the research and development field"; the failure to allow sufficient funds for development of more powerful "jet engines," of "nuclear propulsion," of "high energy fuel"; and the fact that the Russians have developed "jet engines with substantially more thrust than any the United States has in operation."

13. (a) The 1958 report:

"Reorganize the structure of the Defense Establishment."

(b) The 1957 report:

The report cites the "duplication" and "triplication" in the Department of Defense; the "waste" in the Department of Defense; the necessity to obtain "proper programing and administration in the Department of Defense"; and states that "confusion and therefore inefficiency in defense planning have developed from the vacillating defense policies."

14. (a) The 1958 report:

"Provide increased incentives for the retention of trained personnel in the military services."

(b) The 1957 report:

The report emphasizes "the growing shortage of skilled manpower" and the resultant "inadequate maintenance of aircraft"; and also the "inadequate housing and inadequate pay scales (which) are decreasing the operational effectiveness and morale of our Armed Forces."

15. (a) The 1958 report:

"Accelerate and expand research and development programs, provide funding on a long-term basis, and improve control and administration within the Department of Defense or through the establishment of an independent agency."

(b) The 1957 report:

The report scores the fact that "the Soviets are rapidly closing the qualitative gap"; and also states: "The duplicating approach characteristic of many research and development programs in the Department of Defense, along with the dollar limitations established for such programs, has retarded needed modernization of weapons systems * * * retarded important scientific breakthroughs."

17. (a) The 1958 report:

"Accelerate the development of the Polaris missile system."

(b) The 1957 report:

No specific reference was made to the Polaris missile system, as this name had not yet been applied to the Navy's efforts to adopt the Jupiter missile to use on submarines. However, the report did urge action on the ballistic-missile program, which, at that time, included the Navy's efforts to develop such a missile within the Jupiter project.

This comparison shows the similarity of coverage between 14 of the 17 points in the 1958 report and the conclusions and findings of the 1957 report. The three 1958 recommendations not specifically covered are as follows:

"10. Provide for a freer exchange of scientific and technical information between the nations of the Free World."

"12. Give serious attention to the question of shelters and stockpiles for civil defense."

"16. Put more effort in the development of manned missiles."

It will be noted that Nos. 10 and 12, while significant to an overall study of defense matters, did not come within the appropriate range of study for an airpower investigation.

As for recommendation No. 16, i. e., to increase the effort in the development of manned missiles, this would have been appropriate in an airpower investigation, and was covered indirectly in the recommendation for increased effort in airpower research and development, including both manned aircraft and missiles.

Among the 23 conclusions of the 1957 report, there were some items emphasized that were not in the 17 recommendations of the 1958 report. One of these has already been referred to—the matter of more effective use of our national intelligence information.

Another had to do with urging that financial considerations not be placed ahead of defense requirements. This called for a major policy change.

Still another was the recommendation regarding our failure to use the capacity which we have to produce and maintain airpower which is relatively stronger than that of the Soviets.

In many respects, the most important conclusion, and recommendation to correct, had to do with the failure of our Government to give the public accurate and timely information which it has the right to know.

It should be noted that the 1958 report of the Preparedness Subcommittee was agreed to, as to its findings and recommendations, by all members of the subcommittee from both sides of the aisle.

On the other hand, the minority were not willing to publicly face the facts, based on national intelligence and expert sworn testimony, as presented in the 1957 report. In fact, the minority preferred to discount these facts and, to the extent of their ability, to prevent the American people from realizing the truth of our deteriorating relative defense position. Rather, the minority decided to tell the American people that these 1957 conclusions, based on the sworn testimony of expert witnesses—many of whom were the same as appeared before the Preparedness Subcommittee—were "unduly pessimistic, and not sufficiently objective."

The minority also took the position that vast programs for modernization of our forces are now in progress (and that) we can be optimistic about them and take confidence from the many instances of solid accomplishment.

The policy illustrated by this pleasant view of the vast programs and accomplishments was followed by even greater scientific strides by the Soviets, and by cutbacks and stretch-outs in our own defense program in the fields of jet bombers, jet tankers, jet fighters, ICBM's, IRBM's, and research and development.

Mr. SYMINGTON. Mr. President, the point I make is that some of us signed the 1956 report and published it in 1957 in order not to have any political implications. If all of us had agreed to it then, our defenses would now be 1 year farther ahead than they are. Therefore, I hope, now that certain things have happened, such as the situation in Iraq and the placing in orbit of the sputniks, we will not once more return to complacency.

Mr. SALTONSTALL. I agree with the Senator from Missouri that we must never be complacent.

Mr. SYMINGTON. I make that point to the Senator because in one of the so-called chins-up speeches of the President in the fall of 1957, the latter said that the American people would not sacrifice

security to a balanced budget. I was much impressed by that statement, and hoped that something real would be done; and that we would stop making things we did not need, and start making more of the weapons which we do need.

But I was very sorry to realize, upon checking the figures, that in the first 6 months after sputnik, or roughly within that period, the amount spent for our defense is much less than in the preceding 6 months without even allowing for the depreciation in the value of the dollar.

Mr. SALTONSTALL. I respect the Senator's sincerity. We cannot be complacent. I agree with him in that statement 100 percent. I think the figures next January will show greatly increased activity. I thank the Senator from Missouri for his interest in the matter.

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

Mr. SALTONSTALL. I yield.

Mr. BARRETT. At the outset, I commend the Senator from Massachusetts for his splendid contribution to the discussion of the defense posture of the country. I served on the Subcommittee on Military Preparedness and heard witnesses over a long period of months. Seventy of the highest and best qualified experts on military affairs came before the subcommittee. We had the benefit of a considerable body of classified information.

It is fair and reasonable for men to differ on conclusions as a result of such extensive testimony. But I ask the distinguished Senator from Massachusetts if it is not his opinion, as it is mine, that from an overall standpoint we are well able to defend our country under existing circumstances, and that the prospects for the future are that we will be able, through our magnificent Strategic Air Command and the developments in the missile field, to protect our country under any set of circumstances.

Mr. SALTONSTALL. I believe we can do so today in the case of any prospective enemy. What we must do is not only to preserve our present strength, but, in the years to come, we must go forward with the development of new plans.

Mr. BARRETT. We are certainly doing that, as the Senator well knows. We are building the largest intercontinental ballistic missile base in my State of Wyoming. We have made tremendous progress in that field.

It may be that Russia has some advantage at the moment in that particular field, but we must also consider that in addition to intercontinental ballistic missiles, which are vital, so far as the Soviets are concerned, we have a capability, or will have tremendous capability, in IRBM's, and that we are in a much better position, as a result of them, in the ballistic missile field.

Mr. SALTONSTALL. We have IRBM's now in production. We are preparing bases from which they can be fired effectively. We hope to develop an IRBM to be used in conjunction with the Polaris submarine. By 1960, 1961, and 1962, we hope we shall have bases throughout the world from which they can be fired.

Mr. BARRETT. I had the occasion, together with the Senator from South Dakota [Mr. CASE] and the Senator from Connecticut [Mr. BUSH], and other members of the Committee on Armed Services, to visit the Convair plant in California; to see their proving ground at Kanova Park. We visited also the Douglas Aircraft Co., where the Thor missile is being produced, and also the plant of North American Aviation Co.

As a result of the briefings and the information we obtained at that time, I was very much impressed by the tremendous activity and progress which is being made in this field.

I also had occasion to visit the headquarters of the Strategic Air Command at Offut Field, in Omaha.

For the foreseeable future, at least, the United States is well protected because of the splendid organization headed by Gen. Thomas S. Power, of the Strategic Air Command.

I have made an appraisal of the situation. Taking into consideration all the factors which enter into the defense of the country, and the fact that we are spending 60 percent of our budget for defense, it seems to me that we cannot take one isolated instance in the entire defense program and judge the entire program by that one factor.

I have made an appraisal of the subject. I ask the Senator from Massachusetts if he will permit me to ask unanimous consent to have my appraisal, made as a result of the hearings, printed at this point in the RECORD.

Mr. SALTONSTALL. I will appreciate having the Senator do that. The Senator from Wyoming is a conscientious, hard-working member of the Committee on Armed Services. His opinion is of great value.

Mr. BARRETT. I thank the Senator from Massachusetts.

Mr. President, I ask unanimous consent that a statement I have prepared on this subject be printed at this point in the RECORD.

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

At the outset let us commend the distinguished senior Senator from Massachusetts for his splendid contribution on the matter of the defense posture of our country. As a member of the Senate Armed Services Committee I attended the hearings of the preparedness subcommittee covering a period of several months. The committee heard from over 70 of the highest caliber witnesses. That committee had the benefit of testimony from the best qualified experts in and out of the Government. We had the benefit of a considerable body of testimony of a classified nature.

It is natural that reasonable men may differ in conclusions after hearing the evidence brought forth during the course of the preparedness hearings on the difficult and complex problem of national defense in these difficult and troublesome times. In order to fairly appraise the security of our country it is necessary to consider the problem from every angle and to take a broad and comprehensive view of the adequateness of our defense system. It is not only folly of the highest degree but utterly silly to give even a moments thought to the question of this country surrendering to any foreign power now or ever for that matter.

I hope and pray that this world will be spared from a devastating atomic war, but should it come, I am certain that victory will come to our colors.

I agree with our top military people that from an overall standpoint we are capable of defending our country now and will be able to do so in the future.

Our ability to retaliate depends on many interrelated factors which must be weighed and judged by our military experts. Briefly, the retaliatory forces must be of such size, such variety and such effectiveness as to destroy any nation that would dare attack us. And, Mr. President, related to these is the maintenance of a defensive system that will not only provide early warning of impending attack but will also provide the dispersal, the speed of reaction, and the protection of the retaliatory forces to preclude the possibility of their destruction on the ground.

In my judgment we must place our chief reliance at the present time on the retaliatory power represented by our manned aircraft. The conversion of the heavy bomber force to all jet B-52's will soon be completed. The 11 wings each of 30 B-36's will be replaced by 11 or more wings of B-52's each with 45 aircraft. The replacement program provides more than a 50 percent increase in the number of heavy bombers in addition to the increased capability in each aircraft.

To be realistic we must admit that the Soviet air defense will also improve. For that reason the B-52's will be equipped with air-to-ground missiles so that it will be unnecessary for them to penetrate heavily defended areas in order to reach their targets. They will be supported in their penetration by a wide array of devices such as decoys, radar seekers, and electronic countermeasures to enhance their ability to destroy their targets. We are continuing the production line of B-52's with fiscal year 1959 funds and they will continue as a very potent part of our arsenal for a good long while.

Furthermore, Mr. President, very considerable capability exists in the over 1,500 B-47 medium bombers notwithstanding the eagerness in some quarters to write them off. These aircraft operating from the continental United States bases, with aerial refueling by the KC-97 tankers, can reach a substantial number of important targets without the use of our extensive complex of overseas bases.

I am reliably informed that many of these B-47's can hit their assigned targets with 1 or 2 refuelings for their mission and not 3 or 4 as stated by the junior Senator from Massachusetts.

The B-47's will be phased out as soon as we start getting delivery of the B-58 supersonic jet bomber which is presently being procured in production quantities. In addition, Mr. President, we can look forward to the time when the replacement of the B-52's by the new supersonic intercontinental B-70 heavy bomber, designed for speeds in excess of 2,000 miles an hour at very high altitudes will take place.

As everyone knows there is a massive effort underway to provide further diversity and effectiveness in our retaliatory strength by the development and production of ballistic missiles. These missiles will be deployed by SAC to complement the bombers. The first and largest intercontinental ballistic missile base is being constructed in my State. I would be remiss if I did not refer to our solid fuel Polaris IRBM, which has tremendous importance and potential as a nuclear delivery system. And, Mr. President, before long we will be delivering IRBM's to our allies in quantity.

The Secretary of Defense assured the Subcommittee on Defense Appropriations that the Polaris program will be pressed forward with all practicable speed.

While improving, diversifying and modernizing our own retaliatory forces, we are fully recognizing and reacting to the progress being made by the U. S. S. R. We have had in operation for some time and are constantly improving and modernizing an extensive radar warning system. This system has been designed and operated primarily for defense against attack by manned aircraft and air-breathing missiles. As most of my colleagues are aware, this far-flung warning system extends across the cold Arctic wastes out over the Atlantic and Pacific Oceans. The system includes the Mid-Canada and Pinetree radars which, to a considerable extent, were established and are operated by our friendly neighbor to the north. We have had the closest cooperation and working relationships in the air defense field with Canada.

Nor does this warning system disregard the missile threat. Work has already started on the construction of the detection phase of a new system, including radar stations and communications lines. Development of the antimissile missile active defense system is now being accelerated and is going forward under the highest national priority.

Along with a diversity of weapons which will be enhanced by the coming of ballistic missiles into the inventory of the operating forces, there is a dispersal of their bases. Dispersal has several advantages. It requires that the attacker increase his attacking force size which greatly increases the probability of our detecting the raid. It also poses great, if not insurmountable, problems to the attacker in planning and supporting a massive attack against the dispersed force. Furthermore, dispersal of manned aircraft increases the alert capability by providing additional runways for fast takeoff.

Testimony shows that squadron dispersal for the heavy bombers and wing dispersal for the major part of the medium bombers is completely provided for in the budgets and construction is well underway in most cases.

The concept of dispersal applies not only to the manned aircraft of the Strategic Air Command, but equally well to the other elements of our strength for now and for the years to come. The missile bases are being spread geographically. The aircraft carriers, with their jet attack aircraft, are scattered over the oceans. The same principle applies to the Polaris submarines as well as to the Regulus missile launching submarines.

Let's take a look for a moment Mr. President at the position of a Soviet planner in the years of the so-called missile gap. B-52's poised on our continental bases prepared to strike in a matter of minutes against specific targets if retaliatory action is required. The picture is further complicated by Snarks and medium bombers supported by tankers. On overseas bases ringing the Soviets will be IRBM's, medium bombers of the B-47 and the supersonic B-58 types, and the air-breathing missiles. Further complicating the picture are the aircraft flying from aircraft carriers. Also coming from carriers, cruisers, and submarines strategically will be the supersonic Regulus missiles. Polaris submarines traveling thousands of miles under water move undetected into appropriate strategic locations to launch from under the water the Polaris missile at targets up to 1,500 miles away.

Weapons, warning and dispersal need another essential element to comprise a successful retaliatory force. I speak now of alertness, of that quality which contributes so much to readiness. We have extensive communications networks ever ready to relay the command words in time of crisis. We have the 15-minute alert schedules which place on our fields ready for takeoff a substantial number of SAC planes, armed, ready to go. As a necessary adjunct to these,

we have the skill and competence of our military personnel, their training and their morale.

After a visit to Offutt Field, near Omaha, I was mighty proud of the great accomplishments of General LeMay and now General Powers, in welding SAC into the world's most powerful fighting force. Every American can well be proud of that great and powerful force.

As the Senate well knows, we have recently demonstrated the alertness of our forces. The normal alert forces were maintained and I understand that during the period we placed an extraordinary additional proportion of our retaliatory forces on alerts of from 15 minutes to 2 hours.

In addition to the great premium placed on retaliatory forces that can be airborne on their missions to demolish an enemy in the warning time before an aggressor can reach us, the great importance of an effective air defense has been recognized.

Just as in the case of the retaliatory weapons, the air defense weapons have undergone continuous modernization, taking advantage of the results of technological developments. Within the next few years the interceptor forces will be completely equipped with the Century series aircraft. Furthermore, and this is of great importance, all fighter interceptors will be equipped to fire air-to-air guided missiles and rockets and a substantial number of squadrons will employ the nuclear armed rocket, Genie.

These modern interceptors constitute a very potent force. The Air Force will also have many Bomarc pilotless interceptors. Funds for several hundred of these have been appropriated by the Congress and construction has already begun on a number of bases for Bomarc in phase with the availability of the production models. I am told that the performance of Bomarc in its development test provides convincing evidence that it will be a most effective addition to our air defense forces. I have learned that in a recent test a Bomarc missile secured a direct hit on a target aircraft at a range in excess of 75 miles from the missile launching point and 1,500 miles from the electronic control point.

We know that the Army already has many Nike-Ajax ground-to-air missile installations in this country. These are being reequipped with Nike-Hercules, a nuclear armed weapon with greater range, altitude, and higher kill probability. The Army will also bring into operation during the next few years the Hawk, a ground-to-air missile system for use against low altitude targets.

All these weapons systems taken together with the constantly improving control and warning systems and the high priority programs for their extension against missiles, provide a truly formidable air defense for the United States.

I have listened with great interest to the remarks of the distinguished junior Senators from Massachusetts and from Missouri. Their work and their words attest to sincere interest in national defense which they share with all other patriotic Americans. Let me say, here and now, that I think the distinguished majority leader is entitled to great credit for the manner in which he conducted the preparedness hearings. I was privileged to participate in those hearings.

I have also noted the magnificent accomplishments of our Defense Establishment and their current programs. I have listened to the testimony of responsible military and civilian leaders. I have great confidence in our military leadership. Let no one sell America short.

Mr. BARRETT. Mr. President, I desire to read into the RECORD at this time a statement which impressed me very much, made by General Twining at the preparedness hearings last January.

It would be an unnecessary tragedy if our national policy, or the will of our allies—to say nothing of the confidence of our people in their civilian and military leaders—were weakened because of the mistaken impression that the Soviet had achieved military ascendancy over the Free World. Such a misapprehension could lead to fatal compromises in connection with disarmament negotiations and could lead to other retreats in the foreign policy field—worldwide—which would eventually destroy our security. Further, such mistaken conclusions could actually increase the probability of total war because they might result in bolder courses of Soviet action and greater opportunity for fatal miscalculation.

Mr. CASE of South Dakota and Mr. SYMINGTON addressed the Chair.

THE PRESIDING OFFICER. Does the Senator from Massachusetts yield; and, if so, to whom?

Mr. SALTONSTALL. Mr. President, I am surrounded by Senators from Pennsylvania. I yield first to the Senator from South Dakota for protection.

Mr. CASE of South Dakota. Mr. President, I was interested in the exchange of comment with respect to the point in the 1958 report of the Subcommittee on Military Preparedness relating to ballistic missiles. I recall the executive meeting of the Committee on Armed Services when we were phrasing the report. I think, without violating any confidence of the committee, I can point out that the ultimate statement simply used the term "ballistic missiles."

Some of us—and I certainly speak for myself in that respect—had the feeling, which I still have, that while at that time the Russians might have had an advantage in the intermediate missile, they did not have a demonstrated or known advantage in the intercontinental ballistic missile. The suggestion which I made at that time was that we not cover both fields, but simply use the general term.

I am afraid that in the comments which have been made, in the reference to the report of the subcommittee, that the committee reported unanimously that the Soviet Union leads in ballistic missiles. I would not have conceded in January that Russia led in the entire field of ballistic missiles, but only in the intermediate range missiles.

At that point, I will go a step further and say that if I had only \$3 to spend on intercontinental and intermediate range missiles, I would spend \$2 on the Polaris, as the term or type of intermediate range missile, and I would spend the other dollar on the intercontinental ballistic missile.

If funds were limited, I would not favor spending too much on the Thor and the Jupiter, which are dependent upon bases within sufficient range. I think it is only natural that the Soviets concentrate on the intermediate range ballistic missiles, because the bases we have overseas are within the range of such missiles.

But for ourselves, I favor concentrating on the intercontinental ballistic missiles and the Polaris, which is the sea-going version of the intermediate range ballistic missile.

Mr. SYMINGTON. Mr. President, will the Senator from Massachusetts

yield so I may reply to a statement made by the Senator from South Dakota?

Mr. SALTONSTALL. I yield.

Mr. SYMINGTON. It is seldom I am not in agreement with my friend, the Senator from South Dakota [Mr. CASE], one of the most able persons on detail either in or out of Congress that I know.

But I would not want to have left on the floor of the Senate the impression that our Nation is ahead of the Soviets in the field of the intercontinental ballistic missile. If the Senator from South Dakota wishes me to justify that statement, I shall do so, although it will have to be off the floor of the Senate. But it is my belief the Soviets are years ahead of us in the field of the intercontinental ballistic missile.

Mr. SALTONSTALL. The Senator from Missouri may be correct, except I disagree in the case of his use of the words "years ahead."

Mr. SYMINGTON. At least, both of us agree that the Senator from South Dakota was—

Mr. SALTONSTALL. I do not wish to leave the impression that I believe he was inaccurate.

Mr. SYMINGTON. I believe that the Senator from South Dakota was speaking of the situation as of January 1958, whereas I believe that the Senator from Massachusetts and I were speaking of more recent information. Does the Senator from Massachusetts agree?

Mr. SALTONSTALL. I believe the Senator from South Dakota was merely clarifying the intent of the committee in defining ballistic missiles.

Mr. CASE of South Dakota. Let me say that I simply mean that we should not be concentrating on the intermediate range missile, which depends upon bases at a certain distance from a potential enemy, inasmuch as our ability to maintain such bases depends upon many uncertain factors.

Mr. SALTONSTALL. I agree.

Mr. SYMINGTON. I agree, but our plans for bases for intercontinental ballistic missiles are pitifully small.

Mr. SALTONSTALL. I think it will be well for the Senator from Missouri to bring up this point at the hearings next year.

Mr. SYMINGTON. After studying the matter to the best of my ability, I am convinced our present and planned relative strength is far from adequate.

Mr. SALTONSTALL. I thank the Senator from Missouri.

Mr. CLARK. Mr. President—

Mr. SALTONSTALL. I yield to the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator from Massachusetts.

Earlier today, when my friend was not on the floor, I made a few comments on this subject, and based them on an article by Walter Lippmann, as published in the newspapers today.

Mr. SALTONSTALL. I have read the article, although I did not hear the remarks the Senator from Pennsylvania made.

Mr. CLARK. I wonder whether the Senator from Massachusetts agrees with

the following part of the article by Mr. Lippmann:

The real problem—the relatively greater speed of Soviet technological development—cannot be overcome by a spending program alone. It would be quite easy to push Congress into new and bigger expenditures. But what the experts call the missile lag is essentially a weakness in American education and a lack of seriousness in American national purposes, when there is choice between private pleasures and the public interest. We are in competition with a new society which is in deadly earnest, and there is no use pretending that amidst our comforts and our pleasures we are serious enough.

That is why, when the alarms are sounded, we turn over and go to sleep again.

Mr. SALTONSTALL. I agree with a certain part of it. I agree that we cannot be complacent. I agree that the evidence we have heard is that the Russians are producing scientists faster than our country is. I certainly hope we do not "turn over and go back to sleep." I believe we cannot be complacent. I believe we must work hard, educate our younger people, and keep all our programs developing.

Mr. CLARK. I am very happy to hear the Senator from Massachusetts make that statement, because I am sure he believes, as I do, that it is urgent that the American people be kept aware of the deadly peril they face.

Mr. SALTONSTALL. I agree with the Senator from Pennsylvania; and we must face that situation with efficiency, lack of waste, and intelligent education.

Mr. CLARK. I thank the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, at this time I yield to the senior Senator from Pennsylvania [Mr. MARTIN].

Mr. MARTIN of Pennsylvania. I thank the Senator from Massachusetts for yielding to me.

Let me say that I have been very glad to hear the statements which have been made this afternoon by my colleagues.

I appreciate very much what the Senator from Massachusetts has said. In that connection, I should like to ask a question.

In my 50 years of military experience, I have heard a great deal about various developments. First, I heard that the Gatling gun would win wars. Next, I heard that the machinegun would win wars. Next, I heard that chemicals would win wars. Next, I heard that airplanes would win wars.

Let me ask the distinguished senior Senator from Massachusetts whether he is giving consideration to the worth of the ground forces of the Nation?

Mr. SALTONSTALL. I hope we are. Both branches of Congress this year set the manpower strength of the Army at 900,000, whereas it was recommended for appropriation purposes at 870,000. I think this year the Congress has provided more funds for research, development, and production of weapons than has been provided for some years past. In the opinion of the Army, not all the funds for modernization of weapons and new weapons is available; I know that is true. But the funds available now for that purpose are greater than those available in the past. The question is one of degree. The funds now available

for research in missiles and airplanes are greater than the funds available for research in regard to ground weapons. However, some funds have been provided for the latter purpose, although not enough yet to satisfy the Chief of Staff.

Mr. MARTIN of Pennsylvania. As all of us know, both the defensive and the offensive efficiency of our forces depends on the morale of the troops. I wonder whether the Armed Services Committee is taking into consideration the effect on the people of the United States of these enormous expenditures—\$40 billion for defense—which make it necessary for us, if we are ever to have a balanced budget, to curtail domestic expenditures. I wonder what consideration is being given to the ground force divisions in the Regular Army, the old, historic units of the National Guard, and the Reserves. The latter are, of course, at the home stations, and are teaching the people of the country what real defense means.

As an illustration, let me point out that I believe that the war which probably was the best fought, but with poorer discipline and organization than any other war in history, was the War Between the States. The discipline was so poor that at times one-fourth of the northern army and one-fourth of the southern army returned to their homes, without leave. Nevertheless, when fighting was to be done, there has never been as intelligent and as courageous fighting in all history as that done during those years by the armies of the North and the South.

I wonder whether the Armed Services Committee is giving thought to the word spreading over the Nation that we, the people of the Republic, fight the wars.

The people of the Nation will not fight the wars, by using complicated instruments of various kinds, unless—and I wish to stress this point to the members of the Armed Services Committee—the Nation has men who know how to operate those instruments and implements. Are we doing what must be done in order to spread word over the Nation that it is patriotic to serve in these various capacities, and that our men will do so because they love their Nation, and that that is the only way we shall ever have a successful defense?

We cannot buy either defense or offense. They depend on the spirit of the people. If we spend money in large quantities, with the result of inflation and erosion of the value of the dollar, the people become discouraged.

So I wish to inquire whether the Armed Services Committee is taking such matters into consideration.

Mr. SALTONSTALL. I believe it is. The Armed Services Committee and the Appropriations Committee voted to have the strength of the National Guard increased over the strength recommended by the administration; and both of those committees took a similar position in regard to the strength of the Reserves. Furthermore, we hope we are allowing more for armories than was recommended originally.

I agree with the Senator from Pennsylvania that we wish to keep up the spirit and the morale of the divisions, such as

the Yankee Division, in Massachusetts; and the 28th Division, in Pennsylvania. I recall when the 28th Division left, to go overseas. It sailed from Boston; and I was there, to see it off.

I hope we are maintaining that spirit.

Mr. MARTIN of Pennsylvania. I thank the Senator from Massachusetts.

Mr. ALLOTT. Mr. President, will the Senator from Massachusetts yield to me?

Mr. SALTONSTALL. I yield.

Mr. ALLOTT. Mr. President, I appreciate very much the Senator yielding to me. I think the unfortunate thing about this discussion, in some ways, is the injection of partisanship into it, which I believe has no place in it. I am sorry the discussion of last week injected a strong portion of partisanship into the debate. We are all loyal, patriotic Americans. We realize that there is no place here for such partisanship. But I think it should be interesting to point out that up to and including the fiscal year 1953 we had spent only \$3½ billion in the development of all missiles, and that just a few million dollars of that amount had gone for the development of ballistic missiles.

I cannot help feeling that the discussion which took place last week, and part of the discussion at this time, is one of the greatest deterrents we shall have to real development. We discourage scientists. We discourage all those who are literally pouring out their life's blood in great scientific and ballistic efforts. They read in the papers that those who are speaking about it in the Senate are in effect condemning their efforts and saying their efforts are falling far behind the achievements of the Russians day by day. To me such criticism is one of the greatest deterrents to morale and real progress.

If the Senator will indulge me for just a moment, I should like to comment upon one of the real fields involved. I am not on the Armed Services Committee, but I have been a member of the Committee on Labor and Public Welfare for the last 4 years. During the last 6 or 8 months we have taken many hundreds of pages of testimony about the educational program.

I am happy to note that the conference committee has agreed upon an educational bill, which will be reported to us. In Walter Lippmann's column this morning, he said some things which have not been quoted. He said:

There does not exist an agreed program of what the disagreeable remedies are. Mr. KENNEDY made a few suggestions but he offered no program, and although the Democratic opposition is very critical of President Eisenhower, there is no alternative Democratic program before the country.

Why is it like that? I think it is because the real problem—the relatively greater speed of Soviet technological development—cannot be overcome by a spending program alone. It would be quite easy to push Congress into new and bigger expenditures. But what the experts call the missile lag is essentially a weakness in American education and a lack of seriousness in American national purposes, when there is choice between private pleasures and the public interest.

I do not think the problem has been stated more clearly anywhere in the United States. We are not doing for our

schoolchildren, in an educational way, what we should. The curricula are not as tough as they should be. Our teachers are not paid well enough. As a consequence we do not get competent teachers.

I hope the education bill will move somewhat in the direction of alleviating that problem, but the real help can only come from the thousands and thousands of individual school boards all over this country, as well as the parents, in an effort to improve the curricula for our schoolchildren, and see that our children study the subjects they should. When we do that we shall overcome the great lag which has been discussed.

I apologize to my friend for taking this time, but I feel very strongly about the matter.

Mr. SALTONSTALL. What the Senator from Colorado has said is very true.

Mr. ALLOTT. Mr. President, I ask unanimous consent that a statement I have prepared on this matter be printed in the RECORD.

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

STATEMENT BY SENATOR ALLOTT

My illustrious colleague has brought to the attention of my distinguished colleagues what purports to be a weakness in our military strength during the years 1960-64. It has been asserted that this alleged weakness is caused by lagging efforts in the pursuit of our missile program. We hear much criticism of our missile program, but let's look at the facts.

Up to and including fiscal year 1953, about \$3.5 billion had been provided for support of all our missile programs, with only a pitiful amount devoted to the ballistic missiles. In fact the total long-range ballistic missile effort for the 8-year period from 1945 to 1953 was on the order of a few million dollars. In the period from 1953 to 1959, this administration has devoted over \$19 billion in support of the overall missile program, of which more than \$5.5 billion has been devoted to the direct support of our critical ballistic missiles. These programs, their importance recognized, were placed on a crash basis. The Atlas program, which was barely started, had its development time scale cut to a third of the prior schedule from 1965 availability to availability in 1959. Additional missiles, the Titan ICBM and the IRBM's—Jupiter, Thor, Polaris—were all added to the program on a crash basis.

Many of my illustrious colleagues have shared with me the opportunity of keeping up to date through our committees on the progress of the missile programs. You have heard, for example, that the very important Polaris submarine program has been accelerated twice since its inception. I am confident that the Secretary of Defense will utilize the additional funds voted by Congress for a third acceleration of this program as soon as this can usefully be done.

Less than 3 years ago this country embarked on the development of IRBM's. Here again the operational availability dates have been advanced over those predicted at the start of the programs. Today we have demonstrated operational systems and deployment is imminent. This feat is being accomplished in less than half the time normally associated with the development of complicated weapon systems. I regret that I cannot mention our production rates for the IRBM's but they are rising rapidly.

Turning to ICBM's, we all heard just the other day of the successful Atlas test, a major milestone in this important program.

Here, too, our production rate is rising. To say that the missile program is lagging at the present time is indeed an unworthy reflection on the splendid efforts of the thousands who are working long hours and struggling against time to meet our tight schedules. Let us give credit where credit is due—to the brilliant achievements of this corps of scientists, engineers, and workmen—and debit where debit is due—to those who were responsible for our late start.

According to these purported estimates the Russians will have hundreds of missiles from their production line while we will have only a relative few. The best estimates I have been able to obtain give them only a few months' lead time in the ICBM field, even with our late start, and I am not aware of any positive information which indicates that the Soviets are increasing this apparent edge. Let us ask ourselves then whether this purported estimate of their ICBM capability during the years 1960-64 is just another like the much publicized estimates of their Bison strength a few years ago. You may recall that we were told 2 years ago that they would have by now several times as many Bisons as we would have B-52's. Today, gentlemen, I am told we have several times as many B-52's as they have Bisons.

Let us not be stampeded by estimates based upon so much uncertainty, particularly as they obviously represent speculation in the absence of definite information. Such action is inappropriate to the great people we are. Rather, let us continue to trust and support our American scientists, engineers, and industry who are providing a Free World ballistic missile capability in less than half the time required by the Soviets and who are assuring the maintenance of a strong United States retaliatory capability.

THE McCLELLAN SUBSTITUTE FOR S. 654

Mr. ROBERTSON. Mr. President, it is surprising to me that there should be so much opposition to a proposal as simple and as obviously needed as that contained in the pending McClellan amendment which is, of course, of the same substance as H. R. 3 and of S. 337, of both of which I am a sponsor.

The purpose of this proposal, as has been amply explained in the recent debate, is to restore some potency to the 10th amendment to the Constitution and to give Congressional endorsement to a rule of interpretation which until recently had been generally accepted by the courts. We propose to say merely that Federal laws are supreme where they are in direct conflict with State laws or where Congress specifically has said its intention was to preempt the field, but that in the absence of these conditions the court has no right to assume that a Federal law on a subject automatically nullifies State laws on the same subject.

The need for this declaration has been made manifest by a recent series of Supreme Court decisions which have been listed in the CONGRESSIONAL RECORD. Organizations like the American Bar Association, the Organization of Chief Justices of State Courts, the National Association of State Attorneys General, and the Conference of Governors of the Forty-Eight States have endorsed H. R. 3, which is the McClellan substitute for S. 654.

The language of the proposal, as was brought out in yesterday's debate by the

senior Senator from North Carolina, is based on language of a Supreme Court decision handed down in 1897 and affirmed many times since that date. It is not new or radical and there is no reason to anticipate that passage of this resolution would have an upsetting effect on any existing legislation except in areas where the courts, in pursuing certain allegedly social objectives have read into the laws of Congress an authority which was not intended and which is contrary to the spirit of the 10th amendment.

Therefore, Mr. President, I believe that businessmen need not be concerned over a possible unsettling of their established practices if the McClellan substitute or H. R. 3 becomes law. They will be in the same situation they have been in at least since 1897. But the States, which have laws of their own dealing with subversive activities, regulation of their own employees, operation of their schools, or protection of business enterprises, will be able to continue to enforce those laws as they always did until recently when the Supreme Court became a usurper of legislative power.

The Court itself, in my opinion, will profit by the mandate of Congress which this resolution would provide and will be encouraged to return to practices which will restore it to the prestige and the position in our Government which was intended by the authors of our Constitution.

Therefore, Mr. President, I hope that the pending bill as altered by the McClellan amendment will be approved.

DEATH OF SEABORN L. DIGBY, FORMER MEMBER, FEDERAL POWER COMMISSION

Mr. LONG. Mr. President, it was with deep personal regret that I learned of the passing Tuesday night of Judge Seaborn L. Digby. Judge Digby was a distinguished citizen of Louisiana. It was only last month that Judge Digby had declined an offer of reappointment as a member of the Federal Power Commission, choosing instead to return to his native State of Louisiana. His term expired on June 22 and he left Washington soon thereafter. A week ago he suffered a heart attack, and remained critically ill until stricken by a further attack which proved fatal yesterday.

Judge Digby was born on February 6, 1892, in Union Parish, La. He was educated in the public schools of Louisiana and attended Louisiana Institute of Technology briefly. Subsequently he graduated from Louisiana State University with a degree of bachelor of laws. He was admitted to the bar in 1916, and began the practice of law at Farmerville before being called into military service in 1918. Upon release from military service, he was appointed district attorney for the fourth judicial district of Louisiana to fill an unexpired term. In the same year he was elected and served a full term in this position.

In 1922 he was elected judge of this judicial district to fill an unexpired term. In 1924 he resumed the practice of law at Farmerville until 1929, at which time

he moved to Monroe. He served as city attorney from 1938 to 1948, at which time he was named commissioner of conservation. He served a 4-year term in that position, leaving the office in December 1952.

Judge Digby married Maude McLees, of Ruston, La., on May 27, 1920. He is now survived by his devoted wife and one son, James Foster.

Judge Digby was one of the most beloved of Louisianians who have served the Federal Government in Washington. He had the respect and admiration of all those who knew him well. He also had the respect of those with whom he came in contact in his official capacity as a member of the Federal Power Commission. During his entire term of office here I heard no single word of criticism, either of his performance of duties or of his personal life.

Judge and Mrs. Digby decided when they came to Washington in 1953 that they would return at the end of his term of office. I saw him on several occasions just before his return to Louisiana. He was truly resistant to "Potomac fever," and he returned to Louisiana without doubts as regards his course of action. It is for this reason that it seems especially cruel that he did not have the full opportunity of renewing his acquaintances and again taking up his life in his home State.

The State and the Nation have lost a fine public servant and citizen. At the same time, all of us can take pride in his accomplishments and contributions during his lifetime. Those of us who knew him well will feel his loss for a long time to come.

I am sure that all my colleagues share my regrets at his passing, and join me in extending condolences to his family.

ORDER THAT SENATOR FULBRIGHT BE RECOGNIZED FOLLOWING THE REMARKS OF SENATOR MARTIN OF PENNSYLVANIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Pennsylvania [Mr. MARTIN] the Senator from Arkansas [Mr. FULBRIGHT] may be recognized.

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

RETIREMENT OF SENATOR MARTIN OF PENNSYLVANIA

Mr. MARTIN of Pennsylvania. Mr. President, I cannot speak of leaving the United States Senate without deep emotion.

It reminds me of being mustered out of the United States Army or being separated from the service. I first had that experience in San Francisco in 1899, when I returned from Spanish-American War duty in the Philippines. The second time was at El Paso, Tex., after the Mexican Border campaign under that great soldier, General Pershing. The third was at Camp Dix, N. J., on my return from France at the end of World War I. And the fourth when I

was stationed at Camp Hayes, Columbus, Ohio, during World War II.

At such times one feels glad to get out of the service. Men who had served together promise each other they will have frequent reunions. Unfortunately, in this uncertain life, it has never again been possible for the whole group to assemble. More than half of the fine men who were my army buddies have answered the last roll call. Taps have sounded over their honored graves.

In the 80th Congress, when I first had the honor of taking a seat in this Chamber, 16 other Republicans entered the Senate as freshman Members. That was the largest number in the history of this body.

They were Lodge, Massachusetts; Flanders, Vermont; Baldwin, Connecticut; Williams, Delaware; Ives, New York; Bricker, Ohio; Jenner, Indiana; Cooper, Kentucky; McCarthy, Wisconsin; Thyne, Minnesota; Kem, Missouri; Ecton, Montana; Dworshak, Idaho; Watkins, Utah; Malone, Nevada; and Cain, of Washington.

I was the senior in point of years, and I am happy to have this opportunity to praise my colleagues of that freshman class as magnificent Americans who were sincere and patriotic in their dedication to the ideals of our country.

There were times when they differed in their approach to legislative problems, but all had the same objective—to advance the welfare of the United States and all its people.

One of this number, Joe McCarthy, has been called by his Creator to everlasting rest. In leaving the Senate, along with five others, I am wondering if we will ever again assemble on this earth. That, my friends, is in the hands of God.

I count myself most fortunate to have been close, in association and friendship, with all of our distinguished colleagues who are leaving this body.

RALPH FLANDERS is a stalwart New Englander who has high ideals and the courage to stand up for the principles to which he gives undeviating allegiance. As a fellow member of the Finance Committee, I have had the opportunity of noting his many splendid qualities. There is no doubt in my mind that he will continue to use his great talents in the future, as he has in the past, for the benefit of our country.

Long before I came to the Senate I knew ALEX SMITH and valued his friendship. We were State chairmen at the same time. We were both members of the Glenn Frank Commission. ALEX has come back into Pennsylvania to speak in my behalf when I was a candidate for public office and I have spoken for him in New Jersey. We have been brought closer together here in Washington by the affection which Mrs. Smith and Mrs. Martin have for each other. I know that he will continue to serve our country in his private life and that he will always be guided by the same patriotic motives which have shaped his distinguished career.

IRVING IVES came to the Senate with long legislative experience as one of the

outstanding leaders in the New York State Assembly. Through his comprehensive knowledge of government and his deep concern for the good of all Americans he has made a great contribution to the American way of life. I am sure that he, too, will exert all the influence at his command for a better, happier America.

BILL JENNER, of Indiana, belongs to that fine group of Americans who are proud to be known as politicians. No man in this Senate has a more loyal following in his home State than Senator JENNER. He is a young man, and I sincerely hope that he will continue his public work because men of his type are so badly needed during these trying times.

BILL KNOWLAND comes from the great Pacific Coast. His people are firmly grounded in the soil of the Golden State. He has been a great leader and a hard worker. His word is his bond. His type of American statesmanship has made the United States Senate the outstanding legislative body of the world. California and the United States need BILL KNOWLAND.

I desire to thank the able and hard-working majority leader, the distinguished Senator from Texas, LYNDON JOHNSON, and the great minority leader, BILL KNOWLAND, whom I have already mentioned, for the many courtesies so generously extended to me on so many occasions.

I offer my special thanks and appreciation to one of the most distinguished Americans of our time, the chairman of the Finance Committee of the Senate, HARRY BYRD.

I am proud that HARRY BYRD has been one of my fine friends in the Senate. He has a more profound knowledge of the intricacies of the Federal financial situation than any other American. I feel safe in saying that the solvency of our Nation and its economic security depend upon the ability, patriotism, and courage of men like HARRY BYRD who regard inflation and an unsound currency as a greater threat than atomic attack.

I want to pay tribute, also, to the great Senator from New Mexico, DENNIS CHAVEZ, who serves so ably and with such high regard for the national welfare as chairman of the Committee on Public Works. Under his fair and impartial leadership great things have been accomplished—great constructive public works projects that will be beneficial to all sections of our country far into the future.

I have in mind also the debt of gratitude which I owe to my colleagues of the Finance Committee and the Committee on Public Works for their patience, their helpfulness and their kindness to me at all times. It has been a real pleasure to work with such outstanding Americans.

In leaving the Senate, I do so in full appreciation of its great traditions. Here we are guided by carefully worked out rules of procedure. We are bound by certain unwritten laws and customs which really make the United States Senate the last free forum of debate in the world.

Here the right of a Member to express himself fully, without limitation on debate, is protected. Unlimited debate has frequently been criticized by Members of the Senate, and by many outside of this body. While unlimited debate has sometimes compelled me to be on duty the entire night, I feel that unlimited debate in the Senate has more arguments in favor of its retention than against it.

I regret that sometimes there is a tendency in Congress, using the army expression, "to pass the buck." The Founding Fathers placed the legislative body first in our Constitution. For the greater good of our country it must remain first. I hope the Congress will never evade that great responsibility.

Mr. President, in conclusion and by way of farewell, I should like to read a prayer for our country, written by Gen. George Washington. I quote:

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will.

Bless our land with honorable industry, sound learning, and pure manners.

Save us from violence, discord and confusion; from pride and arrogance, and from every evil way.

Defend our liberties, and fashion into one united people the multitudes brought out of many kindreds and tongues.

Endow with the spirit of wisdom those to whom, in Thy name, we entrust the authority of government, that there may be peace and justice at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth.

In the time of prosperity fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

Mr. CASE of South Dakota and Mr. BUSH addressed the Chair.

Mr. MARTIN of Pennsylvania. I am glad to yield first to the Senator from South Dakota.

Mr. CASE of South Dakota. It was my privilege some days ago to recite at some length some events in the life of the distinguished Senator from Pennsylvania, who is leaving us at the conclusion of this term of office. I have worked with the Senator in the Committee on Public Works, and it has been a very great privilege.

I knew something of the Senator's devotion to the problems of the committee, and I knew something of the character of intelligence which the Senator is able to apply, but until I did some research as to his life in the years before he came to the Senate, I did not have a full appreciation of the very rich life of service which he has led through all the years—starting in the late 1890's, when, as a young man, he was a volunteer and served in the war against Spain, serving in the Philippines; and continuing with his career as a public official in the counties and the State of Pennsylvania, until he became Governor of that State, with a record unsurpassed by any. His military career, in which he started as a private, was signalized by the stars of a lieutenant general given to him some months ago. He was a major general when I met him in Louisiana many years ago.

The Senator's career has been remarkable. We shall miss Ed MARTIN in the Senate. I really did not intend to speak at any such length as I have now, because I said so many things the other day, but I wanted to make one point.

Senator MARTIN, I say to you, it will be as impossible for you in the days ahead, after you have left the Senate of the United States, to fail to respond to the opportunities for service in your community, in your State, and in your Nation, as it has been in the past. You may no longer be serving as a Senator of the United States, but until the day you draw your last breath you will be serving the welfare of the people of the United States in whatever community and whatever capacity God, in His infinite wisdom, may place upon you.

Mr. MARTIN of Pennsylvania. I thank the distinguished Senator. I should like publicly to thank the distinguished Senator from South Dakota for the manner in which he has aided me in the Committee on Public Works. As Senators know, I am the senior Republican on both the Committee on Public Works and the Finance Committee. It has been necessary for me to turn over an enormous amount of work to the distinguished Senator from South Dakota in connection with my service on the Public Works Committee, and to the distinguished Senator from Delaware [Mr. WILLIAMS] in connection with the work of the Committee on Finance. Both of them have given of their time unstintingly to aid me, and I am most appreciative.

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

Mr. MARTIN of Pennsylvania. I am glad to yield.

Mr. BUSH. I have listened intently and with great interest to the comments of the distinguished Senator from Pennsylvania. He is a modest man. It is characteristic of him that at the time he is about to retire from the Senate he acclaims others for their great service to the Senate, with little regard for himself.

Those of us who have had the pleasure and privilege of serving with him, and to know him as a United States Senator and as a great American citizen, realize that this year the Senate will lose one of the finest, ablest, and greatest men ever to serve in this body.

The Senator from Pennsylvania has referred to his service on the Committee on Finance. In that capacity the Senator has repeatedly called the attention of the country and of the Senate, particularly, to the grave dangers which this country faces from an unsound dollar, or, to put it another way, from inflation.

It will be impossible for the Republican side of the Senate to replace him on the Committee on Finance with anyone who believes so sincerely in the dangers of inflation, or who knows more about what we should do to combat that evil. We are losing a bulwark of great strength when the Senator from Pennsylvania retires from the Committee on Finance.

Likewise, as the senior Republican on the Committee on Public Works, his serv-

ice has been outstanding, and at times brilliant. I say that as one who has had the privilege for 4 years of serving on that committee with him, from the time when we first took up the new interstate and defense system of highways.

The Senator was one of those whose foresight—gained partly from his military experience and partly from his experience as Governor of Pennsylvania, as well as United States Senator—enabled him fully to understand the necessity for the establishment of that great new system of interstate highways.

It is a pleasure for me to congratulate the Senator today on his numerous accomplishments in so many fields, and to say to him that we hope we shall see him often back here when he comes to visit us in the years ahead.

Mr. MARTIN of Pennsylvania. I greatly appreciate the very kind words of the distinguished and able Senator from Connecticut.

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

Mr. MARTIN of Pennsylvania. I am glad to yield.

Mr. ERVIN. The able and distinguished senior Senator from Pennsylvania occupies a very warm spot in my heart. He was the first Member of the Senate to welcome me when I came to this body, and I shall always treasure the recollection of that great courtesy.

The senior Senator from Pennsylvania will carry with him from this body the admiration and affection of all his colleagues on both sides of the aisle. He will leave behind him—as he has left behind him in all his previous public service—a magnificent record which exemplifies in the highest degree the great courage which he showed on the battlefield as a soldier in several wars.

In my judgment it is a great loss to the United States for the senior Senator from Pennsylvania to retire. His service has always been characterized by high intelligence, by the greatest degree of fairness, and by the greatest degree of both moral and spiritual courage.

It is with much regret that I see the Senator retire. I wish him Godspeed during many years ahead.

Mr. MARTIN of Pennsylvania. I thank the distinguished Senator very much for his very kind and generous remarks.

In closing, I wish to thank all Senators who have spoken so kindly of me. Also I wish to thank all the Members of this body, on both sides of the aisle, for their universal courtesy, kindness, and helpfulness.

Mr. WILEY. Mr. President, I have listened to the fine encomiums about the distinguished Senator from Pennsylvania, and I agree with all of them. I said on a previous occasion that I had heard of the General but never knew him until he came to the Senate. I expected to see a man who was scarred and hardened by his military experience through the years. Instead, I find him, as has been stated, a modest and very convincing speaker, one to whom the Senate listens when he speaks. He and his dear wife I found to be very friendly souls. Life has given them many trials, but they have not taken

the thorns; they have picked the roses. Furthermore, they have reflected to others what they have learned on life's highways—friendliness, affection, love of country, fidelity, duty, and friendship. We are not saying goodbye to the Senator from Pennsylvania. We shall see him often. And as the Germans in Pennsylvania say, it is "auf wiedersehen."

Mr. MARTIN of Pennsylvania. Mr. President, I thank the distinguished Senator very much for his very kind remarks.

Mr. DWORSHAK. I wish to join with my colleagues in paying tribute to the senior Senator from Pennsylvania. During the years I have been privileged to serve in the Senate with him, his sterling Americanism and his dedication to the service of his country and his fellow men have been a real inspiration. I know he has well earned the leisure he has earned, which I sincerely hope he and Mrs. Martin will enjoy to the fullest extent. I am sure also that he will continue to take a profound interest in preserving this Republic of ours and in promoting the security and the welfare of our country.

Mr. MARTIN of Pennsylvania. Mr. President, I thank very sincerely my distinguished colleague from Idaho. We came to the Senate at the same time, and I am sure our friendship and admiration for each other have increased through the years.

Mr. LONG. Mr. President, I wish to congratulate the Senator on the very fine statement he has made. I assure him that the sentiments of his colleagues on the Republican side of the aisle are equally shared by his colleagues on this side of the aisle. He has been extremely courteous, helpful, and polite to all of us on our committees and on the floor of the Senate. While sometimes we have disagreed, the Senator has always been fair and frank and has always held the interests of this Nation first and foremost. We have all respected him and admired him for that, and our good wishes on this side of the aisle are every bit as strong as those of his Republican colleagues.

Mr. MARTIN of Pennsylvania. Mr. President, I appreciate very much the pleasant remarks of the Senator from Louisiana. Our work on the Finance Committee has been very helpful to me, and I sincerely trust I made just a small contribution in the difficult work of that committee.

THE CHARACTER OF PRESENT-DAY AMERICAN LIFE, ITS ORDER OF VALUES, AND ITS SENSE OF PURPOSE AND DIRECTION

Mr. FULBRIGHT. Mr. President, I beg the indulgence of the Senate if I do not speak loud enough to be heard throughout the Chamber; my voice has not fully recovered.

We are in the last hours of the 85th Congress. Much has been done here since we met in January of this year. Much remains to be done before we clear our desks—and perhaps our consciences—and go our several ways. For

the constructive work that has been done and will still be done, all praise is due to the distinguished leader of this Chamber. Praise is also due to those who have had a part in winnowing the wheat from the chaff, so that things alien to the public interest were not allowed to pass through the legislative mill.

But if I now ask for a brief portion of the Senate's time when I know that time is running out, my apology is the subject to which I wish to address myself. It does not lie in any specific field of legislation, but rather the other way around. Rather it forms the field from which any legislation, good or bad, or any executive act, good or bad, ultimately draws its own form and substance. For my subject is the character of present-day American life—its order of values, and its sense of purpose and direction—if any.

The focal point of our present-day concern is quite naturally the foreign policy of the Nation. On August 6, last, I had read for me in the Senate some remarks I had prepared on that general subject. My points of emphasis were two. First, I suggested that we were inviting disaster if after every failure of our foreign policy, we laid the blame solely at the door of the Soviet Union. Second, I suggested that only by looking at and correcting our own shortcomings in our relationship with the rest of the world, could we hope to avoid a twin evil. One evil was that we might blunder into a catastrophic war. The other evil was, that America would find itself isolated against its own will from the rest of the world, because the rest of the world no longer trusted us.

With respect to all this, I said that the President and the Congress share the responsibility for what went wrong in past matters of foreign policy; and that they have an equal responsibility to set matters right for the future. Still, the President and the Congress—any President and any Congress—are not instruments which live and work in a closed circuit, in a political and social vacuum. Rather they rise from the people, get their title of office from the people, are responsible to the people, are constantly advised by the people, and are subject to periodic review by the people.

This, in turn, in the final analysis, means one thing; it means that except within the limits of certain discretionary powers allowed the President and the Congress, what is done or not done by them is directly related to what the people want them to do or will not allow them to do.

It is part of our litany in public life to say that the people speak with the voice of God. I do not question that. Much less do I question the institutions and practices of democracy that draw their vitality from that principle. But I would feel myself a toadying sycophant if I did not speak one plain truth. It is that the people, for some years now, have spoken with the voice of a false god—and it is a voice which has impressed itself on what government itself has been doing during this period. If things have gone wrong, the people are not without blame in the matter.

The last thing that can be said about our foreign policy in the last few years is, that it was not what the people wanted. Of course they wanted it. And what they got was exactly what they wanted—a foreign policy on the cheap, featuring a pact here, a doctrine there, and a shipment of a few guns everywhere.

The people wanted to believe that after years of cold-war strain, they were at liberty to stop thinking any more. They wanted to believe that after years of cold war sacrifice, they could bask in the artificial sunlight of a government which did not bother them with serious things. They wanted to believe that in a world full of menace, the way to get out of the line of danger was to have a government which used such energy as it had to the end that everything should stand still. And if things somehow refused to stand still, then the thing to do was to lasso what was in motion by tossing out another attitude, or another platitude.

Can anyone in this Chamber deny this? Can anyone here deny that the distinguishing feature of American society during much of the decade of the 1950's was its weakness for the easy way? Can anyone deny that in this period, we were the opposite to what our Founding Fathers had in mind for the new America?

The Founding Fathers said—and here I quote the first paragraph of the Federalist Papers:

It seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable of establishing good government from reflection and choice, or whether they are forever destined to depend for their constitutions on accident and force.

But I ask now: What show of reflection and choice was there in much of the decade of the 1950's when the word "egg-head" became a word of abuse; when education was neglected; when intellectual excellence became a cause for suspicion; when the man in public life, or the writer, or the teacher, who dared articulate an original thought risked being accused of subversion. What show of reflection and choice was there in this period when the man of distinction was the man who had a station wagon, a second car plated with chrome, a swimming pool, a tax-free expense account, and a 21-inch color television set with the 36-inch star on its screen?

It was precisely because there was so little reflection and choice in this period, that what we got in our Government was a Government which entrusted the highest interests of state to the play of accident and force. For whenever we brought ourselves to do anything at all about a crisis that exploded before our astonished eyes, we almost automatically reached for bigger bombs and bigger bombers.

Mr. President, I am not opposed to bombers. But neither do I want SAC to become a nuclear version of the Maginot line. Yet that is what it is likely to become if the only thing we can think to do after each crisis, is to order some more arms—and then go to sleep

on the arms. And that is what SAC is tending to become when after every crisis, our highest officers of state, without regard to their own responsibilities to speak plain truths, tell the people that the crisis was really just the passing shadow of a mirage—knowing that that is what the people want to think.

A frightening historical parallel has occurred to me with increasing frequency in recent weeks. Fifteen or sixteen centuries ago, the Roman Empire was all-powerful, rich, successful—and also complacent. Neither the Roman emperors nor the Roman senate could bring themselves to be overly concerned with the crude and boorish people to the north. Emperors were judged by the public entertainment they arranged, and the wealth and substance of the empire were dissipated in lavish consumption. When anyone was so inconsiderate as to call attention to the gathering clouds on the horizon, he was denounced as a prophet of gloom and doom and purged for un-Roman activity. In 1958, the critic is charged with selling America short.

This picture is admittedly oversimplified. But in broad outline it is pertinent and valid. The fall of great civilizations runs a well-defined course. On the outside, the civilization has a hard, shining surface, full of glitter and superficial accomplishment. But inside the outer shell, invisible decay does its work. And the hard shell collapses on the empty center when that civilization collides with a challenge it no longer has the power to meet, because it was indifferent to the challenge too long.

I do not believe that we Americans are incapable of meeting the challenge of the Soviet Union and of the nationalistic revolution going on in Asia and Africa. But I say in all seriousness that we do not have much time left in which to shed our indifference and do something about it.

There is some slight ground for encouragement in the initiative which the President took in his speech before the United Nations General Assembly on August 13. I hope this will not be another flash in the pan. I hope it does not run the familiar course of the big build-up, followed by the big letdown. I hope the President's words—which are not self-executing—will be followed up relentlessly and imaginatively by action.

But in any event, much more sweeping changes need to be made, not alone in our foreign policy; but more difficult still, in our scale of social and cultural values. I say "more difficult" because social and cultural values are not reducible to sticks and stones which can be milled to one shape or another. Social and cultural values arise from habits of the heart and mind; and if there is to be a revision in them, the revision must go on in the privacy of every American's thoughts. If that kind of revision does not occur, I doubt if the necessary revision in our foreign policy, if and when it is made, can be long sustained.

Until we do revise our sense of values, we will never think we can afford to do the things which, in my judgment, we must do if we are to survive as a free nation.

Is it not ridiculous, Mr. President, that we place a higher economic value on driving a truck than on teaching school?

Is it not out of all proportion that we accord greater social prestige to a rock and roll singer than to a philosopher?

We are constantly told we cannot afford a good public school system, but we could have a very good one if we diverted to education even a fraction of what we spend on all manner of amusement and luxury. The only logical inference to be drawn from this fact is that we, as a people, would rather have the luxuries than the schools. Now, surely, Mr. President, this is getting things upside down. We are treating luxuries as necessities, and necessities as luxuries. And the irony of it is that we are not really confronted with this kind of choice. We are rich enough to have our cake and eat it too. But we have become so greedy, we want it alamode.

So, Mr. President, I say we have got to revise our scale of values. We have got to return to a reasonable sense of what is really important, as distinguished from what is merely desirable. Fundamental to this process is a change in public attitudes toward public figures. We hear a great deal in the Senate, Mr. President, about our heavy responsibilities as Senators and about the grave importance of the decisions which we make. This is all true. But I daresay there is not a Member of this body who has not heard the word "politician" used as an epithet. I daresay that there are few Members of this body who do not envy the happier standing that Mickey Mantle or Bob Hope enjoys in the Nation.

I am not being critical of Mr. Mantle, who is an estimable young man and who performs valuable services for his employers. I am simply saying that something has got to be done to bring things back into proper perspective. Some way must be found to increase public understanding of public affairs, and to develop a sense of values appropriate to the problems and decisions which confront our people.

I am frank to admit that I have no quick or easy solution to offer. There may be no solution at all. But if there is, it lies, I think, in long-term efforts in the field of education and not in superficial public relations campaigns masterminded from Madison Avenue.

Yet one of the most discouraging events of this session of Congress has been its action in regard to education. When sputnik made it dazzlingly clear that we were falling behind the Russians in at least some fields of technology, our reaction was to pass an education bill designed to take a few feeble steps toward producing more scientists and improving the teaching of languages. Now, Heaven knows this needs to be done. I voted for it. But I suggest this is another instance in which our priorities are somewhat askew.

As badly as we need scientists and linguists, we even more badly need people who are capable of evaluating the work of the scientists and of making the enormously complicated decisions—which are essentially political decisions—that are called for if we are to adjust our policies and our life to our

scientific progress. The age of the amateur is over. We can no longer look to our household experiences, or to commonsense knowledge if we are to pass good judgments on the new kind of life-and-death political-scientific questions which have become the leading questions of modern government. In addition to commonsense, we need exact knowledge, which we can come by only through hard study shared in by everyone. In short, we need to become a nation of statesmen-scientists—just as much as we need atomic scientists. Unless we become a nation of statesmen-scientists, we can kiss goodbye our whole traditional constitutional system for responsible power. It will be done for because only a handful of experts will make decisions for the rest of us, and we will have no exact basis for knowing whether they decided well.

It is as plain as can be that we, all of us, must either become far more knowledgeable about the world on the one hand, or revise our constitutional system on the other hand, if we are to meet successfully the kind of challenge we are now being subjected to by the Russians.

Now, Mr. President, I suppose I will be criticized for having said all this. There are those who react almost instinctively to any suggestion that we are not living in the best of all possible worlds. There will doubtless be those who think it is politically unwise to extend criticism of this kind to American society itself.

I must respectfully disagree. I think the American people can take it. Further, I think increasing numbers of them are beginning to realize they deserve it.

We have lately heard a great deal about the nuclear gap between the United States and the Soviet Union. I suggest that an equally serious gap is that which exists between the profession and the practice of the tenets of freedom in this country. We have covered over this gap with the smug complacency of the ever-easier life, with a desperate pursuit of material success, and with a moratorium on creative thinking. We have bridged this gap with an unspoken demand for rigid conformity, with an excess of self-righteous moralizing. We have covered it over with boisterous but, at heart, terrified, clinging to what is left of our technological superiority, as though it will, by some supernatural power, save us from the forces of darkness which are closing in on the world.

I remind the Senate that the influence of this country was never greater in the hearts of men throughout the world, nor the power of the words of its leaders to move men more potent, than when it had no machines or technological capacities to speak of. It was never greater than when its leaders for the most part, were deeply religious men, when life was not easy but very hard, when men were judged more by what they were than by what they had, by what they contributed of their thoughts and heart and labor to the community rather than by what they were able to get from the community, when new ideas were as welcome as new peoples to these shores.

What I am suggesting, Mr. President, is that the problem is larger than what

has gone wrong with our policies. Even more fundamental, it is what has gone wrong with our society.

We shall get policies which are attuned to the sweep of history and the ever-changing world in which we live, if Americans are reawakened, as they must be reawakened, to the larger meaning of the United States and its role in the destiny of mankind. We shall get political leaders and officials to administer these policies if Americans cease, as they must cease, to put a premium on the petty, the boisterous, the insensitive, and the fearful.

One may well ask, Mr. President, why Americans have been so long in asserting these demands for change. I do not know why, but I do know these demands will not be much longer in coming. Those of us who presume to lead, not only in Government but in education, in public information, and in all the institutions of American life must bear a major responsibility for the delay. For too long, we went along with the prevailing tides of know-nothingism. For too long, we accepted these tides, either willingly or with a sullen sense of inevitability, for fear of rocking ourselves, if not of rocking the boat.

We have gone through periods like this before in our national history, Mr. President. The decades of the 1920's and of the 1870's come readily to mind. In each case, we eventually came to our senses, went to work, and corrected a good deal of what had been wrong. Our situation is now more serious because the threat is more dangerous. Although we can take some comfort from history, we make a tragic—perhaps a fatal—mistake if we assume the inevitability of American national survival.

It is time, Mr. President, to cease going along as usual. It is time to test the slogans and the shibboleths by which we have lived this past decade, both in our relations with others and with ourselves. It is time to test them in the fires of free and open and honest discussion. Perhaps then, Mr. President, we shall get an answer to what is wrong in our foreign policy. Even more important, perhaps, we shall get an answer to what is wrong in our own national house.

I am not entirely without hope that this can be done. There are some signs that the American people are rousing themselves from the luxurious torpor which has afflicted them in recent years. All I can say is that it is high time. We have already turned off the alarm several times, and reset it for a later hour. We dare not do that again.

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I do not intend to ask the Senator from Arkansas any questions, in the light of the usual brilliant address he has made to the Senate on the subject of foreign policy.

However, I fully agree with his comparison of the present-day United States with the last days of the old Roman Empire. We all recall, for example, that when the legions went up to the Rhine, in the beginning they went up alone, with only their battle equipment. But as the Roman Empire became rich and

accustomed to more luxurious living, soon the legions brought with them the attributes of civilization, including their wives and children. The result was that, when the showdown came, the legions were vanquished, and the Germans and their allies took over.

A similar situation exists so far as American forces stationed in various parts of the world are concerned. They have the accouterments to which they are accustomed while at home. I hope the similarity will not be carried to the extreme.

The Senator has spoken about speeches being made, but nothing being done to carry through what was advocated in the speeches. I think he has raised a good point. For example, all of us are aware of the magnificent speech made by the President of the United States at the United Nations last week. He spoke about the unstable condition in the Middle East. It was an excellent speech. But the question now is, What will the follow through be?

As the Senator from Arkansas has asked, Are we to rest on that speech? Or will we do the things which must follow the procedures outlined with respect to a certain proposition or policy in that operation?

The Senator has also said that if anyone—and I am sure he was talking about the Senate—says something about defining a sense of values, he is immediately accused of selling America short. It is easy to use a phrase of that kind, but it takes brainpower, hard work, and courage to face up to the realities of our weaknesses.

I commend the Senator from Arkansas and all other Senators who have taken the floor in recent weeks to try to point out the weaknesses of our country, and to try, as best they knew how, as persons not charged with the responsibility of conducting our foreign policy, to make suggestions which will help to rectify the terrible, the difficult, the weakened position in which we find ourselves.

I again commend the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Montana for his comments. I particularly appreciate his reference to those who have criticized. They certainly have not criticized merely in a quarrelsome or partisan spirit. Their whole purpose has been to try to find some means of improving the deficiencies which I believe all of us realize exist.

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

Mr. FULBRIGHT. I yield.

Mr. BUSH. I congratulate the Senator from Arkansas on the address he has made this afternoon. I followed it closely as he presented it.

I think he has called attention to one of the most serious dangers we face, namely, public attitudes. I associate myself, positively, with the Senator in his statement that we must revise our scale of values, that a way must be found to increase public understanding of public affairs, and that there must be a development of a sense of values appropriate to the problems and decisions which confront our people.

The Senator has pointed that up by saying that we place a higher economic value on the driving of a truck than we do on teaching school. While the Senator confesses that he does not know for certain what the answer to the question is—and it is a very reasonable, modest, and appropriate suggestion—he does offer the thought, in which I concur, that in the field of education perhaps we need more enlightenment, more public understanding, then we do in any other field. In the field of education, the distinguished Senator from Arkansas has been outstanding in his life, particularly as a Senator. I think the programs which he has sponsored in the Senate in the field of education have done much to improve the relations of the United States with other countries, particularly those countries who are our friends, and some who are perhaps not so friendly.

Again, I congratulate my good friend from Arkansas upon his splendid address. I hope it will be read by all Senators and will be widely read throughout the United States.

Mr. FULBRIGHT. I thank the Senator for his kind remarks. With regard to education, I have always remembered—although most persons tend to forget it—that the Senate on 2 occasions specifically, and perhaps on others, but on 2 noteworthy occasions, has passed very good bills in the field of domestic education. However, it has never been possible to have them passed in the other body.

So while I am critical of what we have not done, I certainly do not mean the criticism to apply directly to this body, although I think we might have made some further efforts. But the failure has not been primarily our fault. The other body has certainly contributed to the neglect by Congress of education. The Senator from Connecticut, with his background at Yale and his other activities, is fully conscious of that. He has certainly done his part to improve education.

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

Mr. FULBRIGHT. I yield to the Senator from Indiana.

Mr. CAPEHART. I did not hear the speech of the able Senator from Arkansas. I did hear a little of what the Senator from Montana said. Being the author of the slogan that we should not sell the United States short, I presume the Senator from Montana had reference to what I have said in the past on that subject.

Although I did not hear the speech of the Senator from Arkansas, I certainly agree with that portion to which the able Senator from Connecticut just referred.

Inasmuch as the Senator from Montana has identified me as being the author of the slogan that we should not sell the United States short, I again reiterate my belief, my sincere, conscientious, honest belief, that I think we ought to criticize the United States. In fact, when we in the Senate criticize the United States, we are really criticizing ourselves, because both branches of Congress make policy. We appropriate money. If there are any weaknesses, we

ought to accept the responsibility for them. I have no objection to our doing that.

My objection is simply to the statements which are made in the Senate that we have lost face throughout the world; that the people of the world have lost confidence in us.

Is there any reason why they should not lose confidence in us, when very seldom a speech is made or comments are made pointing out our strength, our goodness, and the many fine things which we do? My observation has been that too often the opposite is the case.

We constantly talk about the things which are wrong with the United States. I listened this afternoon to the colloquy between the Senator from Missouri [Mr. SYMINGTON], and the Senator from Massachusetts [Mr. SALTONSTALL]. The Senator from Missouri raised six points as to which he questioned the Senator from Massachusetts very sharply, especially as to whether Russia was not superior to or ahead of the United States in the different fields he mentioned. He was attempting to prove statements which other persons had made over the years.

That is the sort of thing to which I object. I should like to hear Senators, who are capable of doing it, say good things about our defense and good things about the United States, and praise the Nation, because there is much to be said in praise of our defenses.

I believe our Nation is stronger than Russia. I base that belief upon study and observation. I was in Russia last year. I do not believe the world will permit us to be its leader or will have the respect it should have for us if we never have any kind of things to say about the United States, if we never have anything good to say about the strength of the United States, but if, instead, our officials constantly state that the United States is always wrong and that the other nations are always right.

That is why I used the phrase "sell the United States short." I say to Senators, in all fairness, that I do not believe they wish to leave that impression in the world. But certainly the leaders of the Soviet Union are the world's greatest propagandists; and they repeat to the people of Russia what Senators and other high officials of our Government say.

It is one thing for a man on the street, so to speak, to make a statement; it is one thing for an editor to make a statement in an editorial published in his newspaper; but it is quite another thing for a Senator or a Member of the House of Representatives or a governor to make a critical statement. If a high official of our Government makes such a statement, the people have a right to believe that the statement is based on fact. Furthermore, the Russians use such statements by high officials of our Government to propagandize the Russian people and the peoples of the other countries of the world. That is the basis of the complaint I am making.

Certainly we should improve; there is no question of that.

On the other hand, Mr. President, when able Senators criticize—as many of them have been doing—they really are

criticizing themselves, as Members of the Congress. Both political parties have had responsibility for the running of the Government during the last 26 years, since our Nation has been involved in the leadership of world affairs. So I believe the time has come when we shall have to lead from the positive, instead of from the negative or from weakness.

I hope no Senator will take personally what I have said, any more than I take personally what other Senators say.

But if Senators are to be effective, certainly they must "get hard," so to speak, and must be frank. I do not question the honesty or integrity of those who make critical statements, which I believe are proper to be made if they are coupled with praise and with saying good things about the United States. That is my position. I make no apologies for taking it. I sincerely feel that I am correct. I am not trying to limit criticism or debate. I simply say that, in my best judgment, Senators should begin to praise the United States and to point out its areas of strength, as well as its areas of weakness.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Arkansas yield to the Senator from Montana?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. In response to what the Senator from Indiana has stated, I wish to say that no one questions either the sincerity or the patriotism of the Senator from Indiana. But when some of us criticize and at the same time try to be constructive—although whether we succeed in doing so can be told only with the passage of time—we do not like to be accused, either directly or indirectly, of "selling the country short."

I am sure the Senator from Indiana stands for the constructive approach, and I am sure he knows that no Member of Congress would do anything to "sell America short."

But someone has to do something—as the Senator from Arkansas [Mr. FULBRIGHT] has been doing this afternoon, and as other Senators have done before he spoke—to try to point out the existing facts of life, to try to take the sugar coating off the cake, to try to expose the picture for what it is.

We learn from holy writ that "the truth will make you free." I believe that is a correct statement as applied to our Nation; because if we wake up in time to do the things which need to be done in the fields of education, and so forth I believe we shall take effective steps, as good citizens, to promote the welfare of the Nation.

Mr. CAPEHART. I agree that we should point out both our strengths and our weaknesses.

But my complaint is that some Senators do not couple critical statements with statements about the strength of the Nation and the good things it does. However, I believe that the people of other countries should be able to read, in the statements Senators make on the floor of the Senate, about the good

things our Nation does and about its strength.

Mr. MANSFIELD. I certainly agree with the Senator from Indiana—and this point was brought out clearly in the speech made by the Senator from Arkansas [Mr. FULBRIGHT]—that if there is any blame, it must be shared here on both sides of the aisle.

Mr. FULBRIGHT. Mr. President, let me say just a word in response to the comment which has been made by the Senator from Indiana.

I believe what has been accomplished in our country speaks for itself. I do not believe it would be proper or appropriate for us to prate, from time to time, here on the floor of the Senate, about the accomplishments of our country. To do so would serve no good purpose that I can think of.

The purpose of the speeches we make is to find ways to improve the Nation's policies and procedures, including its educational system.

Certainly, I do not think the educational system of our country is the worst in the world. There are many good things which I can say about it. But I do not believe our educational system is as good as it should be, or is as good as the demands upon us require.

The conditions now existing in the world require a far greater knowledge and understanding of scientific matters, international relations, and political matters, than was the case in the old days. At the time of Thomas Jefferson, education was restricted to a very few persons, who ran the country; and the people of that day had no idea of the type of mass education that is being undertaken today in the United States.

But I am convinced that the quality of our education has suffered as a result of the effort to educate everyone, and also because we have not devoted to education the resources required by it. So I say our educational system is deficient.

I say that simply because I know of no other way to arouse sufficient interest—although I may say that the interest aroused thus far has not been very successful, as far as the desired result is concerned. Certainly it would not promote the attainment of that objective to say, each day, "our educational system is fine, and needs no improvement, and nothing needs to be done about it."

I believe the Senator from Indiana misinterpreted the comments I made about existing conditions. I have never intended to convey the impression that we are not as strong as Russia or that we are less strong. It seems to me that such considerations are irrelevant. I do not know whether we have as many ICBM's as the Russians have now, or as many as the Russians will have next year or the following year. My feeling is that if we have enough to do what we are told we need to be able to do—that is to seriously, if not fatally, destroy the Russian community—then that is enough. I do not know whether we have more than enough. However, that is not the comparison I was trying to make; and I do not believe that the relative strengths—certainly, not the relative physical strengths—of the United States

and Russia are the primary consideration.

I happen to believe that the probability of a military showdown with Russia is rather remote. I do not think either country—our leaders or the Russian leaders—wish to indulge in an all-out war. I think it is in the other field that there is an all-out war—a cold war which is getting hotter every day—and it is that war which I have particularly in mind. Diplomatic relations, trade, understanding of trade, how we treat other countries, how we keep them in sympathy with the purposes of the West, our relations with our own western allies are all matters which make for strength in the nonmilitary area. It is in an area particularly to which I have tried to direct my remarks. My remarks relate to the cold war, if one wishes to call it that—the nonmilitary struggle with the Russians. I am convinced we are not doing all we ought to do in that field; that not only are we failing to gain ground, but that we are not even holding our own relative position.

I do not wish to make this a partisan matter. I would certainly be willing at the proper time, or at any time, to admit weaknesses on the part of the preceding administration. Neither administration has done this job properly. I may say I often criticized the preceding administration, if the Senator will remember. I do not think the matter has anything to do with partisanship. It is merely a question of trying to develop policies on the part of this country which will improve the conduct of our foreign relations. I mean not only political relations, but economic, social, and cultural—all the activities which would strengthen this country, and strengthen it not merely in the way of making it a little stronger than Russia, but strengthen it absolutely.

Mr. President, I am ready to yield the floor—

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

Mr. FULBRIGHT. I yield to the Senator from Wisconsin.

Mr. WILEY. I may say to the Senator I was privileged to listen to his speech. I also had read it. I think it contains some thought-provoking material. I wish to comment briefly about it, and then ask a few questions.

I agree fully, on the subject of complacency, that it is our obligation not only to see to it that we in the Senate are not complacent, that is, ignorant of the changed world in which we live, and the world changing from day to day, but it should be our intention to make sure our people do not fall into a complacent notion. I think in that respect the speech of the Senator from Arkansas is a very challenging one.

The Senator referred to the matter of education. The Senator stated, with respect to that matter, the President and the Congress share the responsibility for what went wrong in past matters of foreign policy, and that they have an equal responsibility. The Senator said that the people are also to blame.

I should like to try to get a little light on the statement, because I think our

foreign policy is to a large extent made by what foreigners do. In other words, without becoming particular, let us assume country X should, in the interest of America, do certain things, but as a result of certain events, action on our part is precipitated. In that respect I think possibly something the Senator from Indiana has said has some merit.

During the Roosevelt administration I felt, and during this administration I have felt, that when certain events in foreign countries occur over which we have no control, all at once action on our part is required. In view of the light that we have, the Executive, which spearheads our foreign relations, then and there, takes certain action. It is not the Executive; it is not the Congress; it is the foreigners who have created the situation which requires action on our part.

We may differ on what the action should be. If that is what the Senator has in mind, he should be more specific and say what he would have done if he had been President, or what the Congress should have done that it did not do. However, I think that, by and large, the people are a little wiser than we are. That is why they are backing the President. They sense what the situation is.

Let us consider the situation in the United Nations right now. I think the Senator from Arkansas has made some remarks about it. Who created that situation in the United Nations? Did we create it, or did the Kremlin, or the Arab countries, create it? Events took place which required action on our part. The question is, What action should we take? What should the President do? If the action he takes does not work out well, is he to blame? No; it is the same as handling a crazy mule that will not listen to reason. Certain nations will not listen to our reasoning. Are we to blame if a group which wants to assassinate will not listen to our philosophy and will not listen to what we want? Are we to blame, or are they to blame?

In that respect, I think it is fair to say that neither the President nor the Congress is to blame. It is the kicking mule that is to blame. If we cannot control the mule—referring to a certain nation as a mule—are we to blame? I would say no.

Ever since the end of the last World War we have kept the world from getting into another world war. In that respect, over and above every other consideration, it seems to me our foreign policy has been successful.

I should like to have a comment from the Senator from Arkansas in relation to the statement about scientific education. He made a very fine speech.

Mr. FULBRIGHT. Mr. President, in reply to the Senator from Wisconsin, may I say that one of the points I was seeking to make about education, with regard to science, is that while I favored the bill we passed, I think we should not restrict the program to scientific training and to languages. That would be a mistake. Ways must be found to accomplish a broader purpose. I like the way the Senate acted in 1947 and 1948 when it passed bills to assist

basic education—elementary and secondary education in general.

On the other point, when the Senator talked about the responsibility of the people, I must say I cannot go along with his idea that all of the trouble in the Middle East or anyplace else comes about because of some other nation acting like a mule. I think there are very important forces in the Middle East—nationalism, if we want to call it that, or pan-Arabism—which exist, have existed, and which will be in existence for a long time. These forces result in substantial changes, as a result of which this country must take action. We have been tempted to either ignore or misinterpret or misunderstand the situation, up until recently. There is some sign, within the last month or two, that our leaders are beginning to realize the real facts in the Middle East.

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

Mr. FULBRIGHT. I yield.

Mr. WILEY. What I had in mind in making the analogy with respect to the mule is that we know that in the Middle East there is a difference in religion, which creates very deep schisms. We also know there is a difference in nationalities, which contributes to schismatic conditions. We also know that Arab nationalism has come into being, which is a schismatic condition. We know that the Kremlin is seeking to stir up trouble, to take over the oil of the Mideast, and to gain a pathway to Africa. We have had little or nothing to do with those things. The problem is presented. When the problem is presented by others I do not think we can say, as it has often been said, that we are to blame. That is my position.

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

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, it is always a pleasure to listen to the distinguished junior Senator from Arkansas talk about problems with respect to other nations, which is a subject on which the Senator is at least as well versed as any other Member of the Senate.

Mr. President, most of my presentations on this matter have to do with the military aspect, because I am not a member of the Senate Committee on Foreign Relations and am a member of Armed Services.

As my able friend from Arkansas so well stated, there are many deficiencies in categories other than the military field, as we consider the relationships of our country with other countries.

Our psychological warfare, for instance, is inadequate for the job to be done.

On the economic side, the talk made by the Director of the Central Intelligence Agency before the United States Chamber of Commerce last April 28 was one of the most interesting presentations of the problem made to date. Fifteen years ago the Nazi armies were 1,000 miles inside Russia. Nevertheless, that country has recovered to the point where according to Mr. Dulles in that talk, the

combined steel production of the Sino-Soviet alliance in the first quarter of 1958 exceeded the total steel production of the United States.

Think of that. We all know that steel production is the base of any industrial complex in a modern economy.

The distinguished Senator from Arkansas pointed out the grave problems incident to education and our planning in that field. I could not agree more with his position on that vital subject. After the present Chairman of the Joint Chiefs of Staff and many other experts in the military field came back from a trip to Russia 2 years ago last June, I made a point of asking each member of that group what impressed them most in Russia. Some of these men were engineers; many of them were fliers. But all were military men whose prime interest was not education.

I made a point of asking all those men what impressed them most in Russia. Without exception every member of the military group stated that what impressed them most in the Soviet Union was the degree of effort being made to educate the youth especially as compared with what we were doing in this country.

Mr. President, once again the very able and articulate Senator from Arkansas has pointed out that, in addition to our military defense, there is a great deal more we must do if we are going to successfully wage the peace. I commend and congratulate him.

Mr. FULBRIGHT. I thank the Senator from Missouri.

Mr. LAUSCHE. Mr. President, will the Senator yield for a brief statement?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. I commend the Senator from Arkansas for his very objective and timely analysis of the problem which confronts our country.

Mr. FULBRIGHT. I thank the Senator.

Mr. LAUSCHE. The Senator has struck upon points which might bring adverse comment to him, but he has done so without fear.

I also subscribe to the thought that our country, over and above everything else, must be strong from a defensive standpoint to cope with whatever problem might be foisted upon us. I think secondly, however, that when we speak of education we should have primarily in mind the development of a character in our American youth which will make them fit to exercise those great prerogatives which exist for a free people in a democracy.

On the bottom of page 3 of the Senator's statement these words appear:

Fifteen or sixteen centuries ago, the Roman Empire was all-powerful, rich, successful—and also complacent. Neither the Roman emperors nor the Roman senate could bring themselves to be overly concerned with the crude and * * * entertainment they arranged, and the wealth and substance—

Mr. FULBRIGHT. There is a line missing from the mimeographed copy of the speech, I will say to the Senator.

Mr. LAUSCHE. There is a line missing?

Mr. FULBRIGHT. Yes.

Mr. LAUSCHE. The thought is contained in the statement.

Mr. FULBRIGHT. The missing line is in my remarks.

Mr. LAUSCHE. It continues:

The wealth and substance of the empire were dissipated in lavish consumption.

Let us apply that thought to our country. In Rome, the story was "Circuses and cake." Debauchery, dissipation, dancing, song, and wine were the prime thoughts of the people of Rome.

There lived beyond the Rhine a barbaric race, the Germans. They were described as being without education, barbarians who were not at all familiar with the things that meant civilization in the fourth and fifth centuries. But someone came from beyond the Rhine and said, "The people whom we describe as barbarians respect their women. They work. Their word is as good as their bond."

Those were the barbarians across the Rhine. Suddenly it came to pass that those barbarians met the Romans in battle; and the quality of work, the quality of integrity, devotion to womanhood and family reflected itself in the vigor of the defense which they made in battle.

In my judgment, education means the development of character. Let us take a look at what Congress is doing with respect to the development of character. We urge appropriations for defense and for foreign aid. I subscribe to them, because I believe that over and above anything else we must make certain that our country will not become a captive of the Soviet Union.

At the same time, out of this Congress, week after week legislation is emerging telling the people of the United States, "Luxury is your assignment in this world. Dance and song shall be your lot." I ask, Are we, by our conduct, giving an education to our children and developing the character of the American people?

I commend the Senator from Arkansas for his fearlessness in dealing with this problem. Several weeks ago I saw, either in Life or Time magazine, a quotation from a statement made by some Communist leader in the Far East. He was a rebel. He said, "We will win because we work."

What is the situation in our country? The education consists in telling our youth, "You will live even if you do not work. We will give you encouragement in the form of featherbedding practices. You will be paid more, even though you do not produce more."

I put the question to myself, "Where are we heading? What is eventually to happen to us if this program continues?"

My outline would be as follows: Let us be militarily strong. Let us help those nations which are legitimately and honestly friendly toward us. Let us return to the principles of the vigorous pioneer characters who moved from the Atlantic coast out West, to the banks of the Ohio and across the Mississippi, across the mountains of the West, over to the shores of the Pacific Ocean.

They believed in character. They believed in work, and they believed in edu-

cation. Their primary thought when they met on those waters in the West was, "We have brought with us our institutions, our government, our churches and our schools."

In the stockade, there were guns on the wall and holes in the stockade wall through which the guns were fired. In one corner there was a church; in another corner was a school. Outside there was a room in which the courthouse and the government offices were housed.

From such schools came great Americans, primarily because of the character that was instilled in them.

Of course, I am concerned with the subject of education. I know of the deep interest of the Senator from Arkansas in that subject. But we tell our youth, "Study that in which you have an interest." The only interest I had when I was a boy was in playing baseball. We tell our youth "Study that which will be economically useful to you." That is fine, but there is something beyond that, as the Senator from Arkansas has said.

We can build schools with golden roofs and embellishments beyond imagination, but they will not necessarily produce an educated child. It requires more than that. It depends upon the substance within him, and the willingness to do things that are important. It is in that field that I believe we in Congress can do much to achieve that which the Senator from Arkansas suggests in his speech.

I say to the Senator from Arkansas that under no circumstances can his statement be construed as any type of political attack. It is constructive, and intended to bring to the attention of Members of Congress and the people of our country a most serious problem.

Mr. FULBRIGHT. I thank the Senator for his remarks. He is very complimentary.

SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. FULBRIGHT. Mr. President, I am gratified to hear that the President has today signed S. 3651, the Small Business Investment Act of 1958.

This is the culmination of efforts of many people over a period of almost 10 years to provide additional sources of equity-type capital and long-term loans for small business.

Because of the widespread public interest in this legislation, I had the staff of the Committee on Banking and Currency prepare a simplified statement in explanation of the act, which I ask unanimous consent to have printed in the RECORD at this point.

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

THE SMALL BUSINESS INVESTMENT ACT OF 1958 BASIC INFORMATION

The Small Business Investment Act of 1958 is designed to aid the growth and development of small-business concerns by providing (1) long-term loans and equity-type capital to small businesses, credit which is not available through commercial banks, (2) long-term loans to State and local development companies, and (3) grants for

research and counseling in the management, financing, and operations of small businesses.

The program will be administered by the Small Business Administration, which will receive an initial appropriation of \$50 million for loans and will have access to approximately \$27.5 million for grants. Legislation (S. 3651) enabling the new program originated in the Senate Committee on Banking and Currency, and was passed by the Congress on August 7, 1958.

SMALL-BUSINESS INVESTMENT COMPANIES

Formation: The principal feature of the act contemplates the formation of new private financial institutions to function as small-business investment companies. These companies must be organized under State laws unless such laws in a particular State are incompatible with the purpose of the act, in which event a small-business investment company can be chartered by the Small Business Administration. In all cases, the new companies must receive SBA approval in order to operate under the act. Approval will depend upon the need for small-business financing in the proposed area of operation, the character and ability of the proposed management, and the existing number of such companies.

Initial capital required: Each company must have an initial paid-in capital and surplus of at least \$300,000. The SBA is authorized to lend up to \$150,000, which amount can be considered as part of the required initial capital. Stock in small-business investment companies may be purchased by any persons or organizations eligible to do so under other laws governing the activities of such prospective stockholders. A national bank, or a member bank of the Federal Reserve System, or a bank insured by the Federal Deposit Insurance Corporation may hold stock in a small-business investment company in an amount up to 1 percent of such bank's capital and surplus.

Borrowing power: Small-business investment companies may borrow funds to the extent permitted by SBA regulation. The SBA can lend an amount up to 50 percent of the capital and surplus of an investment company. For this purpose, any funds loaned by the SBA to become a part of capital and surplus will be treated as capital of the investment company and will not be counted as borrowings for compliance with the 50-percent limitation. Thus, a new company could be formed with a minimum of \$150,000 in private funds matched by \$150,000 of capital-type funds borrowed from the SBA, and the company would be eligible to borrow an additional \$150,000 from the SBA.

Providing funds to small businesses: Small-business investment companies may supply funds to small businesses (as defined by the SBA) in two basic ways: (1) By purchase of debenture bonds convertible into stock of the borrowers at the option of the investment company, and (2) by loans in the conventional use of that term. All lending terms and conditions will be subject to compliance with SBA regulation. There is no statutory maximum maturity for convertible debentures, but the act limits the maturity of conventional loans to 20 years with provision for extension up to 10 years. Without approval of the SBA, no single enterprise may receive financial assistance which exceeds an amount equal to 20 percent of the combined capital and surplus of the investment company.

Tax features: By separate statute (1) investors in the small-business investment companies can treat losses in such companies as an ordinary deduction rather than an offset against capital gain, (2) the investment companies receive the same privilege on any losses on the convertible debentures or stock of small-business concerns, and

(3) the investment companies are entitled to a 100-percent-dividends-received deduction.

Miscellaneous provisions: Small business investment companies are exempt from borrowing limits contained in the Investment Company Act of 1940. The Securities and Exchange Commission is given power to exempt such companies from compliance with provisions of the Securities Act of 1933 and the Trust Indenture Act of 1939.

LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Unsecured loans: State development companies may receive unsecured loans from the SBA up to a total amount which does not exceed the total amount borrowed by the company from all other sources. Such SBA funds shall be treated on an equal basis with funds of the highest priority borrowed by the company from any other source after the date of enactment. This latter requirement can be waived by the SBA.

Secured loans: In addition to, and separate from, the lending power described above, the SBA can make secured loans to State and local development companies. These loans must be identifiable with an ultimate small-business borrower, may not exceed \$250,000, and must mature within 10 years with provision for extension up to an additional 10 years.

General requirements: All funds advanced to State and local development companies by the SBA must be used to assist small business concerns, and none of the SBA funds can be used in a way which would result in a substantial increase of unemployment in any area of the country.

GRANTS FOR RESEARCH AND COUNSELING

The act makes available approximately \$27.5 million for SBA grants to a State government, State agency, State development company, or to colleges and universities. These grant funds are to be used for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. Only one grant can be made within any one State in any one year, and no grant may exceed \$40,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House 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.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. J. Res. 135) providing for the construction by the Department of the Interior of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and for other beneficial consumptive uses.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9521. An act to amend paragraph (k) of section 403 of the Federal Food, Drug, and Cosmetic Act, as amended; and

H. R. 12281. An act to authorize the Secretary of the Interior to provide an adminis-

trative site for Yosemite National Park, Calif., on lands adjacent to the park, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 12281) to authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, Calif., on lands adjacent to the park, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

LIVING IT UP IN LAOS

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point, as a part of my remarks, a reprint from the Reader's Digest of an article which originally was published in the Wall Street Journal entitled "Living It Up in Laos."

This article is a revealing account of the weakness of some of our foreign-aid spending.

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

LIVING IT UP IN LAOS—TINY ASIAN KINGDOM USES UNITED STATES AID TO SPLURGE ON LUXURIES

(By Igor Oganessoff)

VIENTIANE, LAOS.—The circumstances of American aid to this Southeast Asian kingdom add up to a story of flagrant misuse of United States aid funds—and of profiteering that may give Communist propagandists a weapon offsetting the anti-Communist influence the aid program was designed to have in Laos.

Laos has been ecstatically drowning in American aid ever since 1955, not long after it was carved out of what used to be Indochina. Roughly \$135 million is the amount the United States has poured into the local economy.¹

Most of the United States dollars have been turned over to the Laotian Government either for various United States-sponsored economic projects or to support the 25,000-man Royal Laotian Army. But there are peculiarities surrounding this United States aid program. Local traders buy America's aid dollars from the Laotian Government, purchase goods abroad and sell them for kip (the native currency) in Laos. Instead of raising the Laotian standard of living and providing for industrial expansion, the principal effect of United States largess has been a rather weird boom, based on nothing more solid than cash on hand and an assumption that there is more to come.

FORDS AND FEATHER DUSTERS

Sleek Cadillacs, Buicks, and Fords have been imported by the dozen, although the principal highways still are hardly more than jungle trails. Other items on last year's import list make delightfully wacky reading: 4½ tons of feather dusters, 73 tons of sporting goods, fishing tackle and thermos jugs, 180 tons of automobile covers, \$13,400 worth of festival decorations, \$11,500 worth of musical instruments, and thousands of dollars worth of costume jewelry.

Retail shops are stocked to their bamboo ceilings with items that the Lao have hardly ever seen before; American toothpaste, roller skates, Japanese dolls, French perfume.

A lot of the United States money went to buy products from Red China: cherries in

¹ The Laotian Government's own income is barely \$13,500,000 a year.

sirup from Shantung, Five Goats beer from Canton. Much of this stuff is unsalable, but it doesn't matter; the importers have already made their profits from foreign-exchange manipulations.

THE MAGIC KIP

To understand this, one must acquaint himself with the magic kip, the highly overvalued Lao currency unit. The official exchange rate, set by the Lao Government, is 35 kip to the American dollar. But in the hard-headed money markets of Hong Kong, Bangkok, or even in Vientiane, a Lao trader can buy up to 100 kip for a dollar. This sets the stage for fantastic profits.

A Lao trader may buy 100,000 kip in the free money market for \$1,000. He then applies for an import license for, say, \$1,000 worth of building cement, but puts up only 35,000 kip to get the \$1,000 from the Government at the official rate. This leaves him 65,000 kip before he has even moved the goods. Then he can simply sell his import license for more cash, if he wants.

If an importer decides to use his license, he still stands to profit heavily. Suppose he imports inexpensive men's shirts at \$1 each. Since he buys his dollars from the Laotian Government at the official rate, each shirt costs him 35 kip. But then the free-market money values come into play. When the shirt goes on the market in Laos, it is priced at about 100 kip. So the importer has nearly tripled his money. Repeating this process under Laos' free-and-easy import rules, a businessman quickly can amass a considerable fortune.

In neighboring Bangkok, reports of collusion between foreign exporters, particularly in Hong Kong, and Laotian traders are commonplace. One source estimates that only about 20 percent of the contracts from Hong Kong are free of kickbacks to importers for underweight, underfilled or overpriced shipments, which allow the importer to further build up his foreign exchange hoard.

Many shipments, it is said, are diverted in Thailand (95 percent of Laos' imports pass through Bangkok and then are transported to Laos overland), where there is a lively demand for a wide range of goods. Other items arrive in Vientiane only to be shipped out again for greater profits. Thus, industryless Laos has become an exporter of automobiles and outboard motors.

It is estimated that well over half of the goods paid for never reach the Laotian market. "The country is now straining to absorb \$12 million worth of goods, yet \$35 million worth is supposed to be coming in. If all this stuff actually arrived, it would be lying all over the streets," claims Ralph A. Epstein, a management consultant with the American firm of Howell & Co. of Washington, D. C., which has sent a three-man mission here as part of a \$2,576,000 United States aid project in civil administration.

Privately, local United States officials doubt that they can ever achieve a complete reform in the aid program, even after currency exchange reform. "There is still no assurance that Laos will import the things it really needs to improve the economy, rather than luxury goods," one International Cooperation Administration man admits.

A MAJOR HANDICAP

ICA officials, uneasy at the flood of unessential imports financed by the United States, did win one concession this year. They were allowed to place a representative on Laos' National Export-Import Council, with power to veto any import. The current ICA man suffers from a major handicap, however, in his job as watchdog. All the council's deliberations, and the import applications as well, are in French—a tongue for which the ICA man requires an interpreter.

Because funds have been released in lump sums by ICA, United States control has been made difficult. As a result, Lao officials,

besides granting import licenses for luxury goods, often have siphoned off the funds for their own uses. There is a lush building boom going on. Leading traders and government officials (often the same people) are huddling with architects and contractors for lavish new residences or flashy additions to formerly modest homes.

CERTAIN FAVORS

It is generally agreed that some 200 or 300 leading families in Laos (population: 2 million) are getting most of the benefit from the massive import program. One ICA official admits that certain favors are granted Lao political and government leaders to keep them friendly.

Meanwhile, back in the countryside, the rank and file of the Laotians live much as they have always lived, oblivious of United States help. Their flimsy shacks are built on stilts to protect them from snakes and flooding during the rainy season. They farm rice and a few vegetables and raise chickens. ICA officials will admit that, except for a few projects, their whole program to date hasn't gone far in raising the standard of living of the general population.

CROSSING THE MEKONG

The strictly economic projects are equally beset with problems. One of the few visible results of the ICA's efforts is a \$600,000 ferry system, crossing the Mekong River separating Laos and Thailand. The United States bore all the cost, including a 15-month training course and natty uniforms for the 37-man staff.

Operating costs are \$4,000 a month, and revenues in the past have been only \$700 to \$300. United States aid funds make up the difference. The reason for the deficit is not hard to find. Only a few yards from the ferry, Chinese junks are loaded to the gunwales with crates, oil drums, and passengers. The junks are owned by a Chinese businessman who was foresighted enough to obtain a transport contract with the Thai rail monopoly, Express Transport Organization, which carries nearly all the freight to and from the Laotian border and the big market city of Bangkok.

REHABILITATING ROADS

Transport improvement is the largest single current aid project, with \$5,600,000 provided by the United States. Besides the new ferry, there's a \$3,700,000 plan to rehabilitate roads. Most of this has been spent for heavy earthmoving equipment, tractors, bulldozers, and shovels.

Actual roadwork is largely in the hands of an American firm which operates on contract with the Laotian Government and has a force of Okinawans on the job. The principal project is maintaining the dirt road between Vientiane and the royal capital of Luang Prabang, 150 miles north. No new roads are contemplated.

Just under \$600,000 has been provided for industrial development. A small part of this has gone into mining, mineral, and power surveys, but the bulk has been paid for three diesel electric generators to be installed in Vientiane. The generators have been here, unused, since June of last year; there's no equipment around for transmission line. Continuous operation of the generators would cost the Laotian Government a sizable chunk of its normal income—another indication of the long-lasting nature of Laos' dependence on United States aid.

The Communists, of course, exploit corruption in government and riches flowing to a favored few. And Americans here are beginning to wonder how long the United States, in doling out assistance, can afford to ignore this unfortunate part of its program.

REACTION IN CONGRESS

All of the above statements were borne out in recent testimony before the House

Committee on Foreign Affairs. And from representatives of the United States General Accounting Office, State Department and even ICA itself, the committee brought out further serious evidence about the Laotian situation that has been hidden from the public since 1955.

Laos has insisted on an unrealistically high exchange; then, instead of getting ICA approval for all import licenses that our dollars pay for, high Laotian officials have gone into the import business themselves, quietly issued these licenses on the side, and refused to let the United States investigate what happened to the money.

Last July the General Accounting Office sent ICA a report indicating trouble in Laos and asked for comment. ICA kept the report 6 months before bothering to reply.

This spring GAO sent an investigating team to Laos. It reported there was still no adequate check on the import licenses. "The program is being badly administered," said George Staples, associate director of GAO's Civil Accounting and Auditing Division.

One of ICA's excuses is that whatever its faults, the program is holding back communism. However, a year ago the Laotian Government came to terms with the Communist Pathet Lao, with which it had been fighting, took in its leader as Minister of Planning and Procurement, and allowed the Reds to handpick two units of their own troops and integrate them into the army we support. Recently at least nine Communists were elected to the national legislature.

Through June 30, 1957, the ICA obligated \$135 million for Laos, and is still disbursing aid at the same rate, as far as can be guessed—around \$50 million a year—although taxpayers are not supposed to ask. The State Department has stamped such information Classified to the public.

This year Congress balked at the State Department policy of secrecy when publication of the foregoing article made it impossible to conceal the facts any longer. The Congressional consensus: only publicity can force eradication of evils such as are set forth here. "If you say there is no effective way to control diversion," Foreign Affairs Subcommittee Chairman CLEMENT J. ZABLOCKI, of Wisconsin, told an ICA witness, "there are Members of Congress who will certainly give a sound, foolproof method. That is to discontinue aid."

(From a report to the Reader's Digest by Charles Stevenson.)

EXERCISE BY SUPREME COURT OF POLICYMAKING POWERS—RESOLUTION BY STATE CHIEF JUSTICES

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article in today's issue of the New York Times entitled "High Court Urged To Limit Actions."

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

HIGH COURT URGED TO LIMIT ACTIONS—CHIEF JUSTICES OF THE STATES BID FEDERAL BENCH CURB POLICYMAKING ROLE

(By Lawrence E. Davies)

PASADENA, CALIF., August 20.—The United States Supreme Court was urged today to put on the badge of judicial self-restraint.

A committee of State chief justices took the Court members to task with an expression of hope that they would stick to their tremendous strictly judicial powers and avoid exercising essentially legislative powers in questions involving State actions.

Headed by Chief Judge Frederick W. Brune, of Maryland, the committee declared that no more important obligation rested upon the Supreme Court than that of careful moderation in the exercise of its policymaking role. It expressed grave concern over the asserted exercise by the Court of almost unlimited policymaking powers.

"It has long been an American boast," said the committee report read to the 10th annual meeting of the conference of chief justices, "that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast."

The chief justices or their associates from 47 States, Hawaii, and Puerto Rico, will be in session the rest of the week at the Huntington-Sheraton Hotel here. Arkansas, a spokesman said, was not represented because of an illness.

Chief Justice John R. Dethmers, of Michigan, the conference chairman, recalled that the committee on Federal-State relationships as affected by judicial decisions was authorized at last year's meeting in New York after some barbs had been aimed at the Supreme Court.

The study was to deal with the subject, he said, "temperately but directly and forthrightly." The 31-page resultant report read by Judge Brune was, indeed, couched in noninflammatory language but time and again it carried a sting.

The report was the subject of discussions by four conference groups during the afternoon. It is scheduled for formal action by the meeting at the closing business session Saturday.

The Brune committee itself has drawn up a resolution respectfully urging the Supreme Court to exercise "one of the greatest of all judicial powers—the power of judicial self-restraint." This will be turned over to the resolutions committee headed by Chief Justice Levi S. Udall, of Arizona, with what Justice Dethmers described as the enthusiastic support of all the Brune committee members.

Nowhere in the report was there mention of the question of racial segregation.

It was explained that committee members felt to inject this into the study would stir sectional feelings and defeat the overall purpose of the study.

Early in the report, the chief justices noted it was part of their obligation "to seek to uphold respect for law." But they went on to assert:

"We do not believe that this goes so far as to impose upon us an obligation of silence when we find ourselves unable to agree with pronouncements of the Supreme Court (even though we are bound by them), or when we see trends in decisions of that Court which we think will lead to unfortunate results."

Signing the report with Judge Brune were Chief Judge Albert Conway, of New York; Chief Justice Dethmers, Chief Justice William H. Duckworth, of Georgia; Chief Justice John E. Hickman, of Texas; Chief Justice John E. Martin, of Wisconsin; Associate Justice Martin A. Nelson, of Minnesota; Chief Justice William C. Perry, of Oregon; Chief Justice Taylor H. Stukes, of South Carolina; and Chief Justice Raymond S. Wilkins, of Massachusetts.

As consultants they had five members of the University of Chicago Law School.

Mr. WILLIAMS. I invite special attention to the one significant statement in the resolution adopted at a recent convention of chief judges, at Pasadena:

It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at

least considerable doubt as to the validity of that boast.

This is a timely warning of the great danger to our American system under some of the recent Supreme Court rulings and coming from the Association of Chief Justices of our States this warning cannot be ignored. Unquestionably the Supreme Court has gone far afield in some of their recent decisions.

The Association of Chief Justices continued in this resolution to express grave concern over the asserted exercise by the Court of almost unlimited policymaking powers. And they urged the Court to put on the badge of "judicial self-restraint."

This committee of judges urged our Supreme Court to exercise "one of the greatest of all judicial powers—the power of judicial self-restraint."

The members of our Supreme Court would do well to read the recommendations of this group in its entirety and, I hope they will heed the advice given.

Signing this report, in addition to Judge Brune, of Maryland, were Chief Judge Albert Conway, of New York; Chief Justice Dethmers; Chief Justice William H. Duckworth, of Georgia; Chief Justice John E. Hickman, of Texas; Chief Justice John E. Martin, of Wisconsin; Associate Justice Martin A. Nelson, of Minnesota; Chief Justice William C. Perry, of Oregon; Chief Justice Taylor H. Stukes, of South Carolina; and Chief Justice Raymond S. Wilkins, of Massachusetts.

Mr. ERVIN. Mr. President, I wish to make an observation relevant to the matter to which the attention of the Senate is being directed by the able and distinguished Senator from Delaware. This is not the first time the chief justices of the 48 States have spoken on this problem. In 1952 the chief justices of the 48 States unanimously adopted a resolution asking Congress to pass legislation which would put an end to the practice whereby the lowest Federal courts can nullify the decisions of the highest courts of the States.

Again, on a second occasion, the chief justices of the 48 States adopted a second resolution on this subject, and the very strong proposals made by the committee of the chief justices of the 48 States in Pasadena, Calif., yesterday is the third time the chief justices of the 48 States of the Union have called the attention of the Nation to this serious problem in our Federal-State relationships.

Mr. COTTON. Mr. President, in view of the very pertinent remarks and insertions made by the distinguished Senator from Delaware [Mr. WILLIAMS] and the able Senator from North Carolina [Mr. ERVIN], I should like to call to the attention of the Senate a quotation which I chanced to see within the last half hour. These words were said by a great Democratic war President of the United States, Woodrow Wilson:

The history of liberty is the history of the limitation of governmental power, not the increase of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

Mr. HENNINGS. Mr. President, again, at this hour of the debate on the amendment of the Senator from Arkansas, which, as we know, contains the provisions of two bills, S. 337 and S. 654, the latter of which is commonly known as the Bridges bill, I am constrained to say, with all the earnestness at my command, that I believe in these late days of the session of Congress, the Senate may conceivably be doing something, should it reject the motion to recommit, which will plague not only the Senate, but also the people of the country, other Senates, and other Congresses for years to come.

Should this amendment be enacted, I believe there will be chaos, there will be litigation, indeed, there will be a great compounding of litigation. We will find ourselves in an endless labyrinth of uncertainty and indecision. Conceivably, it may have a very serious effect not only upon our political institutions, but also upon the economy of the Nation itself.

I had intended speaking at considerable length upon the subject. However, after taking counsel with others who are interested in the same objectives which move others of us, I shall be brief at this time.

I should say that the lack of hearings, the failure adequately to call and hear witnesses upon both sides of this question should alone suffice to justify its being recommitted to the Committee on the Judiciary for further study and consideration.

I have been asked to explain the nature of the preemption provision in this bill and other bills now before the Senate.

This is, as we know, what lawyers might call a "shotgun" approach. We know that Congress may, when Congress is so moved and desires to do so, preempt legislation in a certain field of activity. But here we are asked to invoke what is known as the doctrine of preemption, in a field so broad that it embraces virtually the entire spectrum of our legal and judicial system. That in itself would be a perilous and, indeed, a very dangerous thing to do.

I solemnly urge the Senate to do nothing which may reproach and plague us in the years to come. We do not know what effect the proposed legislation would have.

Several witnesses appeared before the House committee, where hearings were held. The House committee heard an Assistant Attorney General, the president of the Association of American Railroads, representatives of the Interstate Commerce Commission and the AFL-CIO.

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

Mr. HENNINGS. I am glad to yield.

Mr. THURMOND. Did the Senator say that the Association of American Railroads is opposed?

Mr. HENNINGS. No; I said a representative of the Association of American Railroads appeared before the House committee. If I misspoke, I correct myself.

Mr. THURMOND. I misunderstood the Senator.

Mr. HENNINGS. The Senate committee has held no hearings whatsoever, I remind my friend from South Carolina, upon this exceedingly vital and all-embracing attempt to legislate in many areas, some of which we know not.

To me, as a member of the Committee on the Judiciary, it is appalling and a source of dismay that in this 11th hour, in the dying, closing days of this session of Congress, when minds and bodies are fatigued, we should be discussing this subject. We have had a long and, I think, productive session. I believe that is generally admitted. To come in on almost the last day with a proposal such as this, I believe, reflects to every thoughtful lawyer an effort to act hastily.

I have received many communications from responsible members of the legal profession, from bar associations, and from some members of the judiciary, who urge that we not act irresponsibly on what is now proposed.

For instance, a telegram came to me a few minutes ago from the dean of the Law School of the University of Notre Dame, a great institution of standing in this country, as we all know. It reads:

I urge you to oppose Senate consideration of bills reported out without the benefit of hearings. Specifically I urge you to oppose H. R. 3.

JOSEPH O'MEARA, *Dean*.

I have received many other such telegrams.

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

Mr. HENNINGS. I yield.

Mr. CLARK. I emphasize what the Senator from Missouri has just said about how foolish it is to legislate on so important a matter without hearings having been held by a Senate committee. I do not think there is a Member of the Senate who has any idea of what the bill at hand will do to the law of regulating labor standards; to the law having to do with labor-management relations; to the law affecting conservation of natural resources; to the law relating to public works; to the immigration and nationality laws; to the law with regard to public health and welfare; to the laws with respect to agriculture; to the law governing air commerce; to the law in the general field of interstate commerce; to the civil-rights law.

Many Senators have asked to have an amendment drafted to exempt each of a number of specific fields from this proposed shotgun give-and-take legislation, so that the field in which they are particularly interested may be exempted,

because no one knows what the bill, if passed, will do in those fields.

Mr. HENNINGS. I thank the Senator from Pennsylvania for his valuable contribution to the discussion. He is indeed eminently correct. In addition to the fields enumerated by the Senator, there are many others of which we know not and cannot at this time foresee.

Indeed, we have found that the proposed legislation is not only retrospective but prospective. It would require that Congress make a survey of State laws. Before we passed upon a given piece of proposed legislation, it would be necessary to survey all the State enactments to see whether a field existed for preemption and whether there was conflict.

Mr. JAVITS. Mr. President—

Mr. HENNINGS. I may say to the Senator from New York—I believe it has been said before—that we are asked to pass proposed legislation for the purpose of finding out what it means. Certainly that is not the sort of legislation for a responsible body, such as we think the Senate is, to pass.

Mr. JAVITS. Mr. President, at this time, will the Senator from Missouri yield to me?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator from Missouri yield to the Senator from New York?

Mr. HENNINGS. I shall be glad to yield to the Senator from New York, formerly the attorney general of the State of New York. I shall yield first to the Senator from Ohio [Mr. LAUSCHE], who previously asked that I yield; and then I shall be glad to yield to the Senator from New York.

Mr. JAVITS. Mr. President, inasmuch as the Senator from Ohio has resumed his seat, I gather that he does not wish to be yielded to at the moment.

Mr. HENNINGS. Very well; then I yield now to the Senator from New York.

Mr. JAVITS. I thank the Senator from Missouri for yielding to me.

Let me say that I have heard many questions asked about the difference between the pending bill and the so-called Butler-Jenner bill, which the Senate laid on the table on yesterday. One of the questions asked was whether the pending bill is worse or is better than the Butler-Jenner bill, and so forth, and so on.

Senators who favored the Butler-Jenner bill knew exactly what they favored and what it provided. That bill had specific application to certain Supreme Court decisions.

The difficulty with House bill 3 is that we do not know what it would amount to if it were enacted into law. Notwithstanding the elucidations which have been made so eloquently by the Senator from Missouri [Mr. HENNINGS], the Senator from Colorado [Mr. CARROLL], and other Senators, if the pending bill were to be enacted, I am confident that next year or the year after that it would be found that the bill had 50 or 150 other applications which no one ever thought of before, but which we suddenly would find were creating confusion.

In other words, this bill is generic; it applies to everything; it is as deep as vice.

Mr. HENNINGS. Perhaps the Senator from New York will wish to say that the bill is similar to an iceberg—much of which is beneath the surface, so it is impossible to tell the extent of the underwater portion.

Mr. JAVITS. Exactly.

I believe that in the opinion of those of us who opposed the Butler-Jenner bill, the pending bill—H. R. 3—is, for that reason, even worse.

Mr. HENNINGS. I thank the Senator from New York for his observations and his contributions.

Mr. President, I think some disenchantment and disillusionment is in store for the proponents of this measure. Apart from the breadth of its purpose, I do not believe it will achieve the purpose intended, namely, to remove from the courts the determination of whether a specific act of Congress preempts the field.

At this time, let me inquire whether the distinguished Senator from Ohio [Mr. LAUSCHE] desires that I yield to him. I intended to yield to him before now.

Mr. LAUSCHE. I thank the Senator from Missouri.

I wish he would describe in greater detail the extent of the hearings which were held on the bill.

Mr. HENNINGS. I shall be glad to do so.

In the first place, as I have stated, I do not know whether the Senator from Ohio was then in the Chamber—no hearings whatever were held during the 85th Congress on this bill, by either the Senate Judiciary Committee or any subcommittee of the Senate Judiciary Committee. It is true that some hearings were held during the 84th Congress. I would have to say that, in my own judgment, although some Senators may disagree, and may take issue with me on this point—only scanty hearings were held in the 84th Congress, some 3 years ago, at a time when some of the present Members of the Senate were not Members of this body, and, indeed, when some of the present members of the Judiciary Committee were not then serving on that committee.

Mr. LAUSCHE. I should like to inquire about the provisions of the bill which would make it retroactive. Were they discussed in the committee; or has the discussion of that phase of the matter been confined to the debate on the floor of the Senate?

Mr. HENNINGS. I do not wish to rely entirely on my memory, in connection with the question of whether the matter of retroactivity was discussed in the committee. But if it was, then I do not believe the discussion of it in the committee was very thorough or very protracted.

Perhaps the Senator from Tennessee [Mr. KEFAUVER] has a better recollection on that score than I do. Therefore, I yield now to him, for the purpose of having him answer the question.

Mr. KEFAUVER. Mr. President, the McClellan bill, a similar bill, was before

the committee, but was not the subject of hearings at this session of Congress.

When the McClellan bill received final consideration by the committee, the provision for retroactivity was eliminated from the bill. So the bill, as reported to the Senate, and as now on the calendar, does not contain a retroactive application provision. The words "Acts heretofore passed" were stricken from the bill by the committee. So the bill as reported to the Senate, and as now on the calendar, applies only to future acts.

Mr. HENNINGS. The Senator from Tennessee now is referring to S. 337 not to H. R. 3. Is not that correct?

Mr. KEFAUVER. Yes. At this session of Congress, no committee hearings have been held on House bill 3. In the last Congress, hearings were held on a similar bill, which had been introduced by the Senator from Arkansas [Mr. McClellan]. But the two bills are not identical.

Mr. LAUSCHE. Were hearings held on the matter of making the proposed law retroactive?

Mr. KEFAUVER. There were no hearings.

Mr. LAUSCHE. There were no hearings of any nature whatsoever?

Mr. KEFAUVER. None on the pending bill.

Mr. LAUSCHE. Is there available a transcript of the testimony taken in regard to House bill 3, as reported to the Senate; or is there available a transcript of the testimony taken on the substitute bill?

Mr. KEFAUVER. There were no hearings in this Congress. There were some hearings in the previous Congress.

Mr. HENNINGS. Very well; I now understand that no hearings whatever were held on it during this session.

Mr. KEFAUVER. I am sure the distinguished Senator from Ohio has read the statement of the Attorney General, which was filed during the hearings held by the House committee. For the Senator's information, let me state that it was printed in the CONGRESSIONAL RECORD of July 15, where it appears at page 13860.

Mr. LAUSCHE. Let me point out that in the Committee on Interstate and Foreign Commerce, I tried to procure a decision which would prevent the committee from reporting to the Senate a lot of cats and dogs, so to speak.

Eventually, this session of Congress will adjourn. I favor having the Senate devote as much time as possible to the consideration of various measures which are being sent to us during the last minutes of the session, if by so doing it will be possible to keep many bad bills from being considered by the Senate.

Mr. HENNINGS. I thank the Senator from Ohio for his statement. I may say that many of us have consistently opposed the reporting of this proposed legislation.

Mr. LAUSCHE. It would have been better if we had adjourned 3 weeks ago. If we continue the session for another 2 weeks, it will cost the taxpayers of the Nation another \$3 billion.

Mr. HENNINGS. I shall be glad to yield now to any other Senators who may wish to have me yield to them, in order to permit them to make observations.

Mr. EASTLAND. Mr. President, will the Senator from Missouri yield to me?

Mr. HENNINGS. Yes, I am glad to yield to the distinguished chairman of the Judiciary Committee.

Mr. EASTLAND. Mr. President, the distinguished Senator from Missouri knows that no hearings were held on House bill 3 at this session of Congress. But the identical question was gone into during the committee hearings on the Jenner-Butler bill; the subject matter covered in the hearings on the Jenner-Butler bill is the same as that in issue in connection with House bill 3 or the McClellan bill.

Mr. HENNINGS. I may say to the chairman of our committee, who knows this better than anyone else, the Judiciary Committee in its discussions of matters of constitutional law, practice, and proceeding, ranges as far and wide as a hunting dog. We go all over the lot, as the Senator knows. We touch upon all manner of things in our discussion at one time or another. We spent something like 6 or 7 weeks on S. 2646 alone, and took all of the time of the Committee on the Judiciary in so doing.

Mr. EASTLAND. But the Senator, of course, realizes that the same problem was gone into very thoroughly by the Judiciary Committee in hearings on the Jenner-Butler bill, and everyone who desired to testify, pro and con, on this question was given the opportunity.

Mr. HENNINGS. I should say that the question of whether the problem was fairly gone into or not would be a conclusion to be derived from the point of view of the one who might be hearing the testimony.

Mr. EASTLAND. That is right; but there were committee hearings on this question.

Mr. HENNINGS. The committee does go into many, many facets and many, many aspects of all of these questions, some not germane, some not directly in point, when it considers various amendments to many bills which the committee handles.

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

Mr. HENNINGS. I yield to the Senator from Colorado.

Mr. CARROLL. Is it not true that at no time in the full committee hearings of the Senate Judiciary Committee did we ever discuss the full import of a bill which cuts across economic and political patterns going back 150 years, as was brought out in the debate? As a matter of fact, did we ever have a single hearing of the Senate Judiciary Committee based on the consideration of this important pending legislation?

Mr. HENNINGS. It is demonstrably true and certainly a fact that we did not have any hearings on this proposed legislation, or similar legislation dealing with preemption across the board.

Mr. CARROLL. As a matter of fact, we spent most of our time on S. 2646, the Jenner bill, which was designed pri-

marily to curb the appellate jurisdiction of the Supreme Court.

Mr. HENNINGS. In five areas originally; four of which were stricken in committee.

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

Mr. HENNINGS. I yield.

Mr. EASTLAND. But we went into this whole question. One facet of the proposed legislation was to curb the appellate jurisdiction of the Supreme Court. We went into the whole picture. This bill has had thorough committee hearings and thorough committee considerations.

Mr. HENNINGS. I do not reflect upon the chairman when I say that, in my judgment, we did not have perhaps as thorough a discussion of it as we should have had.

Mr. EASTLAND. I am sure we could not do anything to convince the distinguished Senator from Missouri. He has his point of view. The Senator from Mississippi has his point of view. The record speaks for itself, and I think the record is a full answer to the objection that there have been inadequate hearings.

Mr. HENNINGS. I think it might be observed, too, that the Committee on the Judiciary handles something like 54 percent of the legislation which comes to the floor of the Senate. I alone happen to serve on 9 subcommittees of that committee, and I am chairman of 3 of them. Other Senators may have more subcommittees than I have. It is a very busy, very hard-working committee. Whether there is adequate or sufficient discussion on one matter or not oftentimes depends on the time element. We do not have an opportunity at times to do all the things we would like to do. But this fact does remain, and I should like to emphasize this point again, there is no doubt whatever in the minds of any Member of this body that there were no hearings held upon the proposed legislation as it is before us for consideration today. Any lawyer may have read widely upon any aspect of his professional interest, and he may have discussed the subject and attended hearings and taken part in hearings; but as to the question of adequate hearings, again I say, in my judgment—and again I respectfully differ with the chairman of the committee—hearings were not held on the proposed legislation before the Senate today.

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

Mr. HENNINGS. I yield.

Mr. CARROLL. Is it not true that the Senate Judiciary Committee did not consider H. R. 3, but reported S. 337? The best evidence of the treatment we gave S. 337 is a report comprising about 300 pages, which does not in any wise go into the serious and involved economic problems which the Senator from Missouri is discussing.

As a matter of fact, even in that bill, which has now been abandoned in favor of H. R. 3, the Senator from Wyoming inserted the words "hereafter enacted," in order to strike out the retroactivity of S. 337.

So I think the record is clear that there has been only a cursory examination and consideration given to this important pending legislation.

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

Mr. HENNINGS. If the Senator will excuse me to make one observation in connection with this matter, then I shall be glad to yield.

It is not the function of the Congress to legislate only where there is a need for legislation. It seems to me that in the field of preemption we have not established a real demand or need for this legislation. I think able lawyers who are proponents of it, on reflection may even agree we know not where we are going in the future should the bill be enacted in its broad sense, as embodied in the McClellan amendment.

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

Mr. HENNINGS. I yield now.

Mr. EASTLAND. The distinguished Senator knows that frequently, after committee hearings, an entirely new bill develops and comes out of committee from the one which was introduced.

Mr. HENNINGS. Many, many times that is true.

Mr. EASTLAND. In this case the entire question was gone into very, very carefully in hearings on the Jenner-Butler bill. In fact, as I recall—I do not want to be held to the accuracy of this statement, but as I recall—the hearings on the Jenner-Butler bill and the Bridges bill were combined.

Mr. HENNINGS. May I inquire in what respect the Senator suggests that the so-called Jenner-Butler bill dealt with preemption?

Mr. EASTLAND. I say, as I recall—

Mr. HENNINGS. The gravamen of this proposed legislation is preemption.

Mr. EASTLAND. I understand. As I recall, the hearings on the Bridges bill and the Jenner-Butler bill were combined. I can be mistaken about that, but that is the way I recall.

Mr. HENNINGS. I do not wish to be invidious in this statement, but the RECORD certainly should reflect that when the so-called Jenner bill first came before the Committee on the Judiciary it developed upon the senior Senator from Missouri to ask what sort of hearings had been held and what the nature of those hearings had been. It developed if I mistake not, that one witness, a member of the committee, the author of the bill, and a member of the staff of the Committee on the Judiciary were the ones who testified at the hearing.

Mr. EASTLAND. What the distinguished Senator says is absolutely correct; and on motion of the distinguished senior Senator from Missouri, the bill was recommitted to the subcommittee, and extensive hearings were held on that bill, and on the very principals involved here.

Mr. HENNINGS. May I again inquire of my friend, the learned and able chairman of the Committee on the Judiciary, whether any hearings were held with respect to preemption or the preemption doctrine in connection with the Jenner-Butler bill.

Mr. EASTLAND. There were some witnesses, as I recall, who testified on the Bridges bill, which, of course, deals with the doctrine of preemption. That is what I recall.

Mr. HENNINGS. I understood the Senator from Mississippi to say that in connection with the Jenner-Butler bill there had been some discussion and some hearings relating to the doctrine of preemption, or the theory of preemption.

Mr. EASTLAND. Yes.

Mr. HENNINGS. The bill itself has nothing to do with preemption.

Mr. EASTLAND. The committee made the Bridges bill one section of the Jenner-Butler bill.

Mr. CLARK. Mr. President, will the Senator yield for one question?

Mr. HENNINGS. Has the distinguished Senator from Mississippi concluded?

Mr. EASTLAND. Surely.

Mr. HENNINGS. I yield to the Senator from Pennsylvania.

Mr. CLARK. I would be grateful if my good friend from Mississippi would listen to the question. I ask this purely for the purpose of obtaining information.

Am I correct in my understanding that the only hearings held before the committee with respect to the doctrine of preemption were confined to the Steve Nelson case and preemption in the field of security legislation of the States?

Mr. HENNINGS. I am satisfied that is the case. I stand to be corrected if it is not true. Of course, we know that the celebrated Steven Nelson case in all likelihood generated H. R. 3, or was one very important factor in the generation of the bill.

If I recall that case correctly—and I believe I do, because I have read it and studied it—it was a decision of the Supreme Court of the State of Pennsylvania. The Supreme Court or the highest tribunal of the Commonwealth of Pennsylvania held that the State laws did not apply in the Nelson case. The Supreme Court of the United States affirmed the finding of the Supreme Court of Pennsylvania.

If we are going to talk about the United States Supreme Court undertaking to seek aggrandizement by occupying this field, we must remember that the Supreme Court of the State of Pennsylvania was the court which laid down the principle in the Steve Nelson case. Upon appeal to the Supreme Court of the United States, the Supreme Court of the United States affirmed the decision of the Supreme Court of Pennsylvania.

The distinguished former mayor of the city of Philadelphia, the junior Senator from Pennsylvania, probably knows something about that case and knew something about it at the time it was tried. No doubt the Senator has studied the case I ask for his confirmation as to whether the facts as I have cited them are substantially true.

Mr. CLARK. That is of course my understanding. Steve Nelson was a resident of Pittsburgh and not of Philadelphia.

Mr. HENNINGS. Since the Senator is a Pennsylvanian, he knows about the case in detail.

Mr. CLARK. Yes. We discussed the case at length on the floor yesterday.

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

Mr. HENNINGS. I yield to my friend from Mississippi.

Mr. EASTLAND. The distinguished Senator knows that after hearings in which we went into the preemption doctrine, as I recall, the committee wrote preemption provisions into the bill. Not one time before the Judiciary Committee did the Senator from Missouri or any member of the Judiciary Committee who opposed the bill raise the question that there had been inadequate hearings. Not one time was that question raised in the committee.

Mr. CARROLL. Mr. President, will the Senator from Missouri yield?

Mr. HENNINGS. I will say to the Senator from Mississippi that, as the Senator knows, I have objected rather consistently to many bills because of lack of hearings. Only last week I raised objection to a deportation bill.

I cannot recall specifically and I would not want to misinform the Senate, but as I recall, the question of preemption which came before the Judiciary Committee—and I stand to be corrected, if wrong—related only to the field of subversion or sedition, and did not cover the broad spectrum and scope which the proposed legislation now before us seeks to embrace.

Am I correct in that understanding?

Mr. EASTLAND. I did not hear the entire statement of the Senator; I am sorry.

Mr. HENNINGS. I suggested that the hearings which were held related only to the question of sedition and not the broad field attempted to be covered under the mantle laid down in the pending amendment, which is in all respects H. R. 3.

As to the objections, I have no independent recollection. I recall that we have considered many measures in the committee, and I have objected to perhaps more than my share of them because of inadequate hearings, because of what I thought to be insufficient consideration of the matters, and also because I think the Committee on the Judiciary is charged with a high and solemn responsibility to come to the Senate and act responsibly after full and complete hearings and after thorough deliberation.

I think the Senate of the United States has a right to look to the Judiciary Committee for legal guidance; and it has a right to know, to believe, and to have confidence that the committee—whether the Senate agrees with the committee or not—has at least given thorough consideration to things which affect the very future of this country, its economic life and its political institutions, to an extent which we cannot at this time predict or foresee.

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

Mr. HENNINGS. I yield to the Senator from Tennessee.

Mr. KEFAUVER. My position in respect to the proposed legislation is that if it were confined to statutes hereafter enacted, and also restricted to the fields

of crime and sedition, I would be in favor of its passage.

Mr. HENNINGS. If I may interrupt for a moment, I take it the Senator is not in favor of a broadside approach into realms where angels would fear to tread. We do not know where we may end if we adopt this amendment. Is that not substantially true, under all the circumstances?

Mr. KEFAUVER. The Senator is correct. I am particularly fearful of the application of the bill in so far as transportation is concerned, and the effect upon railroads, airlines, trucking companies, and the many fields in which there may be operations under two sets of statutes. The people have to know under what law they are supposed to operate.

In this connection I note a very pertinent statement by Mr. Walsh, the Deputy Attorney General, who testified before the House committee:

Mr. WALSH. That is not an assault on a constitutional provision but when a bill attempts to encompass 150 years of jurisprudence in two sentences, then I think brevity might be an assault on a statute.

The committee members and Mr. Walsh were discussing how long it would take to examine all the State statutes to see which ones would be preempted by the new interpretation.

Mr. HENNINGS. How long did they conclude it would take?

Mr. KEFAUVER. I will read what Mr. Walsh said.

Mr. HENNINGS. I would say it would be an incalculable time.

Mr. KEFAUVER. Mr. Walsh said:

I would say that this job you are suggesting for the Department of Justice is not one for a week, a month, or a year. There will be many years involved in such a job.

During that period, this bill would be in effect and private persons would be sued and would be suing each other in trying to reassert their rights which they viewed as changed under this bill.

Let each change of the law come after a period of study. The preservation of State activities is worth enough to consume all of that time. If we can relieve the Federal agencies of the strain of petty, internal regulation so that they can concentrate on truly national problems, it is worth all of the hours that we put into it. Do not change the law before we do that. Let us do that and then change the law piece by piece as we go along.

If there ever was a piece of legislation which should have some real hearings and consideration, it is this. No one knows what confusion might be caused in the field of property rights.

Mr. HENNINGS. What would the Senator suggest in the way of legislation to regulate railroads if the States were to enact their own regulations? A train going across the continent passes through several States. The regulations would have to be somehow adjusted to fit each State as the train crossed the line.

Mr. KEFAUVER. That is set forth by Mr. Gregory S. Prince, vice president and general counsel of the Association of American Railroads, in a letter which was printed in the House proceedings. He says that this bill, H. R. 3, might lead to the establishment of different rates on a single commodity, depending upon the

action of State courts and juries as to a reasonable rate; second, in connection with penalties, many antiquated State laws are in existence which would have application to interstate rail transportation service.

He discusses safety appliances, locomotive inspection, and hours of service. People would never know under which law they were supposed to operate. The State would have one set of regulations and the Federal Government would have another. Such regulation would affect locomotives, trains, airplanes, and trucks. So until a detailed study had been made of all the retroactive factors, people could be sued and penalized without any fault on their part.

Mr. HENNINGS. The Senator is eminently correct.

Mr. President, I think the debate has been most adequate. For that reason I shall not continue, in the interest of saving time. I believe the Senator from Colorado [Mr. CARROLL] is about to renew his motion to recommit the bill. Before that is done, I promised to yield to the distinguished Senator from New Mexico [Mr. ANDERSON] for the presentation of a conference report.

CONSTRUCTION BY DEPARTMENT OF INTERIOR OF DEMONSTRATION PLANTS—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 135) providing for the construction by the Department of the Interior of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses. 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. 18945, CONGRESSIONAL RECORD.)

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

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

Mr. ANDERSON. Mr. President, the conference report was unanimously agreed to by all the conferees.

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

The report was agreed to.

Mr. ANDERSON. Mr. President, I ask unanimous consent that a statement dealing with the saline water demonstration program be printed in the RECORD at this point as a part of my remarks.

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

STATEMENT ON CONFERENCE REPORT—S. J. RES. 135 SALINE WATER DEMONSTRATION PROGRAM

In connection with the adoption of the conference report on Senate Joint Resolution

135, to authorize a saline water demonstration program, I desire to make a few comments as part of the legislative history on the measure.

First, President Eisenhower commented that new horizons were opening in the desalting of water in his address on Mideast problems before the United Nations General Assembly in New York on August 14. I attach an extract from his address at the conclusion of this statement.

Next, I reiterate the view expressed on the floor of the Senate repeatedly that the saline water conversion demonstration program provided for by Senate Joint Resolution 135 is the most important step in the national water program since the enactment of the Reclamation Law in 1902. The seawater desalting program and the treatment of brackish water at economical cost has national significance as well as international potentials that run the gauntlet from domestic and industrial rises in this country to a place as an instrument for peace and rehabilitation overseas. We must bear in mind that by 1975, the United States with a population of upward of 200 million persons will be faced with fresh water shortages for domestic, industrial, agricultural, and national defense purposes in many vital population centers and agricultural areas.

Senate Joint Resolution 135 sets the stage for tackling the problem of achieving economical means of desalting seawater in the coastal areas and treating brackish water in the interior.

The modest sum of \$10 million is authorized for the construction of not less than 3 seawater desalting plants and 2 brackish water treatment plants. Each plant is to demonstrate a different process.

Responsibility is placed squarely on the shoulders of the Secretary of the Interior to implement the demonstration program promptly and effectively. Use of funds already appropriated is authorized for the employment of consultants and experts to pave the way for a decision by the Secretary as to the first plant within 6 months after the resolution is approved. A decision as to each of the other plants is to be made by the Secretary at 3-month intervals. Construction of the first demonstration plant should be under way within a year. All of us have confidence that the present Secretary of the Interior (Fred A. Seaton) a former distinguished Member of the Senate, will perfect an organization directly under him to expedite this program. We look to him for prompt and effective action.

The conferees agreed that the Congress should maintain surveillance of the program by requiring the Secretary to report promptly on each decision with respect to the type of process selected.

The principal change made in the resolution in conference is the omission of a demonstration plant in the Virgin Islands as a feature of the program. A salt water distillation plant is authorized for St. Thomas under H. R. 12226, which is now in conference.

I desire to pay tribute to the cooperation of the cosponsors of Senate Joint Resolution 135, the Senator from South Dakota [Mr. CASE], the Senator from California [Mr. KUCHEL], and the Senator from Wisconsin [Mr. WILEY].

In the House of Representatives the leadership of House Interior Committee: chairman, Representative CLAIR ENGLE, of California, Representative WAYNE ASPINALL, of Colorado, and their colleagues, contributed to the initiation of the program.

In addition to the excerpt from the President's United Nations address, I attach hereto the following news story by James Reston from the New York Times of August 14, entitled "President Hints at Gains in Sea Water Conversion," and an editorial from

the New York Daily News of August 11, entitled "Fresh Water From the Sea."

(The material referred to is as follows:)

[From the New York Times of August 14, 1958]

PRESIDENT EMPHASIZES IMPORTANCE OF SALINE WATER CONVERSION—EXTRACT FROM PRESIDENT EISENHOWER'S ADDRESS TO THE UNITED NATIONS GENERAL ASSEMBLY ON MIDDLE EAST PROBLEMS IN NEW YORK, WEDNESDAY, AUGUST 13

I would hope that high on the agenda of this institution would be an action to meet one of the major challenges of the Near East, the great common shortage—water.

Much scientific and engineering work is already under way in the field of water development. For instance, atomic isotopes now permit us to chart the courses of great underground rivers. The new horizons are opening in the desalting of water. The ancient problem of water is on the threshold of solution. Energy, determination, and science will carry it over that threshold.

[From the New York Times of August 14, 1958]

PRESIDENT HINTS AT GAINS IN SEA WATER CONVERSION

(By James Reston)

WASHINGTON, August 13.—The United States Government is making genuine and even exciting progress in reducing the cost of desalting sea water and purifying brackish inland water.

This explains President Eisenhower's brief but fascinating statement to the United Nations today that the ancient problem of ending the world's water shortage is on the threshold of solution.

The experts here on the subject wish the President had used a different metaphor. They say it will be a long time before the waters of the sea can be harnessed to turn the deserts of the Middle East into the fertile lands of Biblical times. But atomic energy and new processes and machinery are now carrying the water conversion experiments from the laboratory into the realm of practical industrial and agricultural uses.

PROBLEM ONE OF EXPENSE

At the present, land-based units convert about 15 million gallons a day of sea water or brackish water into fresh water. Two of these units, capable of converting 5 million gallons a day, are situated in the oil-rich sheikdom of Kuwait on the Persian Gulf. But these units, like the sea-conversion plants on ocean liners, are immensely expensive.

The problem has been to reduce the cost of conversion from about \$1.75 per thousand gallons to 50 or 75 cents, and Washington officials think this may be achieved within 5 years.

Atomic science is improving the prospect in three ways. President Eisenhower referred to one of them today. He noted that atomic isotopes were being used to chart the course of great underground rivers so they can be tapped more effectively.

Dr. R. B. Mesrobian, of the center of research and engineering of the Continental Can Co. of Chicago, has demonstrated that a small amount of radioactive material injected into underground streams can be followed by instruments above ground as it courses in the water below the earth. He will explain the results of his experiments in the forthcoming atomic-energy conference in Geneva.

Recently, too, the Office of Saline Water of the Department of the Interior, and the California division of water resources signed a contract with the Flour Corp., of Whittier, Calif., for a study of a combination nuclear-

reactor saline water conversion plant. It is hoped that this reactor will provide cheaper energy for the evaporation of sea water in what is called the electrodialysis process.

This process is the one totally new concept developed in recent years for the conversion of saline water. The Netherlands has been particularly successful in developing this system.

A 2,800,000-gallon-a-day plant of this type is under construction in South Africa. The United States Government has purchased similar experimental equipment from the Netherlands for use in the laboratories of the Bureau of Reclamation in Denver.

DETAILS OF PROCESS

The Department of the Interior explains the process as follows:

When most salts are dissolved in water, the solution contains submicroscopic electrically charged particles, called ions, in suspension. If an electric current is passed through such a solution, the ions having a positive charge will move by the electrical force of attraction to the negative source of current. Conversely, the negatively charged ions will move to the positive source of current.

This process makes the separation of the two types of ions more effective by using plastic ion exchange membranes. These membranes are made of a combination of plastic materials, some of which are particles carrying a positive charge.

This plastic sheet, or membrane, is impervious to water, but if it is placed in a salt solution, the positive ions can pass through the positive membrane under the driving force of electricity, but the negative ions of the solution cannot.

Conversely, a membrane made of negatively charged particles will permit the negatively charged ions from the solution to pass through but not the positive ions.

Thus a pair of these ion exchange membranes, one negative and the other positive, can form a cell. If salt water is placed between them and an electric current is applied across them, the positive and negative salt ions will move through the respectively charged membranes, leaving a less salty water in the middle and saltier water on the outside of the membranes.

By stacking these cells and repeatedly passing the water through the membranes, the salt, or brackish, water can be purified. Also, it is understood that if the membranes are so constructed as to include certain radioactive materials, the electrical current necessary will be reduced to about one-third.

Some officials here have been saying for years that exploitation of these new processes would not only help the United States solve its growing water shortage in the West, but would also dramatize Washington's effort to put its scientific knowledge to peaceful uses in the underdeveloped areas of the world.

Unfortunately, Congress has not always shown such enthusiasm for the project. Since 1952, when the experiments started in the Department of the Interior, the appropriation requests have been cut on an average of 20 percent.

Only in the last few days, however, Congress has voted \$10 million to the Department of the Interior for the construction of 5 demonstration-production plants, 3 for conversion of sea water, and 2 for the conversion of brackish water.

This is more than tenfold the annual appropriations of the past and thus the program is beginning to make real progress. Even so, much more can be done. For example, while the Federal Government is to get \$10 million for development of these new plants, California alone has planned an \$11 billion investment in developing its water resources.

[From the New York Daily News of August 11, 1958]

FRESH WATER FROM THE SEA

Twice in the last 15 months, House committees have complained that the Department of the Interior (Fred A. Seaton, Secretary) is dragging its feet as regards studying cheap methods of turning sea water into fresh water.

Congress in 1952 set up the Office of Saline Water in the Interior Department, and since then has given it \$2,850,000 for its researches.

We imagine the fact that House committees these days are controlled by Democrats, while the Interior Department is run by Republicans, has something to do with the bitterness of the committees' attacks on Mr. Seaton and his colleagues.

Be that as it may, the fresh-water problem in the United States is getting more serious all the time.

In one way or another, we use between 20 and 25 gallons of water per person per day. Industry uses enormous quantities (to make 1 ton of steel, you need 65,000 gallons of water), and agriculture soaks up almost as much as industry.

Altogether, Americans use about 250 billion gallons of water a day; and it is estimated that the figure will be 600 billion a day by 1980.

There are, of course, ways to take the salt and other impurities out of sea water and make it drinkable.

You can do the trick by simply boiling the sea water and condensing the steam that comes off it. Or you can freeze it, and the resulting ice will be salt-free—as icebergs are.

THE COST PROBLEM

Then, there is the so-called electrodialysis process, whereby impurities are eased out of salt water by electrical methods too complicated to describe here.

Up to now, all these devices are pretty expensive. But progress at cutting costs is being made.

The Maxim Silencer Co., of Hartford, Conn., claims to have developed a distillation system which can supply fresh water from the sea at around 20 cents per 1,000 gallons—fairly expensive, but not prohibitive.

A couple of research outfits at Harbor Island, N. C., think they are in sight of a 25 to 50 cents per 1,000-gallon price.

Other scientists are at work on the problem—notably Dr. LeRoy A. Bromley, of the University of California, who believes a new distillation process which he has dreamed up will eventually produce fresh water from the sea in large quantities at 25 cents to 50 cents a 1,000 gallons.

So it looks as if the cost problem will be solved sooner or later. The sooner the better, considering the large number of communities which have had to ration water from time to time, particularly during last summer's bad northeastern drought.

If Congress wants to be helpful in the matter, it can speed action on a bill which has already passed the Senate.

This measure authorizes the above-mentioned Interior Department to spend \$10 million on 5 new water-conversion plants—4 in this country and 1 in some possession of ours; perhaps the Virgin Islands.

We imagine that with that kind of money and encouragement, the Interior Department would really get cracking. How about giving it the chance to do so?

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

Mr. ANDERSON. I yield.

Mr. JOHNSON of Texas. I wish to commend the Senator for his activity in this field, and the very excellent work

he has done. I am hopeful that the legislation will be promptly enacted.

I ask unanimous consent to have printed in the RECORD at this point a very brief statement which I have prepared on the subject.

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

STATEMENT BY SENATOR JOHNSON OF TEXAS

Construction of saline water conversion plants and brackish water conversion plants will contribute greatly toward a solution of the Nation's water problems.

Texans can particularly appreciate the significance of successful water conversion. We are long on floods and short on water in my home State. We have 370 miles of coastal area, but the cities along the coastal plain are hard pressed to provide water for municipal and industrial needs. We have an inland water area of 3,826 square miles, but runoff from these streams is 85 percent, and what remains is frequently brackish.

Conversion plants designed to demonstrate the reliability and the engineering, operating and economic potentials of the processes are essential to the orderly development of our resources. Successful and economical conversion of sea and brackish waters would mark a tremendous advance for us in the work we have been doing to fulfill our industrial, municipal, and agricultural water obligations.

Mr. ANDERSON. Mr. President, in passing the joint resolution the House inadvertently changed one of the numerals from "1952" to "1956." The Parliamentarian tells me that the easiest way to handle the situation is by way of a Senate concurrent resolution, which I now submit, after conferring with the majority and minority leaders. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 121) submitted by Mr. ANDERSON was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the joint resolution (S. J. Res. 135) providing for the construction by the Department of the Interior of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, to strike out, in the language agreed to by the conferees on House amendment numbered 15, in the second sentence beginning with the word "Unobligated", the numeral "1956" and in lieu thereof insert "1952."

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

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

Mr. ANDERSON. Mr. President, I thank the Senator from Missouri [Mr. HENNINGS] for yielding to me.

Mr. HENNINGS. In turn, I compliment and commend the distinguished junior Senator from New Mexico for the indefatigable effort which he has shown in this field, which characterizes all his activities in this body. It is a pleasure to yield to him for the important business which he has brought before the Senate.

ENFORCEMENT OF STATE STATUTES PRESCRIBING CRIMINAL PENALTIES FOR SUBVERSIVE ACTIVITIES

The Senate resumed the consideration of the bill (S. 654) to amend title 18, United States Code, to authorize the enforcement of State statutes prescribing criminal penalties for subversive activities.

Mr. CARROLL. Mr. President, will the Senator from Missouri yield to me?

Mr. HENNINGS. The Senator from Colorado has asked me to yield to him. I have nothing further to say. I am preparing to yield the floor in order that the motion to recommit the bill may be renewed. Are there any other Senators who desire recognition before I yield?

Mr. CARROLL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CARROLL. What is the pending business before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado [Mr. CARROLL] to recommit the bill to the Committee on the Judiciary.

Mr. CARROLL. Mr. President, I understand there are to be comments on this subject. I shall withhold my comments, and I thank the Senator from Missouri.

Mr. HENNINGS. Mr. President, if there is to be extensive debate on the question, I have considerable more material that I desire to submit in addition to what I have already presented. May I have the attention of the majority leader, please? In conformity with what I understood to be a general understanding between the opponents and the proponents of the amendment, I expected no further debate, but if there is to be further debate, I myself have considerable in the way of additional comments to make, which would require at least an hour and a half.

Mr. JOHNSON of Texas. Mr. President, I can speak for no other Senator, but I can speak for myself. I should like to reach a vote as early as possible. The Senator from North Carolina [Mr. ERVIN] indicated that he had a brief statement of 4 or 5 minutes to make. I assume the Senator from Arkansas [Mr. McCLELLAN] has a statement to make.

Mr. HENNINGS. It is not my desire to foreclose any Senator who desires to present his views. I may say to the distinguished majority leader, as I said last night before moving to table the McClellan amendment.

As the Senator from Texas will recall, I asked if any Senators desired that I yield before the motion to table was made. Again I say it is not my intention to undertake to foreclose or estop or in any way prevent any statement being made upon this motion.

Mr. JOHNSON of Texas. Will the Senator agree to yield the floor so that the Senator from North Carolina may make a brief statement and the Senator from Arkansas may do likewise? The Senator can always obtain the floor.

Mr. HENNINGS. I am aware that I can. But I, too, have much more to say on this subject. Much has already been said. I am not sure the Senate needs further enlightenment on it, but I feel that although I have been living with this subject a half year or more, I can stand considerably more enlightenment on many aspects of it.

I find it a very difficult subject. The more I deal with it, and the more I study it, the more difficult it becomes. It may be a very simple matter to those not as obtuse as some of us, those who are more learned in the law, those who have had greater experience and who can read into this legislation a degree of safety and assurance, not only that it will do what its proponents claim for it, but that it will not do what some of us are well satisfied it inevitably will do; namely, seriously infringe upon and have, if not a disastrous effect, a most serious adverse impact upon the economy of this country, upon the industrial organizations of this country, upon the transportation and water interests of this country, upon agriculture, and upon fields the domain of which we know not completely at this time.

I shall content myself for the time being with what I have said on this and related subjects during the past 3 days. The debate has indeed been illuminating. The more we debate it the more we learn about the subject. To me it hoists a danger signal to the Senate, a warning and an admonition not to act irresponsibly in the closing days of this session to mar and tarnish the good record which has been made in most respects up to this point.

I now yield the floor and abide the judgment of the Chair with respect to recognizing another Senator.

Mr. ERVIN. Mr. President, I have never in my life heard so much fine oratory used to complicate simplicity. Insofar as the bill embodies the provisions of what has become popularly known as H. R. 3, it contains just two simple provisions. The bill relates only to fields in which the Constitution of the United States permits both Congress and the States to legislate. It does not relate in any way to fields in which the Federal Government, under the Constitution, has exclusive power. It does not relate in any way to fields in which the States are forbidden to act by the Constitution. I repeat that it relates only to those fields in which the Constitution of the United States permits both Congress and the States to legislate, and it recognizes the constitutional doctrine of the supremacy of conflicting Federal statutes over State statutes in fields in which both Congress and the States are permitted by the Constitution to legislate.

It lays down two tests which are rules of construction, not rules of law. One of the rules of construction applies to a case in which there is an apparent conflict between the Federal and State laws on the same subject. It says in that case the rule of construction which arose with the establishment of this Republic, and which has been observed by all judges of the Supreme Court of the

United States until recent days, shall continue to be the rule for the construction of statutes in determining, when the statutes disagree, whether State statutes shall fall under the Federal supremacy doctrine. It provides in that case that the Federal act shall not be construed to invalidate the State act unless the two are so repugnant and inconsistent with each other that both laws cannot stand. That is a sound doctrine. It is the only sensible doctrine of construction for instances where there is a supposed conflict between Federal and State laws on the same subject in a field in which both have constitutional power to legislate.

The other rule is a rule which is to be applied as a rule of construction, not as a rule of law, in instances where Congress and the State legislate upon the same subject, and there is no conflict or apparent conflict between the act of Congress and the legislation of the States. It merely says in that case Congress can make clear that it intends that the Federal Government shall preempt or occupy the entire field of legislation in that area by a simple declaration to that effect.

Instead of stirring up litigation, or engendering uncertainty, it provides a rule of law which is crystal clear and so plain that he who runs may read and not err in so doing.

The hue and cry about the supposed retroactive effects of the bill are, wasted upon a nonexistent legal ghost.

The bill, if enacted into law, would be only a rule of construction. It would in no case prevail if it appeared from the act which Congress had passed that Congress intended to preempt the entire field, even though no declaration to that effect was made in the act. It would apply only in case of ambiguity on that point, and it would operate only prospectively, that is, in the future. While it would apply in the construction of a statute enacted in the past, as well as in respect to a statute enacted in the future, it would not impose any liability of any kind on any person for any event which had occurred prior to the time the bill became law. It would impose liability only for events which would occur in the future.

Instead of being a complicated statute, the bill, if enacted into law, would avoid innumerable conflicts in the realm where Congress and the States are authorized to legislate.

The necessity for a law of this kind is well pointed out by the action taken by a committee of the chief justices of the 48 States meeting in Pasadena, Calif., yesterday. The committee, representing the chief justices of the 48 States, has approved and submitted to the chief justices, for adoption, a resolution asking the Supreme Court of the United States to exercise judicial restraint in the field of Federal and State relations. The pending bill, insofar as it incorporates within it the provisions of H. R. 3, would be the best and simplest and most direct means of promoting peace and harmony in the field of Federal and State relations, because it would provide a rule of construction under which even a layman could deter-

mine whether the Federal Government had preempted a field in which both Federal and State Governments, in the absence of Federal preemption, would have a constitutional right to act.

Therefore, instead of being likely to cause any injury and litigation, the bill, if enacted, would have exactly the opposite effect, and would be a very salutary measure to carry out the resolution proposed by the committee of the chief justices of the 48 States, and it would have a very salutary effect in perpetuating our dual system of government under which this country has grown great.

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

Mr. ERVIN. I yield.

Mr. RUSSELL. Is the Senator referring to some action taken by the chief justices of the supreme courts of the several States at a previous time or is he referring to the action which was reported in the press today by a committee of chief justices?

Mr. ERVIN. Before I answer that specific question, I may say that, according to my study of the subject, the chief justices of the 48 States of the Union on two previous occasions have gone so far as to ask Congress to enact statutes which would clarify the law in the field of Federal-State relations.

Yesterday, according to a dispatch offered for the RECORD, a committee appointed by the chief justices of the 48 States, proposed for adoption a resolution which, in plain English, calls upon the Justices of the Supreme Court of the United States to do something salutary in this field, namely, to exercise judicial restraint in matters arising in the fields where this problem occurs.

Mr. RUSSELL. Mr. President, is the Senator from North Carolina certain that the article was printed in the RECORD heretofore?

Mr. ERVIN. It was placed in the RECORD at the instance of the distinguished Senator from Delaware [Mr. WILLIAMS].

Mr. RUSSELL. I am glad to know that it is in the RECORD.

I noted that the meeting was held in Pasadena, Calif. Even in the atmosphere of Pasadena, the chief justices of the State courts—and I doubt not that any two of them had had more judicial experience in their lives than the present members of the Supreme Court of the United States combined had at the time they took office—filed the report and resolution respectfully imploring the Supreme Court of the United States to exercise some restraint; in other words, that they should adjudicate instead of legislate and invade the fields of the States.

Among the chief justices who approved the resolution were the chief justice of Maryland, the chief justice of New York, the chief justice of Michigan, the chief justice of Wisconsin, the chief justice of Oregon, the chief justice of Massachusetts, the chief justice of Minnesota. In addition, there were three chief justices from States that are in the South. I realize that when anyone from a southern State mentions the Supreme Court of the United States he is considered suspect. So I shall not mention

the States of the chief justices from those three States. But the chief justices from the great States of New York, Michigan, Massachusetts, Oregon, Minnesota, and Wisconsin, at the annual meeting of the chief justices of the States, endorsed the resolution to which the Senator from North Carolina referred.

Because the article has already been included in the RECORD, I shall not ask to have it incorporated again, but I hope it will receive wide circulation. Some of us who have spent our lives at the law sometimes feel rather like a mother would feel to see a child suffering, when we see the Constitution and the laws tortured by interpretation of the Supreme Court of the United States. When we cry out against such decisions, we are told that the decisions of the Supreme Court are sacrosanct; that no one should question the decisions of that body in any way.

But a group of chief justices from the State supreme courts, from every area of the Nation, and who have had years of experience at the bar and on the bench, have adopted resolutions protesting the deviations of the Supreme Court of the United States.

It always struck me as being a little strange to have one characterize himself as a liberal and to take the position that any institution of Government was above criticism. That viewpoint goes back to the philosophy of the divine right of kings, a theory which we thought went out with the Bourbon dynasty in France, which held that the king could do no wrong. But self-styled liberals now adopt that philosophy and contend the Court is beyond criticism.

The Supreme Court is composed of men who hold their offices for life. Even if they had very little experience in the law or on the bench, and obtained their appointments because they were a personal friend of the President, or the President felt called on to pay a political debt, or because they happened to be a crony of the President, and are selected to serve on the Supreme Court, these liberals contend that they are from that time forward endowed with supernatural qualities and can make no mistakes, and no one should criticize them.

Thomas Jefferson was really a liberal. He would turn over in his grave to hear any such contentions by one who called himself a liberal.

Mr. ERVIN. And also Abraham Lincoln.

Mr. President, this is the third time the chief justices of the States have appealed for aid to preserve the powers of the States.

So far as I am concerned, I think every American has the right to think and to express his honest thoughts concerning anything under the sun, including decisions of Supreme Court majorities. Whenever any Member of the Senate thinks there is an encroachment upon the jurisdiction of Congress or the jurisdiction of the States or upon the jurisdiction of the judicial, or executive branch of the Federal Government he owes his country a duty to make known his view, because only in that way can

he uphold his oath to defend the Constitution.

Now, I yield to the Senator from California.

Mr. KUCHEL. Mr. President, I believe I recollect correctly that the senior Senator from Arkansas [Mr. McCLELLAN] and some other Senators introduced a bill to provide that, prospectively only, it was the intent of Congress that the Federal Government would not preempt a field, unless it was specifically asseverated in the particular Federal law. Did the Senate Committee on the Judiciary report that bill to the Senate?

Mr. ERVIN. The Senator from Arkansas introduced a bill which undertakes to provide a rule of construction in that respect, both in regard to the laws heretofore passed and the laws to be hereafter enacted. The Committee on the Judiciary reported the bill with an amendment that restricted its provisions to the laws hereafter enacted by Congress, if my recollection is correct.

Mr. HENNINGS. But that is not the bill before us.

Mr. KUCHEL. That bill, then, was reported by the Committee on the Judiciary and is now on the calendar.

Mr. ERVIN. Yes. The Committee on the Judiciary also reported the bill which is popularly known as the Bridges bill, and which was restricted, in this respect, to the field of sedition and subversion.

The Senator from Arkansas has offered an amendment in the nature of a substitute to the Bridges bill.

Mr. KUCHEL. Mr. President, I shall make a few comments later. I shall not make them now. I desired to elicit this information first.

Mr. ERVIN. I now yield to the Senator from Missouri.

Mr. HENNINGS. I thank my friend from North Carolina. It is always a pleasure and a delight to discuss matters with the distinguished Senator from North Carolina, who is a most valuable member of the Committee on the Judiciary. Although my views do not always agree with his, or his with mine, I believe that we can better perform our functions when there is some division of opinion, in order that truth may be separated from error.

Mr. ERVIN. I desire to thank the Senator from Missouri for his kind statement, and to return to him the compliment he has paid me.

Mr. HENNINGS. I have long cherished my friendship with the Senator from North Carolina, and I have warm regard for him. Although we have not very often found ourselves on the same side of the question in this Congress, I hope we shall have better fortune in the next Congress.

I desire to lay at rest one statement which the Senator from Georgia seemed to dwell upon when he adverted to the suggestion that there are some so-called liberals—and in some places that is not a very complimentary word—who think the Supreme Court should not be criticized. I do not consider myself a liberal or a progressive. I consider myself a Democrat. I have been a Democrat all my life. There has never been a Republican in my family. But I do not think I

have to apologize for being a Democrat in what I think is the best traditional fashion of democracy. I try to live up to it. I do not always succeed. But I try to do what I think a good Democrat would do in the Jeffersonian sense, in the Jacksonian sense, in the Wilsonian sense, in the Rooseveltian sense, and in the Truman sense.

That has been one of my articles of faith all my life. So when some would apply the adjectives liberal and progressive, I say that I believe the Democratic Party is the party of change, the party of progress, the party that ventures forth, the party of new ideas, the party of venturesome, imaginative, constructive progress for the people of the Nation; and, of course, we derive our sovereignty from the people we undertake to represent.

I have repeatedly stated that I do not think the Supreme Court is infallible. In fact, member of that august body themselves do not consider it infallible, for we know there have been times when members of that body have stopped speaking to one another, and sometimes have reviled one another privately, because of differences among the members of the Court. We know that 5-to-4, 6-to-3, and other split decisions of the Court have sometimes resulted in such feelings, sometimes to such an extent that certain members of that body have said that other members of it were, in certain instances, dead wrong—just as members of other institutions can be dead wrong, and just as I have, at times, been dead wrong; and I fear that if I live long enough I shall have been dead wrong in a great many cases.

Therefore, I do not subscribe to the doctrine of infallibility as regards either the Supreme Court or any other human institution. I have criticized many of the decisions of the Supreme Court. I have been disappointed by many of its decisions. But, by the same token, even though I may be disappointed by, or in disagreement with, some decision the Court has handed down, I do not believe in the enactment of legislation which would remove from the Court some of its jurisdiction.

Mr. ERVIN. I thank the Senator from Missouri. But certainly the pending bill will not remove any jurisdiction from the Court. Instead, the bill will permit the Court to solve certain problems without difficulty.

If the bill had been law at the time of the enactment of the Smith Act, and its provisions had been complied with in that act, Pennsylvania would never have gone to the expense of prosecuting Steve Nelson. This is true because the matter would have been so clear that there would have been no controversy as to whether the Federal Government had preempted the field of sedition.

Mr. President, since my legislative duties prevent me from engaging any more in the practice of law, I am not now nearly as anxious as I used to be to see litigation stirred up. Therefore, I favor adoption of the amendment of the Senator from Arkansas [Mr. McCLELLAN] even though it might constitute a negation of the prayer of the young attorney, "Stir up much strife among Thy

people, O Lord, lest Thy servant perish." [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado [Mr. CARROLL] to recommit the bill to the Committee on the Judiciary.

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

Mr. KUCHEL. Mr. President, will the Senator from Nebraska be so kind as to withhold the suggestion of the absence of a quorum?

Mr. CURTIS. Very well.

Mr. KUCHEL. Mr. President, as a matter of good, sound, American public policy, I believe that the States of the American Union, as well as the Government of the United States, should—indeed, must—have the right to legislate in the field of antisedition and antisubversion legislation. As a Member of the United States Senate, I am prepared—indeed, I am quite anxious—to be given an opportunity to vote in favor of the pending bill, unfettered by amendments, and which, in making specific reference to Federal antisubversion legislation already enacted, states specifically and unequivocally that the Congress does not intend to preempt the field of protecting American Government, State and Federal, but, to the contrary, welcomes the partnership of State laws in ferreting out and punishing those who conspire to overthrow any segment of American Government by force or violence.

No Member of this body whether lawyer or not, has, thus far, risen to condemn the proposed bill as being illogical, untenable, unconstitutional or susceptible of the imperfect construction.

I must say that it is exceedingly distressing to me that the Senate now has before it an amendment—submitted by the distinguished Senator from Arkansas [Mr. McCLELLAN]—which would add to the pending bill a vastly different, and vigorously contested, policy decision, for consideration by the Senate.

Earlier, I had my memory refreshed by my friend, the Senator from North Carolina [Mr. ERVIN] who confirmed that there is available for consideration by the Senate a bill, now on our calendar, authored by the Senator from Arkansas, which, in simple terms, provides that, on a prospective basis only, Congress declares that it does not desire to preempt any particular field of legislation, unless it specifically says so.

It is now, unhappily, the responsibility of the Senate to deal with an amendment which would do more than merely make that legislative policy prospective, but, to the contrary, would apply that policy retroactively, as well. Thus, to a simple, understandable, logically desirable bill authorizing joint State and Federal action against subversives, we are now confronted with a complex and controversial amendment which could, whether you like it or not, result in the defeat of a needed piece of legislation.

The Department of Justice raises the questions of a highly technical, and certainly a preeminently important, nature, as a result of which the Department opposes the proposed retroactive application of such a Congressional statement of policy.

Let me quote a few paragraphs, once again, from the written comments of the Attorney General of the United States, arguing, as the top Government lawyer, against the proposed Senate amendment, which is the same thing as H. R. 3:

H. R. 3 is designed to revive certain State laws previously held unconstitutional because of their conflict with Federal statutes. It proposes to change the effect of these Federal statutes, not by openly amending them, but by passing a retroactive rule of interpretation to change the meaning the courts have given to the words now contained in these statutes without changing the words themselves. The bill is so broadly drawn that its effect cannot be foretold and if it is effective, it must change the meaning of statutes conclusively interpreted many years ago, basic statutes under which millions of dollars have been invested and under which important human relationships have become fixed.

Section 1 reads as follows:

"No act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of all State laws on the same subject matter, unless such act contains an express provision to that effect, or unless there is a direct and positive conflict between such act and a State law so that the two cannot be reconciled or consistently stand together."

This section would attempt to apply a new rule for determining the intent of not only the present Congress or of a future Congress, but also previous Congresses whose intent is a long concluded fact not subject to change by legislative fiat. It would provide that there was no intent to occupy a field to the exclusion of State laws unless the Federal statute contains an express provision to that effect or unless there is a direct and positive conflict so that they cannot consistently stand together.

There are relatively few Federal statutes containing express provisions preempting the field. Major laws relating to interstate enterprises, and others in fields of heretofore undoubted Federal preeminence, such as bankruptcy and immigration, contain no such provisions. In these fields there is serious question as to the effect of section 1 upon heretofore existing court rules of interpretation. Whether there is any difference between the direct and positive conflict test contained in the bill, and that which the courts have heretofore applied.

There were declarations by Congressmen favoring the bill in committee and on the floor of the House that the first section of H. R. 3 is merely declaratory of existing law. Ordinarily, Congress should not be called upon to perform a useless act, especially when it would give rise to great uncertainty in so many vital areas of Federal-State relations. Some proponents of this measure believe that it will change existing law. Indeed, Congressman HOWARD W. SMITH, who introduced the bill, testified before the House Judiciary Committee that he had no interest in the bill unless it was made retroactive.

If it would change the law, then innumerable questions arise as to how far and in what fields changes in the law are intended to be wrought. These changes in a multitude of Federal-State relationships will be uncertain in extent and meaning until the courts have passed on the numerous questions raised.

The principal area in which Federal legislation comes into conflict with State legislation covering the same field is that in which the commerce power is exercised. There are, of course, many other fields in which problems of concurrent jurisdiction arise: control of aliens by requirement of

registration, *Hines v. Davidowitz*, 312 U. S. 52; authority over immigration, *Takahashi v. Fish & Game Commission*, 334 U. S. 410; labor-management relations, *Garner v. Teamsters, Chauffeurs, etc., Union*, 346 U. S. 485.

For the farmer and the businessman in interstate commerce H. R. 3 creates the serious possibility of multiple and different regulations by 49 jurisdictions. A striking but typical example is given by the vice president and general counsel of the Association of American Railroads:

"Enactment of H. R. 3 without language excepting its application to carriers subject to part 1 of the Interstate Commerce Act such as railroads would create chaos in the field of Federal regulation of the railroads. For example, in areas now preempted by Federal legislation such as: (1) rates, H. R. 3 might lead to establishment of multitudinous rates on a single commodity depending upon the action of State courts and juries as to a reasonable rate; (2) penalties, many antiquated State laws are in existence and would have application to interstate rail transportation service if H. R. 3 were enacted, including nullifying car service orders of the Interstate Commerce Commission; (3) safety appliances and free interchange of rolling stock along railroads in this country, H. R. 3 would permit the substitution for Federal law of innumerable and conflicting State statutes requiring particular safety devices on railroad rolling stock; (4) locomotive inspections, conflicting State laws might be given full application with resulting intolerable operation conditions; (5) hours of service, the diversity of State employment laws is a matter of common knowledge and enactment of H. R. 3 would lead to untold complications and additional expense in complying therewith as compared to existing Federal law. Cannot overemphasize the undesirable nature of and chaotic condition that would be created in the field of interstate railroad transportation by enactment of H. R. 3 without language excepting its application in instances of railroads subject to the Interstate Commerce Act."

Similarly, farmers and marketers of agricultural produce complying with the Federal Food, Drug, and Cosmetic Act might be subject to prosecution under numerous State laws which set up different and varying standards for compliance. (See *Savage v. Jones*, 225 U. S. 501.)

I suggest that it would be far better from the standpoint of the Nation to give the Members of the Senate an opportunity to sit in judgment on the intricate question of prospective versus retroactive application of antipreempting legislation in dealing with the bill on the calendar and available for consideration by the Senate, which the Senator from Arkansas has introduced, which is prospective in nature, which could be amended if a majority of the Senate determined to be retroactive as well, and which in its present form has been sent to us with the approval of the Senate Committee on the Judiciary.

Pending now is an unfortunate motion to recommit the subversion legislation to committee.

Mr. President, I oppose the motion to recommit, and I shall vote against adoption of the motion. If approved, that motion would kill the bill, and States would continue to be powerless to enact general antisubversion laws or to enforce antisedition laws which they have already adopted. That, as I see it, would be bad for our country.

Therefore, I am quite prepared to exercise my judgment in this way. I oppose the amendment submitted by the very able and fine Senator from Arkansas [Mr. McCLELLAN]—although I wish that the entire question of retroactivity might be omitted from our consideration of this important piece of proposed legislation, and that retroactivity be considered as a possible amendment to his own bill, prospective only in character, which is now on our calendar.

The bill authored by the Senator from New Hampshire [Mr. BRIDGES] is endorsed by the Government of the United States. The Attorney General has recommended enactment of the bill. The attorneys general of the States of the Nation have requested its enactment. I unhesitatingly endorse it as good, sound American policy, and as the best means of making unmistakably clear what the imperfect words of the present Federal laws failed properly to disclose as the intent of Congress.

So, certainly, here is a clear opportunity—if we do not muddle or meddle with amendments which, if not actually designed to put the bill "down the drain," at least will have that undesirable result—to deal with the pending bill, which, in my judgment, is in the public interest, which helps protect America against subversion and which should be enacted into law. The pending bill provides the Congress with an opportunity to determine, on an honorable policy basis, whether it wishes the States as well as the Federal Government to deal with matters of antisubversion.

Mr. President, because I desire to have an opportunity to vote in favor of that bill without amendments, I hope the motion to recommit will be rejected.

Mr. GORE. Mr. President, will the Senator from California yield to me?

Mr. KUCHEL. I yield.

Mr. GORE. The able junior Senator from California served capably and honorably as controller of the great State of California. Therefore, it is some comfort to me to hear the Senator express sentiments akin to those I hold.

Is there anything basically wrong or erroneous with the legislative branch of the Government proceeding to protect its legislative prerogatives from judicial encroachment by providing rules of construction for legislation hereafter enacted?

Mr. KUCHEL. First of all, I thank my friend for his comment. I was in the government of California after the conclusion of World War II. I was controller of California for almost 7 years. Prior to the war I practiced law in my home community, and was in the State legislature.

I would answer my friend from Tennessee, "No." I think it is the duty of the Congress, when a law is passed, if the intention or the purpose of that act is not clear, to enact amendatory legislation of that law so the intent and purpose of the act will be crystal clear. That reminds me of something, if my able friend will let me say it.

Mr. President, some of the responsibility for the difficulty of interpreting the

purpose of legislation devolves upon those of us who are Members of the Congress and who sometimes, because of the speed with which we are required to operate and legislate, fail, with all the skill that ought to be present, to use the precise verbiage to describe the intention which we on this side of the Capitol and those on the other side of the Capitol have with respect to legislation which we enact.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. KUCHEL. I yield.

Mr. GORE. If the Congress wishes to protect its legislative prerogatives from encroachment by the judiciary through its interpretation of legislative intent, or otherwise, it can proceed to do so, and I am willing to do so in legislation hereafter enacted with a general rule of construction. But the Senator has said the Congress can wisely do so by amending such legislation as may exist regarding which there may be doubt as to intent. Would not that kind of procedure lend itself to specific correction, rather than an attempt to apply a 1- or 2-sentence bill to all legislation heretofore enacted throughout the history of this country?

Mr. KUCHEL. The Senator is eminently correct, and I think his point is a powerful one. It ought to appeal to all in this Chamber.

Mr. GORE. Where is there a Member of Congress who can envision the extent of the effect of H. R. 3 retroactively? Present Members and their successors in the Congress will be masters of legislation enacted in the future, but who is there who could foresee the extent of this rule of construction if it were applied to all existing law?

Mr. KUCHEL. God alone knows how it would or could or might be applied in a retroactive fashion.

Mr. GORE. What would be its effect in the field of interstate commerce?

Mr. KUCHEL. The Senator touches on perhaps one of the most important fields of law, where, if retroactively applied, the amendment would, in my judgment, and in the opinion and judgment of the Senator from Tennessee, create a maelstrom of problems as to whether or not an article in interstate commerce in each instance were susceptible to regulation by State or local laws, as against laws which the Congress had enacted.

Mr. GORE. Is it correct to assume, then, that the able junior Senator from California is willing to join the junior Senator from Tennessee in enacting a reasonable rule of construction for legislation hereafter enacted, and that he is willing to deal specifically with encroachment by judicial decision with respect to legislation already in existence?

Mr. KUCHEL. I agree with what the Senator has just said. Let me say that misfortune of misjudging legislative intent has resulted on many occasions from the failure of Congress using precise and unmistakable language in the wording of legislation. Congress works at high speed. We have able staff assistance. But in the hurly-burly of a legislative session, we enact legislation whose verbiage is many times honestly susceptible to two meanings, and some-

times more. If anyone begins to assess fault for wrongful interpretation of Congressional intent of statutes, I suggest that Congress itself must assume its share of the blame.

Mr. GORE. I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield? I should like to put a question to him.

Mr. KUCHEL. I yield to my good friend the able junior Senator from Ohio.

Mr. LAUSCHE. Let us assume that this proposed law is enacted and, through it, the declaration is made that "no act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates, to the exclusion of all State laws on the same subject matter, unless such act contains an express provision to that effect, or unless there is a direct and positive conflict between such act and a State law so that the two cannot be reconciled or consistently stand together."

Now let us assume that there comes before the Court a case involving the question as to whether the Federal act has preempted a particular field of governmental operation. The Court, in examining the circumstances, and reading in the CONGRESSIONAL RECORD the debate on the bill, finds that the act, which was enacted in the past, did contemplate a preemption of the field. Then the Court looks at the newly adopted statute and finds, after an examination of the newly adopted statute, that it cannot carry out the true intent and the true purpose Congress had when the law was enacted.

Let me state my interpretation of the situation. By this provision, making it mandatory for the Court to say there is no preemption, we affix the stamp of falsehood upon the pronouncement of the Court complying with the provisions of the act, because that pronouncement is in direct conflict with the truth as it existed when the act originally became law.

Mr. KUCHEL. I think the Senator makes a very able argument.

Mr. ERVIN. Mr. President, will the Senator yield for a comment on that particular point?

Mr. KUCHEL. I yield to the Senator from North Carolina.

Mr. ERVIN. I disagree with my able friend from Ohio. That is why I said that this bill, if enacted into law, would establish a rule of construction, not a rule of law. A rule of construction is merely a rule which enables the Court to interpret a statute in case of ambiguity.

Referring to the case which the Senator from Ohio put to the Senator from California, this bill if enacted into law would not govern such a case, because it would clearly appear from the suppositious case that Congress has preempted the field and had intended to preempt it. This is merely a rule of construction which would be applied in the case of ambiguity.

Mr. LAUSCHE. I am glad to get the comments of the distinguished Senator from North Carolina. I understand what a rule of construction and what a rule of law are, but I cannot speedily

subscribe to the views expressed by my distinguished colleague, because under this language no discretion is given to the Court. The Court is told, "You cannot state that the field was preempted because there is no provision in the law to that effect."

Mr. KUCHEL. Mr. President, I will be glad to yield the floor to my able friend from Ohio.

Mr. LAUSCHE. I desire to make a statement.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. One cannot lightly cast aside the resolution adopted by the chief justices of the 48 States concerning the need for some clarification of this subject. One cannot lightly cast aside the resolution adopted by 43 governors in the 1956 governors conference calling for some action to clarify this conflict which is occurring. I repeat that 48 governors in the 1956 conference suggested that some clarification must be made as to this problem.

Likewise, we cannot cast aside the fears which reside with some Members of the Senate about the purpose in making the law retroactive in its operation. The disclosures which have been given lend emphasis to the confusion which might develop. This is a matter worthy of serious consideration, especially when it is said, "Not only prospectively, but retrospectively this law shall operate."

I feel that something must be done in this field, and it must be done on the basis of not one isolated field of action. There are probably 50 fields of action to which this has application. Regrettably, in the last 2 days we have been thinking only of 1 field and have become oblivious to the fact that the principle is applicable in probably 50 other fields of governmental function.

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

Mr. LAUSCHE. I yield.

Mr. GORE. If it be true, as the able Senator says, that there are 50 fields of action, can the able Senator foretell the effect of the retroactive provisions of H. R. 3 upon those 50 fields? If not, would it not be the part of wisdom for the Congress to proceed to act after study and after some knowledge of possible effect? Would it not be the part of wisdom and judicious procedure to deal specifically with those fields, in the case of existing law?

Mr. LAUSCHE. In my judgment we are going into the realm of the unknown when we are trying to foretell what a human mind, even residing in a judge, will do with the language. We would be speculating fantastically in trying to predict how the court would retrospectively apply the language.

There is great strength in the proposition that we ought to have some certainty, to the degree we can achieve it, since we are possessed of human minds, about what the impact will be.

I should like to ask the chairman of the committee, what is his view concerning a law which would cope with the problem about which complaint is made by the chief justices of the 48 States and the governors of the 48 States, in the event it is to operate only prospectively?

I ask the Senator from Missouri [Mr. HENNINGS] to answer the question. The Senator from Missouri stated that a bill had been proposed.

Mr. HENNINGS. Mr. President, I did not understand the question was addressed to me. I do not happen to be chairman of the committee.

Mr. LAUSCHE. The Senator is the chairman of the subcommittee.

Mr. HENNINGS. No. My subcommittee had no dealings with the legislation. The Subcommittee on Constitutional Rights is the subcommittee of which I am chairman.

Mr. LAUSCHE. Am I correct in my understanding that a bill which is intended to operate in the future, from the day of its passage, is on the calendar of the Senate?

Mr. HENNINGS. Yes, that bill is S. 337, as amended in the Committee on the Judiciary. I will say to the able Senator, I think he has grasped the salient and essential point. We know not whither we are drifting on this legislation. We do not know what it is likely to do. As the able Senator from Tennessee pointed out, we are legislating in utter darkness and uncertainty.

I think, as the Senator says, these matters should be given reflection, serious and sober consideration by the committees having these matters within their jurisdiction. I find this field is enormously complex. I think it is very difficult to understand.

I think the number of 50 fields the Senator mentions is a very conservative estimate, in addition to the effect on the commerce clause. If we believe there are only 50 fields, the proposed legislation may still be so far reaching that it will burgeon and spread to all areas of our life and our economy.

But I am not sure I have answered the Senator's question.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. JOHNSTON of South Carolina. Let us keep the record straight. Many people have been talking about the bill as something which would do a great deal of irreparable injury. Someone spoke up to say that all interstate commerce laws would be involved. There is not a thing in the bill, if it were passed, which would keep the Federal Government from acting exactly as it has in the past. The only question, really, is whether we also want the States to act, when such action is not in conflict with the Federal law. That is all the bill would provide. We are confusing the issue when we talk about all the other laws on the statute books which have been passed heretofore. As I see it, the only question is whether we want the States to try to help out just a little bit in the situation.

Mr. LAUSCHE. I appreciate the statement made by the Senator from South Carolina. I feel somewhat bewildered by the fact that if this is a procedural rule, as distinguished from a substantive law—

Mr. ERVIN. A rule of construction.

Mr. LAUSCHE. A rule of construction deals with procedure.

Mr. ERVIN. It deals with interpretation.

Mr. LAUSCHE. If this is a procedural rule, then there is no need to make the statute retrospective, because all changes in law dealing with procedural matters are operative on cases as they come before the court. Rules of evidence, rules of pleading and rules of construction are all operative upon the cases which come before the court, and no declaration is needed to make them retrospective.

Mr. HENNINGS. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to recommit the bill to the Senate Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, I shall be very brief. In the discussion last night the distinguished Senator from Colorado in his remarks said, "Let us hear from the people who will be affected by the legislation. Let us hear from the Association of American Railroads."

Mr. President, I have received a letter from the Association of American Railroads. We talk about the retroactive aspects of the matter, and we talk about those who would be most affected. This is certainly the biggest scarecrow which has been thrown up in this area.

I assume the railroads have some pretty good lawyers. I assume those lawyers give attention and study to bills which they think may adversely affect the interests of the railroads. And I assume, Mr. President, after the remarks last night, when the matter was called to their attention, there was a desire to set the record straight. I received a letter today, dated August 21, 1958, which reads:

ASSOCIATION OF AMERICAN RAILROADS,
Washington, D. C., August 21, 1958.

Hon. JOHN L. McCLELLAN,
The United States Senate,
Washington, D. C.

DEAR SENATOR McCLELLAN: The purpose of this letter is to make clear the position of the Association of American Railroads with respect to the amendment proposed by you to S. 654 on August 20, 1958.

It is my understanding that your proposed amendment would add to S. 654 the provisions of H. R. 3 as adopted by the House of Representatives on July 17, 1958. You may be assured that the Association of American Railroads does not oppose adoption by the Senate of your amendment. On the contrary, we take no position on the merits of that amendment, believing that its principle is intended to apply to much legislation in which we have no substantial interest as an industry.

When H. R. 3 was being considered on the House side we endeavored to make this position clear to the Members of the House, stating then that we took no position on the merits of that bill. We did seek an exemption that would make the bill inapplicable to acts of Congress relating to carriers subject to the Interstate Commerce Act, believing that it was not the intention of the authors of the bill to affect longstanding Federal laws regulating interstate commerce and having years ago been held to preempt the field. At the same time we stated that, in event such amendment should fail, the railroads would not oppose the passage of the bill. I quote in part a telegram from Mr. Gregory S. Prince, vice president and general counsel, Association of American

Railroads, dated July 17, 1958, to certain Members of the House of Representatives.

"In view of the numerous statements being made on the floor of the House of Representatives with respect to the position of the Association of American Railroads on H. R. 3, I wish to state in unequivocal terms our position on this bill. The Association of American Railroads takes no position on the merits of the bill. * * * Therefore, we feel that the supporters of the bill should have no objection to the amendment we advocate. In the event that amendment should fail, the railroads will not oppose the passage of the bill."

In keeping with this position, we have made no effort to obtain any amendment to H. R. 3 as it was placed before the Senate. Consequently, adoption of its provisions as an amendment to S. 654 is not opposed by the Association of American Railroads.

Very truly yours,

WILLIAM M. MOLONEY,
General Solicitor.

I point out that in the past when the Supreme Court has held that the Congress, by an act, intended to preempt a field, previous decisions were not upset. The proposed legislation is not retroactive in that sense. It would be applied only in a new test of the law. It would not upset the decisions which had already been made in past cases with respect to an act of Congress. The rule of construction would affect only cases which would arise in the future. In instances in which the courts have already made findings, under the long established rule which the courts have followed, this legislation would have no effect.

I was greatly concerned by the statements of the distinguished Senator from Ohio and other Senators a moment ago. They stated that there are at least 50 fields of action in which this proposed legislation might apply. If there are 50 fields of action in which it might operate, there are 50 fields of action in which the Supreme Court can operate, just as it did in connection with the Nelson decision.

So what are we to do? Are we to do nothing? There would never have been any occasion for this bill if the Supreme Court had followed the long established precedents. All the bill would do would be to restore the long established rule of construction.

Which is the safest for the country—to settle this question by enacting into law a rule of construction, or for the Congress to take no action and permit the Supreme Court, if it cares to do so, in 49 or 50 other fields of action, again throw away a precedent of long standing and establish a new precedent, as it did in the Nelson case? I think the situation is pretty serious.

I spoke last night, and I stated that I was not offering the amendment in a spirit of criticism of the Supreme Court. I am not doing so now. Everyone listening to me now knows whether or not I have ever said a word, or whether any other Member of this body has said a word on the floor, in the way of personal criticism of the Supreme Court.

However, we know that for some of its decisions the Court is under criticism from sources which the Congress cannot ignore. I do not believe we would want to ignore the views of the Attorney

General of the United States. I do not believe we wish to disregard the governors of the 48 States. I do not believe we wish to ignore and disregard what the chief justices of the several State courts have said, and the action they have taken.

I am interested in this question only because there is a gap. Action should be taken. I should like to see this amendment voted upon on its merits. Senators say they are in favor of Senate bill 654; yet if they vote to send the bill back to committee, they know that it will be killed. It will not be enacted at this session of Congress.

Therefore I trust that the motion to recommit the bill will be defeated. The gap ought to be filled. The Congress ought not to sit silently by and take no action.

Mr. President, I shall have very little more to say. If this debate continues for a week, that is all right, if any Senators wish to continue it for that length of time. But enough has been said. Enough is known, and there is enough before the Senate to enable it to act.

Mr. THURMOND. Will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from South Carolina.

Mr. THURMOND. Is it not correct to say that the American Bar Association, composed of the leading lawyers of the United States, have passed a resolution in favor of H. R. 3, the very bill the distinguished and able Senator from Arkansas has offered as a substitute? I shall read that resolution:

Resolved, That the American Bar Association favors the enactment into law of H. R. 3, 84th Congress, 1st session, entitled "A bill to establish rules of interpretation governing questions of the effect of acts of Congress on State laws," and authorizes and directs the standing committee on jurisprudence and law reform to advocate by all appropriate means its passage by the Congress of the United States.

The Senator is aware of that resolution, is he not?

Mr. McCLELLAN. Yes. I have been aware of its contents. I recall a number of them.

Mr. THURMOND. I assume the Senator is also aware of the action which has been taken by a number of medical associations. A typical example is a telegram to Hon. HOWARD W. SMITH, a Member of Congress from the State of Virginia, which reads in part:

Our association supports H. R. 3 as now proposed and hopes no amendments will be attached unless you think it advisable.

The Medical Society of the State of Pennsylvania and other medical societies have endorsed H. R. 3.

The distinguished Senator from Arkansas just referred to the attorneys general. The attorneys general, who advise the governors in the State governments, men in whom we all have confidence in our States, took action in this field during the 50th annual meeting of the association, which was held in Phoenix, Ariz. I read one paragraph of their resolution:

Be it resolved by the 50th annual meeting of the National Association of Attorneys General, That this association approves the

enactment by Congress of legislation to clarify its intent that no future act of Congress shall be considered to exclude any State laws on the same subject matter unless such Congressional act contains an express provision to that effect, nor shall such Congressional act invalidate a provision of State law which would be valid in the absence of such act unless a power expressly granted to the Federal Government by the Constitution of the United States is involved.

I would ask the distinguished Senator from Arkansas if he is familiar with that.

Mr. McCLELLAN. I am sure most of the Senators are familiar with it. If the Senator will please place in the RECORD the communications approving H. R. 3 which he has, and name the parties sending them, we shall be able to move along. I do not wish to keep the Senator from reading them if he desires to do so, but he would expedite matters by naming the parties sending the communications and inserting them in the RECORD.

Mr. THURMOND. I have just one more.

Mr. McCLELLAN. Very well.

Mr. THURMOND. I have here a telegram which gives the action of the 48th Annual Governors' Conference. Here is what the governors of the States of the United States say:

Members of this conference are gravely concerned by decisions of the Supreme Court of the United States which have held that Congressional enactments supersede State laws on the matters involved and thereby preempt those fields for the Federal Government alone. Judicial interpretations of this character seriously handicap the States in the regulation and the administration of their internal affairs: Now, therefore, be it

Resolved, That the 48th Annual Governors' Conference recommend to the Congress that Federal laws should be so framed that they will not be construed to preempt any field against State action unless this intent is stated, and that exercise of national power on any subject should not bar State action on the same subject unless there is positive inconsistency.

I ask the distinguished Senator if that is not exactly what his amendment does.

Mr. McCLELLAN. That is my interpretation of it, and if I did not think it would accomplish that purpose, I would not be here fighting for it.

Mr. THURMOND. I shall not read any additional telegrams or letters, but I call attention to the fact that the National Lumber Manufacturers' Association has endorsed this bill, as have also the Missouri State Chamber of Commerce, the United States Chamber of Commerce, the Wisconsin Employment Relations Board, the American Farm Bureau, the California Farm Bureau, the Kentucky Farm Bureau, the Pennsylvania Farmers Association, the South Carolina Farm Bureau, the Tennessee Farm Bureau, the Texas Farm Bureau, the Conference of American Small Business Organizations, the Medical Society of the State of Pennsylvania, the South Carolina Law Enforcement Officers Association, Association of State Labor Relations Agencies, American Cotton Manufacturers Association, Southern States Industrial Council, the National Grange, the National Industrial Council and, as I mentioned the gover-

nors' conference, and the Association of Attorneys General.

Mr. President, I should like to ask the Senator from Arkansas if this is his interpretation of the bill, if I can state it in one simple sentence: If the Federal Government has a law on a subject and a State has a law on the same subject, the State law will not be stricken down unless 1 of 2 conditions exists: First, if the Federal act contains an express provision for exclusive jurisdiction; second, if there is a positive and direct conflict between the Federal law and the State law and the two cannot be reconciled or consistently stand together. Is that the Senator's interpretation of the amendment?

Mr. McCLELLAN. That is exactly what the amendment means. I do not see how it can be interpreted otherwise.

Mr. THURMOND. I thank the Senator.

Mr. McCLELLAN. I shall conclude my remarks by asking unanimous consent to have printed in the RECORD an article written by Representative EDGAR W. HIESTAND, published in the Alameda (Calif.) News-Press of July 26, 1958. It deals with H. R. 3. The author has given a great deal of study to the proposal, having worked on it for a long time. It is a very splendid and convincing article.

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

CONGRESSMAN EDGAR W. HIESTAND REPORTS
THE WASHINGTON NEWS

WASHINGTON.—The most important single bill of this session of Congress, in my judgment, and one of the most important of any session in modern times, is H. R. 3. The bill states its purpose in clear and simple terms:

"No act of Congress shall be construed as indicating an intent on the part of Congress to occupy the field in which such act operates to the exclusion of all State laws on the same subject matter, unless such act contains an express provision to that effect, or unless there is direct and positive conflict between such act and the State law so that the two cannot be reconciled or consistently stand together."

Obviously this would correct the "preemption doctrine" upon which many of the much criticized decisions of the Supreme Court have been based. In one of the most recent, the notorious Steve Nelson case, the Court turned loose a convicted Communist, because he was prosecuted under Pennsylvania law, rather than the Federal Smith Act. In another case, the Court held that Alabama could no longer enforce her own State pure food law, because the Federal Government adopted such a law, thereby preempting the field and nullifying Alabama's law.

These are but two of such controversial decisions.

In these instances, the Supreme Court, not merely "in effect," but actually, nullified State law by application of the doctrine of Federal preemption. The confusion resulting from these decisions poses a very serious problem and a dangerous threat to our system of government, which is based on the premise of local self rule, and places in jeopardy that whole great body of State legislation now on the books.

Students of government know that the Founding Fathers of this Nation, when drafting the Constitution, were vitally concerned with preserving the authority of the State governments. They were fearful of centralized power and tyranny. Having just broken the yoke of one such power to earn

their freedom, they were disinclined to create a similar monster on domestic soil. Quotations of these great American patriots fill volumes. Washington, Jefferson, Adams, Franklin, Paine, and many others, were adamant, and articulate on the subject of local self government.

It is generally agreed that the Constitution would not have been ratified without the Tenth Amendment, which provides that the powers not specifically delegated to the Federal Government are reserved to the States, or to the people. I hold the opinion that we are a far stronger Nation composed of 48 sovereign Republics, than we would be as a strong, centralized, Federal despotism.

The concept of State sovereignty, so indelibly stamped on our Declaration of Independence, Constitution, and Bill of Rights by the Founding Fathers, must be preserved.

Students of government and free citizens alike, must be conscious of the increased concentration of power in our Government in Washington. This centralization has weakened State government and law enforcement, narrowed its scope of operation and depleted sources of revenue for it. As a result, the weakened States have been more and more prone to look to the Federal Government for financial aid. This aid has in most instances been willingly supplied, but of course, with Federal strings attached.

If adopted by Congress, H. R. 3 would, in part, checkmate the trend toward centralization in our Government, and proportionately strengthen the position and power of the sovereign States. Thus rejection of H. R. 3 by Congress would be a green light to the forces of centralization, and a lethal blow to the sovereign States.

H. R. 3, for which I have worked very hard, is a companion bill to my H. R. 679, and I hope we can pass it.

Mr. McCLELLAN. Mr. President, in conclusion, I ask that we not send the bill back to committee. The substitute should be adopted. If the bill is sent back to committee we cannot vote on its merits. I know there are honest differences of opinion. I quarrel with no one who honestly disagrees with me. I respect everyone's convictions. However, Mr. President, the bill should be voted on, and we should decide its fate on its merits. The device of returning it to committee should not be used to kill the measure at this session of Congress. I hope we will face the issue and vote our honest convictions, and thereby let the American people know that the Senate intends to do something in this matter, and not let the American people know that the Senate is not ready and is not willing to do anything about the problem.

Mr. CARROLL. Mr. President, in view of the fact that the distinguished Senator from Arkansas mentioned my name at the outset of his remarks concerning some statements on the issue which I read into the RECORD last evening, I should like to say, as I said many times last night, that there is no source material available within the Senate to which a Senator can refer. Therefore I had to go to the House of Representatives for source material, where proper hearings have been held on the bill. I had to go for this information to the House.

I, too, have a copy of a letter which was addressed to the distinguished Senator from Arkansas by the Association of American Railroads, and it is a very significant letter. It bears out exactly what the distinguished Senator from

Pennsylvania has said as to what we might have confronting us if we do not recommit the bill and bring some common-sense into the situation. If we pass the bill we shall have to go through the whole judicial code, chapter by chapter, and exempt from the application of the act transportation, communications, and, as the distinguished Senator from Oklahoma [Mr. MONROE] said last night, even his own bill, now enacted, having to do with the civil aviation program.

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

Mr. CARROLL. Not at the moment. I did not interrupt the Senator from Arkansas. I should like to finish my point; then I shall be happy to yield. This is what the letter addressed to the distinguished Senator from Arkansas said:

We did seek an exemption that would make the bill inapplicable to acts of Congress relating to carriers subject to the Interstate Commerce Act, believing that it was not the intention of the authors of the bill to affect long-standing Federal laws regulating interstate commerce and having years ago been held to preempt the field.

Of course the railroads would have no objection to the bill if they could make its provisions inapplicable to themselves. This is the letter of the Association of American Railroads dated August 21, 1958. Let us see what else they said in the letter addressed to the Honorable JOHN L. McCLELLAN, this time on May 22, 1956. This is the part I read last night. I now repeat. It is from the same Association of American Railroads, with its distinguished lawyers and learned men.

I read from page 25 of the hearings of the House entitled "Federal-State Concurrent Jurisdiction," May 18, 1956:

During the last 75 years, the Congress has developed a complex and elaborate administrative system for the regulation of the railroads of this country, and during this period the courts have on numerous occasions passed upon the question of when certain railroad matters are subject to exclusive regulation by Federal law, and when they are subject to concurrent regulation by Federal law and State law. These adjudications have become an integral part of the entire system that Congress has provided for the field of national transportation.

That letter was written in connection with a bill similar to the one now pending, having to do with the question of preemption. It was an almost identical bill. I continue:

The railroads, therefore, respectfully suggest that no action be taken by the Senate Judiciary Committee that would have the effect of setting aside the legal arrangements that have been developed with such care in this field. Without attempting to be exhaustive, it is believed that the proposed bill might result in drastic changes in the fields regulated by the Interstate Commerce Commission under authority of the Interstate Commerce Act, and in the fields covered by such laws as the hours of service law, the Federal employers' liability law, the safety appliance law, and no doubt many others.

This is the concluding paragraph of the letter:

In order to avoid the harmful consequences that might ensue in the field of interstate railroad transportation if this measure should be enacted, it is suggested

that the bill be amended by the addition of the following language:

"This act shall not apply to laws of Congress relating to carriers by railroad subject to part I of the Interstate Commerce Act."

Now Senators can understand why the Interstate Commerce Commission opposes the bill. Now they can understand why the Department of Justice opposes the bill. That is why I read what I have just read.

I have no connection with the railroad attorneys. I read the letter from the hearings held in 1956. I submit that by their own letter dated today, they have proved the point conclusively.

I read again from the letter of August 21, 1958, in which is quoted, in part, a telegram from Mr. Gregory S. Prince, vice president and general counsel, Association of American Railroads, dated July 17, 1958, to certain Members of the House of Representatives:

Therefore, we feel that the supporters of the bill should have no objection to the amendment we advocate.

Do we advocate an amendment for the benefit of the Association of American Railroads? Is there a provision in the bill which will exempt the railroads?

If the motion to recommit is not agreed to, there will be many amendments to the bill, because we shall not only be helping the railroads; we shall be helping other methods of transportation. We shall be helping the aviation industry. We shall be moving step by step to exclude other forms of transportation and industry. Why? The answer is that we cannot legislate intelligently, in the closing days of a session, on an important matter which has never been considered by a committee of this body.

This is the argument I made last night. If the Senator from Arkansas and other Senators think this is a simple bill, then let us have some hearings. It is only 3 months until we can be back to hold them. The proposal can then be considered carefully. We can call in the legal lights and find out whether the measure is merely a rule of construction. We shall find out whether it is a simple bill. Is there something wrong with that suggestion? Why can we not wait 60 or 90 days?

I could stand here and talk for another 30 or 40 minutes, talking about the Interstate Commerce Commission, which the Senator from South Carolina has incorporated in the bill.

Again, I go to the source material in the House, because there is nothing in this body to give us the benefit of thinking.

Representative KENNETH KEATING, a distinguished Member of the House from New York, at page 14145 of the RECORD of July 17, 1958, said:

It has been said that the American Bar Association favors this bill. I have a letter from the president of the American Bar Association dated July 15, saying:

"It is not correct to say that the association has approved the bill."

If we examine the debates, we will find nothing about such a recommendation having been put before that organization. It was a group in the House of

Delegates, which has no right to commit the American Bar Association.

I received a telephone call last night from Mr. Charles Rhyne, of the American Bar Association. He has authorized me to say, in his behalf, that the American Bar Association has not endorsed H. R. 3.

Mr. President, I could continue to talk at length on this measure, because its scope is so broad and its significance so great. I could speak on this subject, as could any other Senator, hour upon hour, as each of us sought to find his way through this maze. There are many problems which confront us. I know we are tired and want to vote. Therefore, Mr. President, I shall forego further remarks. Many excellent arguments have been made.

I now yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, after the Senator read last night what he has repeated today, the Senator then said that the representatives of the Interstate Commerce Commission and the Association of American Railroads had been heard. In 2 years' time they have changed their mind. They no longer oppose the bill.

Mr. CARROLL. I read from the letter of the Association of American Railroads to the Senator from Arkansas [Mr. McCLELLAN] dated August 21, which is today:

Therefore, we feel that the supporters of the bill should have no objection to the amendment we advocate.

What amendment do they advocate? They want to be exempt from the provisions of the bill. If the Senate does not recommit the bill, we shall be exempting many other fields. Mr. President, I have nothing more to say on the motion.

Mr. EASTLAND. Mr. President, this legislation has been made necessary because a decision of the United States Supreme Court, in the case of Commonwealth of Pennsylvania against Steve Nelson, enunciated a new extension of the doctrine of Federal legislative preemption, to the great joy of Communists convicted, indicted, or under investigation for violation of State antisubversive laws. The effect of that Supreme Court decision was to render unenforceable the antisubversive and antiseditious laws of 42 States and Hawaii and Alaska.

This bill has just one purpose: to make sure that no State law not in direct and positive conflict with Federal statutory provisions shall be stricken down or rendered unenforceable on the theory that Congress has occupied the field in which it operates, unless the Congress has itself determined to occupy that field and has expressed its determination in legislation.

The Communist Party, U. S. A., and Communist-front organizations in this country, are the greatest opponents of this bill. They fear it and oppose it because they like things the way they are now, with no effective legislation at either the State or Federal level under which Communist activity can be controlled. If this bill is passed, the governments of the sovereign States of the

Union will again be in a position to take effective action to defend themselves and the Union itself against subversion from within.

The day after the Supreme Court handed down its decision in the case of Commonwealth of Pennsylvania against Steve Nelson, the Communist Daily Worker hailed the decision as a tremendous victory.

When the Communists hailed the Nelson case as a tremendous victory, they were not thinking of it as a victory for the security of the United States; they were thinking of it as a victory for the Communist conspiracy. No one knows better than the Communists themselves how their conspiracy has been hurt and hampered by the antisubversive activities of the States.

Outstanding efforts in combatting communism have been made by many States down through the years. States which have been notable in this regard include California, Florida, Illinois, Massachusetts, New Jersey, New York, Ohio, and Washington.

Opponents to the bill contend that because, as the minority report on similar legislation in the other body puts it:

The power of the State to act in the area of subversion against the Federal Government was nullified in the first instance not by the Supreme Court of the United States but by the highest court of the Commonwealth of Pennsylvania.

The decision of the United States Supreme Court in Pennsylvania against Nelson can hardly be claimed to be a case of Federal aggrandizement by the Supreme Court of the United States. This argument overlooks entirely the fact that all that the Pennsylvania Supreme Court decided was the status of the Pennsylvania law; but the Supreme Court of the United States presumed to lay down general law of general applicability, which resulted in rendering unenforceable the antisubversive and antiseditious statutes of 42 States and 2 Territories.

Specifically, the Supreme Court decision in the Nelson case brought about a crisis in law enforcement. In State after State, Communists who had been convicted of subversive activity were put in a position to seek and secure new trials or outright release; Communists under indictment were discharged and the indictments dismissed; and many cases against other Communists, carefully prepared after months or years of investigation, and ready or nearly ready for presentation to grand juries, were dropped because it was obvious there was no use in indicting a Communist when there was no enforceable law under which he could be convicted; and the Supreme Court decision in the Nelson case had made all State antisubversive laws unenforceable.

But the Nelson case decision did not concentrate within itself all the evils of the preemption doctrine. It is merely the latest, and probably the worst, in a series of decisions which have advanced this doctrine step by step, in recent years, despite the fact that the doctrine of preemption, as it has been expanded and applied, works counter to our basic philosophy of government.

The philosophy which best fits the constitutional and traditional theory of our form of government is that a man should be controlled most by that law which is closest to him, and least by that law which is farthest away. Wholly consonant with his philosophy is the attitude that State laws should be valid and enforceable except where they conflict directly and positively with a Federal statute, absent a specific Congressional finding of need and intention to take the particular field or area of law into Federal control. Under this philosophy, States' rights to control their own affairs through State legislation and enforcement would be unimpinged except where Congress made specific provision to the contrary, and it would then be up to the Congress to justify its assertion of Federal control.

Quite out of consonance with the traditional and constitutional American theories of government is the idea that Congress should take over control of any field in which its acts, and then leave it up to the individual States to show why the field or portions of it should be returned to them.

In the former instance—and this is the philosophy embodied in the bill now before us—Congress will act with its eyes open, and will know in advance what the results of its acts will be.

On the other hand, if we go along with the doctrine of preemption by operation of law and without any expression of intent, Congress will never be sure what it is doing, or what will be the effect of its enactments upon the rights of the States and the laws of the States.

There is a subtle and insidious twist to this doctrine of a preemption which has gone largely unnoticed.

Under the Constitution, there are two fields in which Congress may legislate: Those where Federal power is exclusive, such as foreign relations, declaration of war, naturalization, and regulation of the coinage; and fields where concurrent State and Federal jurisdiction may exist.

The tendency of the doctrine of preemption is to narrow the area of concurrent Federal and State jurisdiction and broaden the area of exclusive Federal jurisdiction. The preemption doctrine necessarily involves, to a greater or lesser degree, the idea that mere enactment of Federal legislation in a field, thereby expressing national interest and concern in the field, results in making the field exclusively a Federal one. But the constitutional delineation of certain fields of legislation as exclusively Federal necessarily implied that fields not so delineated were not intended to be exclusively Federal; so that the preemption doctrine, in gradually wearing away State jurisdiction and cutting down on States rights, is also, at the same time, blurring a distinction clearly made and undoubtedly firmly intended in the Constitution itself.

It makes sense for Congress, when it desires to take control of a particular field or sphere of legislation to the exclusion of a State law or laws, to express its intent specifically; and for the intent so expressed to then control. But when

the Congress has no intention to assert control of a particular sphere or field of legislation, and is perfectly willing that State legislation in the same field or sphere should continue to be effective and enforceable, at least to the extent that it does not conflict directly and positively with any provisions of Federal law, it most emphatically does not make sense for the Congress to acquire all power in the field merely by virtue of having acted within it, and then to have to pass new legislation in order to restore the enforceability of State statutes in the allegedly preempted area.

For the future, if there is any area of law which the Congress determines should be preempted to Federal use, to the exclusion of all State law in the field, Congress need only declare its finding in order to accomplish the result it desires. If there is some State law which the Congress wishes to supersede, in a field where the Congress is competent to legislate, Congress need only express its determination in order to supersede that State law. But if S. 337 is enacted, never again will there be imputed to the Congress an intention to preempt a field of State law in a case where Congress has neither desired to preempt nor made any provision for doing so.

There is a principle of legislative construction that courts will not favor repeal of one Federal statute by another by implication, but will try to preserve the enforceability of both statutes unless there is a clear provision for repeal contained in the latter of the two statutes. We should be just as careful to preserve State laws from repeal by implication, as the result of some Federal enactment, as we are to preserve Federal laws from repeal by subsequently enacted Federal statutes.

Opponents of this bill have made much of the contention that Congress should legislate only in response to a demonstrated need. They make this point, of course, as a preliminary to their contention that there is no need for S. 337 or any similar bill. On the contrary, the need for such legislation as this, if only to counteract the effects of the Supreme Court decision in the *Nelson* case, is so great that it need hardly be argued. But there is a good deal of merit in the idea that Congress should legislate only in response to a demonstrated need. Suppose we apply this principle to the question of superseding State laws. Then we would say, Congress should supersede a State law only when there is a demonstrated need. Congress should preempt a field of law, to the exclusion of existing State legislation, only when there is a demonstrated need. If we are going to live up to this principle, then of course Congress should enact legislation such as that now before us, which will avoid invalidation of a State statute or preemption of a field of legislation except where Congress has expressly found and declared a need for such a result. In other words, this argument of the opponents to the bill, when it is examined, strongly supports the enactment of the bill.

Another argument made against this bill is that it would displace the usual

method of Federal-State accommodation by a blanket declaration that past and future Federal legislation will include State acts only to the extent specifically stated. The usual method of determining the enforceability of State legislation in relation to Federal enactments, opponents of this bill say, has been judicial determination on a case-by-case basis, so that evaluation may be made of the impact of Federal and State acts on one another in terms of practical operation and the national or local problems presented. This is a correct statement, but the conclusion they draw from it is wrong. What they overlook, or refuse to admit, is the fact that it was the Supreme Court of the United States which abandoned the case-by-case basis and attempted to make general law of general applicability which would render unenforceable the laws of all of the States wherever the Court chooses to say Congress has preempted the field.

Do not lose sight of the fact that wherever there is a statute which has provisions plainly at variance with Federal legislation it cannot stand against the conflicting Federal law, regardless of whether S. 337 is enacted.

And wherever there is a State statute which is vague, indefinite, uncertain, or lacking basic constitutional procedural safeguards, such statute could be attacked for its intrinsic defects, and declared unconstitutional without regard to the provisions of S. 337, if it should be enacted.

There is nothing in S. 337 which would give vitality or constitutionality to an infirm or unconstitutional State statute; and there is nothing in S. 337 which would permit a provision of State law, in irreconcilable conflict with a provision of Federal law, to stand against the Federal legislative provision.

It is important that we recognize that enactment of this bill will not involve undoing anything that Congress has done. For instance, Congress has never affirmatively declared an intention to preempt the field of antisubversive legislation, or to overthrow any State laws in this field. In this field, and in any other field where Congress has power to legislate, whenever any Act of Congress, past, present, or future, declares that Congress is taking over, that declaration of Congressional intent will be controlling, even though S. 337 has been enacted. And let me repeat that whenever it is found in any particular case that a provision of an act of Congress is in irreconcilable conflict with a provision of State law, the fact that S. 337 has been enacted into law will not prevent the courts from holding that the provision of Federal law must be enforced as against the provision of State law with which it is found to be in conflict.

No predominance of State law over Federal law in any instance of direct conflict between the two would be brought about by enactment of S. 337.

What is basic here is the question of Congressional intent. Through the growth of the doctrine of preemption, State laws have been superseded in area after area without any expression of intent by the Congress that this should

happen. Unfortunately, the intent which the Supreme Court imputes to the Congress becomes and remains, in the eye of the law, the actual intent of the Congress, unless and until the Congress speaks out to the contrary. Fortunately, it is still within our power to speak out and say for ourselves what our intent is.

It is quite wrong to say that enactment of this bill would encroach upon a judicial function. The Supreme Court has a right to apply the law to the decision of particular cases, but the Court does not have the right to make law, nor does it have the right to compel the Congress to take any particular course of action the Court may think right.

Where a legislative field is one for concurrent State and Federal jurisdiction, under the Constitution, the Court can neither arbitrarily transfer it to the field of Federal jurisdiction, nor force upon the Congress an unwanted intent to claim the field as its own. The Court can, of course, declare the intention of the Congress as it comes to understand that intention. But if the intention which the Court declares is not in fact the intention of the Congress, the Congress can always enact new legislation properly declarative of its true intent.

Under this bill, if Congress has expressly preempted a field of law, all State law in that field falls. If Congress has expressly stricken down a State statute, that particular statute falls. If there is an irreconcilable conflict between a provision of Federal law and a provision of State law, the Federal provision controls and the State provision falls. But where there has been no preemption of a field, no express invalidation of a State law, and no direct and irreconcilable conflict between a Federal and a State provision, the two provisions will be allowed to operate concurrently, each in its own jurisdiction. That is all there is to it.

Now let me say a word about an amendment offered to S. 337 in committee, which involved adding the words "hereinafter enacted" at two places in this bill. Senators will find these words in italic on lines 3 and 8 of the calendar print of S. 337. This amendment was supported by the contention that its purpose is to avoid retroactivity, which sounds like a plausible reason. But the fact is that a proper distinction has not been made between retroactivity of effect, and retroactivity of application. This bill will not have retroactive effect with or without this amendment. It will have effect only from and after the date of its enactment. But without the amendment, the bill will have retroactive application; that is, it will apply as a declaration of Congressional intent with respect to statutes already on the books. If the amendment is adopted, the bill will not constitute a declaration of Congressional intent except with respect to legislation which may be passed hereafter.

To adopt the amendment, with this result, would be to make the bill a nullity. It would accomplish nothing. No declaration of Congressional intent can be binding on future Congresses, nor even on the same Congress, with respect to afterpassed legislation, if Congress wants to express a new intent. Thus,

with respect to legislation which may be passed hereafter, this bill can do nothing that Congress cannot do at the time it passes the new legislation; nor can this bill prevent Congress from expressing its current intent at that time, whatever that intent may be. That is why there is nothing to fear from this bill. Any time in the future that Congress may wish to preempt a field of legislation, or overturn a State law, in any area where Congress has legislative power, Congress will be able to do so, even though this bill has been enacted.

But the purpose of this legislation is to cure a situation which has been brought about by the Supreme Court's expansion of the doctrine of preemption and implied preemption. The Supreme Court has declared the intent of Congress as something other than what the Congress in fact intended. And the purpose of this bill is to declare the true intent of Congress with respect to preemption; to declare that Congress has not intended and does not intend to nullify State laws on a wholesale basis where it has not expressed any such intention, and has not intended and does not intend to supersede or invalidate any particular State law or provision of State law with which no Federal statute is in direct conflict, and which Congress has not specifically declared should be superseded or invalidated.

This basic objective of the bill—to cure such situations as invalidation of all State antisubversive laws by the decision in the Nelson case—cannot be accomplished unless the bill we pass has application to the laws already on the books.

It is not some possible future law which Congress may pass that has been used as the basis for rendering the sovereign States of this Union impotent to deal with communism and other subversive activity. It is laws already enacted which the Court has cited. The Court said that by merely taking action in the field of antisubversive legislation, through enactment of the Smith Act, the Internal Security Act, and the Communist Control Act, Congress has preempted this entire field and rendered the antisubversive laws of 42 States and Alaska and Hawaii unenforceable. Unless Congress declares to the contrary, this Court statement of Congressional intent will stand as a continuing bar to enforcement of State antisubversive statutes. And the same principle holds true in other areas.

Clearly, Congress must make its present declaration of intent applicable to the laws it already has passed, if it wants to accomplish its purpose of curing the evils of preemption by Court decree.

Congress can say—and this bill does say—that the declaration of intent we now make shall not apply to any case decided in the past, but only to cases decided in the future. We could not say otherwise. But if we adopt the committee amendment, we shall be adopting the Supreme Court's statement of Congressional intent to preempt fields of State law where Congress expressed no such intent and did not pass conflicting legislation.

To summarize, Mr. President, we face this situation:

The Supreme Court in the Nelson case enunciated new law of general applicability, leaving to the Federal Government alone all authority and responsibility for control or punishment of the Communist conspiracy or other subversive activity. Then, in the Yates and Schneiderman cases, the Supreme Court rendered the Smith Act unenforceable against current Communist activity. With the Internal Security Act still in litigation after 8 years because the Supreme Court refused to meet its responsibility to pass on the constitutionality of that act, there is no effective antisubversive legislation in this country today at either the State or Federal level which may be used to deter the Communist conspiracy. This is a situation which involves the gravest danger to the Nation, and is a situation which must not be allowed to continue.

If we should refuse to act in this situation, the people of this country would be justified in concluding we were satisfied with things as they are. And that is what adoption of the committee amendment will do; it will leave things as they are.

Enactment of S. 337 will not provide effective antisubversive laws at the Federal level. That will have to be handled in another way, either by enactment of the Jenner-Butler bill, S. 2646, or at least by enacting separate legislation embodying substantially the provisions of section 4 of the Jenner-Butler bill. But by simply reaffirming, as S. 337 does, the intent of Congress that the States are to be allowed concurrent jurisdiction in fields which the Congress has not affirmatively preempted, and thus restoring the future enforceability of State antisubversive and antiseditious laws, we shall be able to restore some very effective and very useful barriers against the onward march of communism toward its goal of sovietizing the United States of America.

What we have before us is basically an issue of States rights. There are forces in this country which want to see all State law superseded by Federal law. They want to see Federal controls over commerce, over labor, over agriculture, over every phase of life, enlarged and broadened until everything is run from Washington. They want to see the Federal police powers extended further and further until we arrive at the point where there is no need or room for local law enforcement, except perhaps as an adjunct to Federal power.

The goal toward which these forces are aiming is nothing less than the leviathan state; and that cannot be achieved so long as the sovereignty and the rights of the individual States of the Union are preserved. So the apostles of the leviathan state pass up no opportunity to chisel away at the rights of the individual States of the Union.

A decade ago, the late, great Senator from Nevada, Pat McCarran, wrote an article which appeared in the Journal of the American Bar Association in which he pointed out the growing trend toward what he called the "silent supersession of State powers" through the

growth of the doctrine of Congressional preemption—that is, the doctrine that where Congress has enacted substantial legislation in a particular legislative field, it must be deemed to have preempted the field to the exclusion of State law. Senator McCarran warned that unless Congress took some action to stay this trend, the day would come when State laws in area after area would be rendered unenforceable not because of anything Congress said, nor because of any conflict between Federal and State law, but merely because Congress had acted in the field.

We have seen this warning borne out. The doctrine of preemption has grown and its application has been broadened. One of the most unhappy applications of this doctrine was in the case of Pennsylvania against Nelson, and the results of that decision have been so favorable to the activities of the Communist conspiracy in this country, and so dangerous to the security of the States and of the Nation as a whole, that I believe the country as a whole has been shocked into an awareness of the situation and is demanding action to correct it. Certainly we Senators who sit here with full understanding of the fact that by a single misrepresentation of the intent of the Congress, the Supreme Court has been able to render unenforceable the antisubversive laws of 42 States and Alaska and Hawaii, and who are fully aware of many other instances in which the rights of the States to enact and enforce their own laws have been taken away from them under this doctrine of Federal preemption, cannot plead unfamiliarity with the problem, or ignorance that it exists. And now that we have the opportunity to do something about it, by passing this bill, we are going to have some mighty tall explaining to do if we fail to take advantage of this opportunity.

Mr. CARROLL. Mr. President, I am ready to vote. I do not wish to shut anybody off from speaking. If no one else wishes to speak, 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. CARROLL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FULBRIGHT in the chair). Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Colorado [Mr. CARROLL] that the bill be recommitted. 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. ALLOTT (when his name was called). On this vote, I have a pair with the senior Senator from New Jersey [Mr. SMITH]. If the senior Senator from New Jersey were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BUSH (when his name was called). On this vote, I have a pair with the distinguished senior Senator from Ohio

[Mr. BRICKER]. If the Senator from Ohio were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SMATHERS (when his name was called). On this vote I have a pair with the junior Senator from Oklahoma [Mr. MONRONEY]. Were he present and voting, he would vote "yea." Were I permitted to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Florida [Mr. HOLLAND], and the Senators from Oklahoma [Mr. KERR and Mr. MONRONEY] are absent on official business.

I further announce that if present, and voting, the Senator from Delaware [Mr. FREAR], the Senator from Florida [Mr. HOLLAND], and the Senator from Oklahoma [Mr. KERR] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from New York [Mr. IVES] are absent on official business.

The Senator from Kansas [Mr. CARLSON], the Senator from Maine [Mr. PAYNE], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in the family.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

On this vote, the Senator from Maine [Mr. PAYNE] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Maine would vote "yea", and the Senator from Nebraska would vote "nay."

The respective pairs of the Senator from New Jersey [Mr. SMITH] and of the Senator from Ohio [Mr. BRICKER] have been previously announced.

The result was announced—yeas 41, nays 40, as follows:

YEAS—41

Alken	Green	McNamara
Anderson	Hayden	Morse
Beall	Hennings	Morton
Bennett	Humphrey	Murray
Bible	Jackson	Neuberger
Carroll	Javits	O'Mahoney
Case, N. J.	Johnson, Tex.	Pastore
Case, S. Dak.	Kefauver	Proxmire
Chavez	Kennedy	Purtell
Church	Langer	Saltonstall
Clark	Lausche	Symington
Cooper	Magnuson	Wiley
Dirksen	Malone	Yarborough
Douglas	Mansfield	

NAYS—40

Barrett	Hickenlooper	Revercomb
Bridges	Hill	Robertson
Butler	Hoblitell	Russell
Byrd	Jenner	Schoeppel
Capehart	Johnston, S. C.	Smith, Maine
Cotton	Jordan	Sparkman
Curtis	Knowland	Stennis
Dworshak	Kuchel	Talmadge
Eastland	Long	Thurmond
Ellender	Martin, Iowa	Thye
Ervin	Martin, Pa.	Watkins
Fulbright	McClellan	Williams
Goldwater	Mundt	
Gore	Potter	

NOT VOTING—15

Allott	Frear	Monroney
Bricker	Holland	Payne
Bush	Hruska	Smathers
Carlson	Ives	Smith, N. J.
Flanders	Kerr	Young

So Mr. CARROLL's motion to recommit was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the motion to recommit was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Montana to reconsider. (Putting the question) —

Mr. THURMOND. Mr. President—

The VICE PRESIDENT. The Senator from South Carolina.

Mr. THURMOND. I would like to know what the motion is. I cannot hear the Senator from Texas.

Mr. JOHNSON of Texas. A motion was made to reconsider the vote by which the bill was recommitted. I made a motion to lay that motion on the table.

The VICE PRESIDENT. The motion is not debatable.

The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Montana to reconsider.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 4249) to authorize a program for the conservation, restoration, and management of the rare Hawaiian Nene goose.

The message also announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes, and that the House receded from its disagreement to the amendment of the Senate numbered 36 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 1695. An act for the relief of Harry N. Duff;

H. R. 9950. An act for the relief of D. A. Whitaker and others; and

H. R. 11889. An act to permit articles imported from foreign countries for the purpose of exhibition at the Minnesota State Fair and Centennial Exposition to be held at St. Paul, Minn., to be admitted without payment of tariff, and for other purposes.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 3366. An act to validate overpayments of pay and allowances made to certain officers of the Army, Navy, Naval Reserve, and Air Force, while undergoing training at civilian hospitals, and for other purposes;

H. R. 8943. An act to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the code;

H. R. 9370. An act to permit illustrations and films of United States and foreign obligations and securities under certain circumstances, and for other purposes; and

H. R. 9817. An act relating to venue in tax refund suits by corporations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 1493. An act for the relief of Lt. Col. Charles A. Holshouser;

H. R. 2265. An act for the relief of Clifford Oesterle;

H. R. 2269. An act for the relief of Truck & Axle Manufacturing Co.;

H. R. 4991. An act for the relief of Waldo E. Miller;

H. R. 5497. An act to amend the Watershed Protection and Flood Prevention Act;

H. R. 5584. An act for the relief of Mrs. Maude L. Smith;

H. R. 6238. An act to amend section 1292 of title 28 of the United States Code relating to appeals from the interlocutory orders;

H. R. 6595. An act for the relief of Markus H. Teitel;

H. R. 7178. An act for the relief of Mr. and Mrs. Joseph D. Metzger;

H. R. 7337. An act for the relief of James McGuire;

H. R. 7374. An act for the relief of Angelo Sardo;

H. R. 7499. An act for the relief of the Cooper Tire & Rubber Co.;

H. R. 7685. An act for the relief of Mrs. Eldrey L. Whaley;

H. R. 8014. An act for the relief of Miss Edith Dorn;

H. R. 8184. An act for the relief of Mr. and Mrs. Robert B. Hall;

H. R. 8735. An act to increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes;

H. R. 9407. An act to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service;

H. R. 9500. An act to permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957;

H. R. 9822. An act to provide for holding a White House Conference on Aging to be called by the President of the United States in January 1961, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes;

H. R. 9833. An act to amend section 27 of the Merchant Marine Act of 1920;

H. R. 10587. An act for the relief of Homer G. Preston;

H. R. 10733. An act for the relief of Magnolia Airport, Inc.;

H. R. 10813. An act for the relief of Maj. Anthony R. Parrish;

H. R. 10993. An act for the relief of Kikio Nemoto;

H. R. 11078. An act to promote boating safety on the navigable waters of the United States, its Territories, and the District of Columbia; to provide coordination and cooperation with the States in the interest of

uniformity of boating laws; and for other purposes;

H. R. 11156. An act for the relief of Duncan Moore and his wife, Marjorie Moore;

H. R. 11200. An act for the relief of the estate of L. L. McCandless, deceased;

H. R. 11239. An act for the relief of James F. Moran;

H. R. 11299. An act for the relief of Mrs. Maria Tarsi Priori;

H. R. 12144. An act for the relief of Paul E. Nolan;

H. R. 12154. An act for the relief of Ernest T. Stephens;

H. R. 12365. An act for the relief of the estate of Suck Pil Ra;

H. R. 12632. An act authorizing Gus. A. Guerra, his heirs, legal representatives and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.;

H. R. 12655. An act for the relief of S. Jackson & Son, Inc.;

H. R. 12662. An act to provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Standing Rock Sioux Reservation in South Dakota and North Dakota, and for other purposes;

H. R. 12663. An act to provide for additional payments to the Indians of the Lower Brule Sioux Reservation, S. Dak., whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes;

H. R. 12867. An act for the relief of Clayton T. Wells;

H. R. 12906. An act for the relief of Anneliese Ottolenghi;

H. R. 13132. An act to amend the District of Columbia Teachers' Salary Act of 1955;

H. R. 13406. An act to amend the District of Columbia Redevelopment Act of 1945, as amended;

H. R. 13437. An act for the relief of Bernard H. English and John E. Hayden;

H. R. 13500. An act to provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, La., and for other purposes;

H. J. Res. 557. Joint resolution to amend the act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission;

H. J. Res. 630. Joint resolution to authorize the Commissioners of the District of Columbia to use certain real property in the District of Columbia for the proposed Southwest Freeway and for the redevelopment of the Southwest area in the District of Columbia;

H. J. Res. 654. Joint resolution requiring the Secretary of Commerce to submit certain recommendations for legislation for the purpose of assisting Congress to determine whether or not to reimburse States for certain highways on the National System of Interstate and Defense Highways; and

H. J. Res. 661. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

SUPPLEMENTAL APPROPRIATION BILL, 1959—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, the distinguished chairman of the Committee on Appropriations has a conference report to present on the supplemental appropriation bill. I understand the conferees were unanimous. I hope we can act on the report promptly, and proceed to the consideration of other business this evening.

Mr. HAYDEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the Sen-

ate numbered 36, and the amendment of the House thereto, and numbered 114, to the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 36 and the amendment of the House thereto, and numbered 114 to the bill (H. R. 13450) "making supplemental appropriations 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:

Amendment 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "\$2,500,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 36.

CARL HAYDEN,
DENNIS CHAVEZ,
ALLEN J. ELLENDER,
CLINTON P. ANDERSON,
STYLES BRIDGES,
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
WILLIAM F. KNOWLAND,

Managers on the Part of the Senate.

CLARENCE CANNON,
JOHN J. ROONEY,
J. VAUGHAN GARY,
JOHN TABER,
GERALD R. FORD, Jr.,
FRANK T. BOW,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

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

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 36.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona.

Mr. JOHNSON of Texas. Mr. President, I ask the Senator from Arizona to give an explanation of what the conferees did as to amendment No. 36.

Mr. HAYDEN. The amendment originally read:

No appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation hereafter enacted by the Congress.

The conferees added the words "for any period prior to June 30, 1960" after "National Aeronautics and Space Administration." In other words, this language would accomplish the purpose of the Senate for the period ending June 30, 1960, and not permanently.

Mr. JOHNSON of Texas. Mr. President, I think so far as fiscal year 1960

is concerned, this would take care of the situation. I realize, after having served in the House of Representatives for 6 terms, and in the Senate for some 10 years, that legislation is a matter of give and take. I realize that we cannot always have everything we want.

I think it is highly desirable that Congress maintain a constant surveillance over new agencies and be at least informed as to what are their plans and what their expenditures may be. Congress should be informed prior to the time the agencies seek appropriations, so that public opinion may reflect itself.

I realize the point of view expressed in the House. I have read the debate. I am sorry to say I do not believe the House Members realized the full portent of our amendment.

In view of the fact that the distinguished chairman of the committee and the other able conferees have been able to preserve the principle for 1 year, and in view of the fact that the Special Committee on Space and Astronautics intends to act as a partner and not an adversary with the National Aeronautics and Space Administration, I am willing to go along with the agreement of the conferees. I would not be frank, however, if I did not say for the record, so that all who hear may know, I think the conferees made a serious mistake when they reduced the appropriations to the extent they did for the National Aeronautics and Space Administration. I think time will tell, and I want to predict that the reduction we made, below the President's budget request, will return to haunt us.

So far as I am concerned, I am not going to attempt to hold up the conference report. The authorizing committee did hear detailed evidence to justify the President's budget request. As nearly as I can tell, that detailed information was not available to the individual members of the Appropriations Committee to the same extent.

The President asked for \$125 million. The Senate provided the full \$125 million. We went to conference, and we settled by cutting off \$45 million of the \$50 million the Senate provided.

Since we live in an uncertain world, it is certainly a calculated gamble to do this. I think I should raise my voice and warn the Members of Congress who have taken that gamble that I want none of the blood on my hands which may result from our failure to take adequate steps in time.

There is not anything we can do about the matter now. We have had to accede to the views of the other body. I realize that is necessary. I think the conferees have done as good a job as they could do. I do not rise to criticize anyone. I rise to attempt to warn the people of America that in my opinion the President's budget request was too low. Then when we took a meat ax after it and cut it from \$125 million to \$75 million, practically a 50-percent cut, without justification, we made a serious mistake.

Mr. BRIDGES. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield to the Senator from New Hampshire.

Mr. BRIDGES. I want to say to the distinguished chairman of the committee that I had the pleasure of serving with him on the conference committee. I realize the strong feelings of the Senate, as demonstrated by the 86-to-0 vote yesterday.

I know that, with respect to legislation, the two Houses must reach a common ground of understanding. I believe the Senate conferees were able to do that without surrendering the principle they stood for. When a conferee is able to arrive at a common ground of agreement with the other body and does not surrender principles, I think one has been successful. Therefore, in spite of the fact that the report is not exactly as I should like to see it, it is satisfactory to the Senator from New Hampshire, both as a conferee of the committee and the ranking minority member of the Special Committee on Space and Astronautics. I am glad to join in approval.

Mr. HAYDEN. The Senator will agree with me that we will obtain experience for 1 year with the legislative committee; that is, the Special Committee on Space and Astronautics. The committee will pass upon the subject matter before it goes to the Committee on Appropriations, and we will have the advantage of passing an authorization bill. If that turns out to be good procedure, it can be followed afterward. We will have that experience, which we would not have if we had accepted the House amendment in the first place.

Mr. BRIDGES. The Senator is correct.

Mr. DIRKSEN and Mr. JOHNSTON of South Carolina addressed the Chair.

Mr. HAYDEN. I yield first to the Senator from Illinois.

Mr. DIRKSEN. I wish to ask the Senator from New Hampshire a question, if I may. We really had difficulty with the item the first time it came before the Appropriations Committee. I must confess that, except for the items of equipment and the things which need to be ordered, deciding what to do was sort of guesswork on my part. I was willing to go to a much lower figure. With the \$80 million, certainly the agency will be able to plan between now and the first of the year. If additional funds and additional authority are necessary, there will be no difficulty in coming to the Congress in ample time for that purpose.

Mr. HAYDEN. Particularly if the Special Committee on Space and Astronautics authorizes the action.

Mr. BRIDGES. The Senator is correct. I think we have a good arrangement.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I commend the conferees for their excellent work. Of course, we are never exactly satisfied with anything.

There was one item in the appropriation bill this year which I think the Senate and the Congress will have to do something about next year. We provided an item of \$29.5 million in the Senate bill for modernization of the Post Office Department. Far more than that is needed to really modernize our post offices as they should be modernized at the present time.

Being chairman of the Committee on Post Office and Civil Service, naturally I come in contact with subjects of that kind to a greater extent than other Senators. So I hope that next year the Senate will not only give \$29,500,000, but will see to it that the proper amount is allowed to do a good job.

Mr. HAYDEN. Mr. President, while the House did not agree to allow any money for that purpose at this time, we did obtain the promise that if a budget estimate were to come up early in the year, it would be given early consideration by the other body, and something would probably be done about it.

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

Mr. HAYDEN. I yield.

Mr. HUMPHREY. I should like to inquire of the distinguished chairman what happened to the item relating to civil defense appropriations?

Mr. HAYDEN. We could not get anywhere with it.

Mr. HUMPHREY. Did the Senate conferees have to accede to the House figure?

Mr. HAYDEN. We asked the House conferees to take the item back to the House, and the House overwhelmingly voted not to accept it, so we were compelled this morning to recede.

Mr. HUMPHREY. What is the figure which is allowed for civil defense appropriations?

Mr. HAYDEN. Two and one-half million dollars for emergency supplies.

Mr. HUMPHREY. Nothing for Federal contributions?

Mr. HAYDEN. That is correct.

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

Mr. HAYDEN. I yield.

Mr. SALTONSTALL. We tried very hard in the conference to put through the adjustment which was agreed to on the floor of the Senate, but the House

conferees were adamant. We could not move them at all. They were very much opposed to beginning the new activity, but they took the item back to the House, and, as the distinguished chairman said, the House supported the conferees on the floor of the House, and we could do nothing further.

Mr. HUMPHREY. I understood what happened early this morning. I merely wished to develop the record.

I believe that the chairman of the committee and all the other members of the committee, particularly the Senator from Massachusetts [Mr. SALTONSTALL], have been a fine help in arriving at an arrangement in the Senate. I regret that the funds for Federal contributions have been dropped. This is a blow to the State civil defense agencies.

Let me say to our friends in the other body that they are the ones who initiated the legislation for Federal contributions. They initiated the legislation for greater Federal appropriations. It is rather paradoxical and ironic that they are the ones who now refuse to go along; but I know that some of the Members of the other body will read the record. If the Lord grants me the right to live until next January, I shall be back here making a request before the appropriate subcommittee and committee for funds for civil defense. The administration will be doing so, too, but I should like to support it.

I note the fact that several Senators are nodding their heads. I should like to be able to register those nods as vocal assents.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] that the Senate concur in the House amendment to Senate amendment No. 36.

The motion was agreed to.

The amendment of the House to Senate amendment No. 36 is as follows:

In lieu of the matter proposed by said amendment, as amended by the House amendment thereto, insert "no appropriation may be made to the National Aeronautics and Space Administration for any period prior to June 30, 1960, unless previously authorized by legislation hereafter enacted by the Congress."

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed in the RECORD a table illustrating the appropriations as they appeared in the House and Senate bills and agreed to in conference.

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

The supplemental appropriation bill, 1959 (H. R. 13450)

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action
	DEPARTMENT OF AGRICULTURE				
	AGRICULTURAL RESEARCH SERVICE				
	SALARIES AND EXPENSES				
394	Plant and animal disease and pest control.....	\$3,000,000	\$2,000,000	\$4,000,000	\$3,500,000
	Meat inspection.....	2,100,000	1,750,000	2,100,000	1,750,000
	Total, salaries and expenses.....	5,100,000	3,750,000	6,100,000	5,250,000
	AGRICULTURAL CONSERVATION PROGRAM SERVICE				
394	Emergency conservation measures.....	Language	Language	Language	Language

The supplemental appropriation bill, 1959 (H. R. 13450)—Continued

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action
DEPARTMENT OF AGRICULTURE—Continued					
SOIL BANK PROGRAMS					
394	Acreage reserve program.....	\$282,800,000	\$275,000,000	\$279,450,000	\$279,450,000
	Total, chapter I.....	287,900,000	278,750,000	285,550,000	284,700,000
DEPARTMENT OF COMMERCE					
CIVIL AERONAUTICS ADMINISTRATION					
394	Operation and regulation.....	12,750,000	11,735,000	12,750,000	11,735,000
394	Construction and development, additional Washington airport.....	53,500,000	50,000,000	50,000,000	50,000,000
BUREAU OF FOREIGN COMMERCE					
S. 110	Salaries and expenses.....	305,000			
394	Export control.....	3,060,000	3,060,000	3,060,000	3,060,000
COAST AND GEODETIC SURVEY					
394	Salaries and expenses.....	491,000	343,500	343,500	343,500
394	Construction and equipment, geomagnetic station.....	400,000	400,000	400,000	400,000
MARITIME ACTIVITIES					
394	Salaries and expenses.....	25,000		25,000	
394	Maritime training.....	175,000	68,000	68,000	68,000
S. 110	War Shipping Administration liquidation.....	Language		Language	Language
BUREAU OF PUBLIC ROADS					
394	General administrative expenses.....	(550,000)		(550,000)	
394	Inter-American Highway.....	10,000,000	10,000,000	10,000,000	10,000,000
NATIONAL BUREAU OF STANDARDS					
394	Expenses.....	262,000		262,000	
394	Plant and equipment.....	200,000	186,000	200,000	186,000
394	Construction of facilities.....	3,000,000	3,000,000	3,000,000	3,000,000
WEATHER BUREAU					
394	Salaries and expenses.....	840,000	1,840,000	1,840,000	\$1,840,000
394	Establishment of meteorological facilities.....	1,300,000	1,300,000	1,300,000	1,300,000
RELATED AGENCIES					
SMALL BUSINESS ADMINISTRATION					
S. 110	Salaries and expenses.....	3,775,000		3,775,000	3,500,000
S. 110	Revolving fund.....	215,000,000		215,000,000	200,000,000
	Total, chapter II.....	305,083,000	81,932,500	302,023,500	285,432,500
DEPARTMENT OF DEFENSE—MILITARY FUNCTIONS					
INTERSERVICE ACTIVITIES					
394	Retired pay, 1958.....	9,000,000	9,000,000	9,000,000	9,000,000
394	Retired pay, 1959.....	18,000,000			
DEPARTMENT OF THE ARMY					
394	Military personnel, 1956.....	8,000,000			
DEPARTMENT OF THE NAVY					
394	Medical care, 1958.....	(8,000,000)			
	Total, chapter III.....	35,000,000	9,000,000	9,000,000	9,000,000
DISTRICT OF COLUMBIA					
OPERATING EXPENSES					
394	Department of Public Health.....	(86,000)			
394	Personal services, wage-scale employees (fiscal year 1958).....	(75,000)	(75,000)	(75,000)	(75,000)
MISCELLANEOUS					
394	Settlement of claims and suits.....	(26,701)	(26,701)	(26,701)	(26,701)
394	Judgments.....	(1,280)	(1,280)	(1,280)	(1,280)
394	Audited claims.....	(19,645)	(19,645)	(19,645)	(19,645)
	Total, chapter IV.....	(208,626)	(122,626)	(122,626)	(122,626)
FOREIGN OPERATIONS					
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS					
266	Administration, Ryukyu Islands.....	3,150,000	2,750,000	2,850,000	2,830,000
266	Construction of utility systems, Ryukyu Islands.....	6,000,000	600,000	600,000	600,000
	Subtotal.....	9,150,000	3,350,000	3,450,000	3,430,000
EXPORT-IMPORT BANK					
266	Administrative expense limitation.....	(\$2,055,000)	(\$2,055,000)	(\$2,055,000)	(\$2,055,000)
	Total, chapter V.....	9,150,000	3,350,000	3,450,000	3,430,000
GENERAL GOVERNMENT MATTERS					
EXECUTIVE OFFICE OF THE PRESIDENT					
S. 110	Executive Mansion and Grounds:				
	Extraordinary alterations and repairs.....	100,000		100,000	100,000
S. 110	Office of Civil and Defense Mobilization:				
S. 110	Salaries and expenses.....	4,000,000		2,915,000	2,500,000
S. 110	Research and development.....	9,150,000			
S. 110	Federal contributions.....	9,000,000		4,000,000	
S. 110	Emergency supplies and equipment.....	7,188,000		2,000,000	2,000,000
FUNDS APPROPRIATED TO THE PRESIDENT					
S. 110	Translation of publications and scientific cooperation.....	Language		5,100,000	5,100,000

The supplemental appropriation bill, 1959 (H. R. 13450)—Continued

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action
	GENERAL GOVERNMENT MATTERS—Continued				
	CORREGIDOR BATAAN MEMORIAL COMMISSION				
394	Salaries and expenses.....	\$46,000		\$46,000	
	Total, chapter VI.....	29,484,000		14,161,000	\$9,700,000
	INDEPENDENT OFFICES				
	FEDERAL COMMUNICATIONS COMMISSION				
394	Salaries and expenses.....	142,000	\$142,000	142,000	142,000
	FEDERAL POWER COMMISSION				
394	Salaries and expenses.....	120,000	120,000	120,000	120,000
	GENERAL SERVICES ADMINISTRATION				
394	Public Buildings Service, operating expenses.....	6,400,000	3,800,000	5,800,000	5,200,000
394	Construction, public buildings.....	323,000	323,000	323,000	323,000
394	Hospital facilities in the District of Columbia.....			1,020,000	1,020,000
394	Expenses, supply distribution.....	177,000	160,000	160,000	160,000
394	National Archives and Records Service.....	36,000	32,500	32,500	32,500
	HOUSING AND HOME FINANCE AGENCY				
394	Federal National Mortgage Association (limitation on administrative expenses).....	(800,000)	(700,000)	(700,000)	(700,000)
S. 110	Federal Housing Administration (limitation on administrative and nonadministrative expenses).....	(4,600,000)		(4,600,000)	(4,600,000)
394	Public Housing Administration:				
394	Annual contributions (fiscal year 1958).....	4,300,000	3,900,000	3,900,000	3,900,000
394	Limitation on nonadministrative expenses.....	(750,000)	(500,000)	(500,000)	(500,000)
	INTERSTATE COMMERCE COMMISSION				
S. 110	Salaries and expenses.....	500,000		461,000	300,000
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
S. 112	Salaries and expenses.....	7,000,000		7,000,000	5,000,000
S. 112	Research and development.....	70,200,000		70,200,000	50,000,000
S. 112	Construction and equipment.....	47,800,000		47,800,000	25,000,000
	NATIONAL SCIENCE FOUNDATION				
394	Salaries and expenses.....	4,400,000	4,000,000	4,400,000	4,000,000
394	International Geophysical Year.....	2,950,000	2,500,000	2,500,000	2,500,000
	VETERANS' ADMINISTRATION				
394	General operating expenses.....	5,269,000	4,750,000	5,269,000	5,000,000
394	Inpatient care.....	3,486,000	3,400,000	3,400,000	3,400,000
S. 110	Grants to the Republic of the Philippines.....	450,000		450,000	
S. 110	Soldiers' and sailors' civil relief.....	1,300,000		1,300,000	1,300,000
	Total, chapter VII.....	154,853,000	23,127,500	154,277,500	107,397,500
	DEPARTMENT OF THE INTERIOR				
	DEPARTMENTAL OFFICES				
	OFFICE OF SALINE WATER				
394	Salaries and expenses.....	530,000	345,000	345,000	345,000
	OFFICE OF MINERALS EXPLORATION				
S. 113	Salaries and expenses.....	5,000,000		4,700,000	4,000,000
	OFFICE OF OIL AND GAS				
S. 110	Salaries and expenses.....	53,500		18,500	18,500
	BUREAU OF LAND MANAGEMENT				
S. 110	Management of lands and resources.....	1,000,000	200,000	885,000	885,000
394	BUREAU OF INDIAN AFFAIRS				
394	Road construction and maintenance (liquidation of contract authorization).....	4,000,000	1,500,000	4,000,000	4,000,000
	GEOLOGICAL SURVEY				
394	Surveys, investigations, and research.....	3,983,000	1,500,000	2,483,000	1,500,000
	BUREAU OF MINES				
394	Conservation and development of mineral resources.....	2,850,000	1,250,000	1,350,000	1,250,000
394	Health and safety.....	50,000			
394	Construction.....	11,280,000	10,905,000	10,905,000	10,905,000
	NATIONAL PARK SERVICE				
394	Management and protection.....	88,000		50,000	50,000
394	Construction.....	1,200,000		200,000	
394	Construction (liquidation of contract authorization).....	10,000,000		10,000,000	5,000,000
	FISH AND WILDLIFE SERVICE				
	BUREAU OF SPORT FISHERIES AND WILDLIFE				
394	Management and investigations of resources.....	325,625	Language	125,000	125,000
394	Construction.....			675,000	
	BUREAU OF COMMERCIAL FISHERIES				
394	Management and investigations of resources.....	425,625	85,000	85,000	85,000
	Subtotal, Department of the Interior.....	40,785,750	15,785,000	35,821,500	31,163,500

The supplemental appropriation bill, 1959 (H. R. 13450)—Continued

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action
INDEPENDENT OFFICES					
ALASKA INTERNATIONAL ROAD AND HIGHWAY COMMISSION					
S. 110	Salaries and expenses.....	\$240,000		\$240,000	\$40,000
NATIONAL CAPITAL PLANNING COMMISSION					
394	Land, acquisition, National Capital Park, parkway, and playground system.....	2,000,000			
SMITHSONIAN INSTITUTION					
394	Salaries and expenses.....	52,800	\$52,800	52,800	52,800
HISTORICAL AND MEMORIAL COMMISSIONS					
S. 110	Boston National Historical Sites Commission.....	20,000		20,000	20,000
394	Civil War Centennial Commission.....	63,000	63,000	63,000	63,000
S. 110	Hudson-Champlain Celebration Commission.....			50,000	50,000
394	Lincoln Sesquicentennial Commission.....	742,000	142,000	642,000	350,000
OUTDOOR RECREATION RESOURCES REVIEW COMMISSION					
S. 110	Salaries and expenses.....	100,000		100,000	50,000
VIRGIN ISLANDS CORPORATION					
S. 110	Borrowing authority.....	(1,500,000)			
	Total, chapter VIII.....	44,003,550	16,042,800	36,989,300	31,789,300
DEPARTMENT OF LABOR					
OFFICE OF THE SOLICITOR					
394	Salaries and expenses.....	110,000	110,000	110,000	110,000
BUREAU OF EMPLOYMENT SECURITY					
394	Salaries and expenses.....	247,000	300,000	300,000	300,000
394	Grants to States for unemployment compensation and employment service administration.....	10,600,000	20,600,000	20,600,000	20,600,000
394	Unemployment compensation for veterans.....	37,700,000	37,700,000	37,700,000	37,700,000
394	Unemployment compensation for Federal employees.....	36,300,000	36,300,000	36,300,000	36,300,000
	Total, Department of Labor.....	85,057,000	95,010,000	95,010,000	95,010,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
GALLAUDET COLLEGE					
S. 110	Salaries and expenses, 1958.....	15,000		15,000	15,000
S. 110	Salaries and expenses.....	32,300		34,000	34,000
HOWARD UNIVERSITY					
S. 110	Salaries and expenses, 1958.....	182,500		182,500	182,500
S. 110	Salaries and expenses.....	396,600		396,600	396,600
OFFICE OF EDUCATION					
S. 115	Assistance for school construction.....	60,150,000		60,150,000	50,000,000
S. 115	Payments to school districts.....	149,700,000		149,700,000	130,000,000
S. 115	Salaries and expenses.....	316,000		316,000	186,500
PUBLIC HEALTH SERVICE					
394	Assistance to States, general.....			1,000,000	
394	Salaries and expenses, hospital construction services.....	150,000			
394	Military pay increases, various appropriations.....	2,270,000		634,000	
ST. ELIZABETHS HOSPITAL					
394	Salaries and expenses.....	32,000	32,000	32,000	32,000
SOCIAL SECURITY ADMINISTRATION					
394	Limitation on salaries and expenses, Bureau of Old-Age and Survivors Insurance.....	(5,831,000)	(5,831,000)	(5,831,000)	(5,831,000)
OFFICE OF THE SECRETARY					
394	Salaries and expenses, office of field administration.....	(18,000)	(18,000)	(18,000)	(15,000)
	Total, Department of Health, Education, and Welfare.....	213,244,400	32,000	212,460,100	180,846,600
NATIONAL LABOR RELATIONS BOARD					
394	Salaries and expenses.....	1,515,000			
UNITED STATES SOLDIERS' HOME					
394	Limitation on operation and maintenance and capital outlay.....	(232,000)	(232,000)	(232,000)	(232,000)
	Total, chapter IX.....	299,816,400	95,042,000	307,470,100	275,856,600
LEGISLATIVE BRANCH					
SENATE					
SALARIES, OFFICERS AND EMPLOYEES					
S. 112	Committee employees.....	102,160		102,160	102,160
CONTINGENT EXPENSES OF THE SENATE					
S. 112	Committee on Rules and Administration.....			200	200
S. 112	Inquiries and investigations, 1958.....	73,000		73,000	73,000
S. 112	Inquiries and investigations, 1959.....	10,000		10,000	10,000
S. 112	Stationery (revolving fund).....	300		300	300
	Miscellaneous items.....	Language		Language	Language
HOUSE OF REPRESENTATIVES					
	Payment to widow of deceased member.....			22,500	22,500
CONTINGENT EXPENSES					
	Stationery (revolving fund).....		262,800	262,800	262,800

The supplemental appropriation bill, 1959 (H. R. 13450)—Continued

H. Doc. No.	Department or activity	Budget esti- mates	House bill	Senate bill	Conference action
	LEGISLATIVE BRANCH—Continued				
	ARCHITECT OF THE CAPITOL				
	CAPITOL BUILDINGS AND GROUNDS				
S. 112	Expansion of additional site for New Senate Office Building.....	\$625,000		\$625,000	\$625,000
	CAPITOL POWER PLANT				
	Expansion of facilities.....		\$750,000	750,000	750,000
	LIBRARY OF CONGRESS				
	Preservation of early American motion pictures.....			60,000	60,000
	General provisions.....			Language	Language
	Total, chapter X.....	810,460	1,012,800	1,905,960	1,905,960
	ATOMIC ENERGY COMMISSION				
113	Operating expenses.....	2,443,000,000	2,375,972,000	2,418,840,000	2,397,406,000
266,388	Plant acquisition and construction.....	204,000,000	229,429,000	249,929,000	249,929,000
388	Total, chapter XI.....	2,647,000,000	2,605,401,000	2,668,769,000	2,647,335,000
	PUBLIC WORKS				
	DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS				
	DEPARTMENT OF THE ARMY				
	Rivers and Harbors and Flood Control				
	Construction, general.....			1,925,000	
	Operation and maintenance, general.....			70,000	70,000
	DEPARTMENT OF THE INTERIOR				
	BUREAU OF RECLAMATION				
	Construction and rehabilitation.....			2,500,000	
	Loan program.....			4,203,000	4,203,000
	Total, chapter XII.....			8,698,000	4,273,000
	DEPARTMENT OF STATE				
	ADMINISTRATION OF FOREIGN AFFAIRS				
394	Salaries and expenses.....	854,000	450,000	650,000	550,000
	PAYMENT TO GOVERNMENT OF DENMARK				
394	Payment to Government of Denmark.....	5,296,302	5,296,302	5,296,302	5,296,302
	INTERNATIONAL ORGANIZATION AND CONFERENCES				
	INTERNATIONAL CONTINGENCIES				
S. 110	International contingencies.....	200,000		200,000	
	Total, Department of State.....	6,380,302	5,746,302	6,146,302	5,846,302
	DEPARTMENT OF JUSTICE				
	LEGAL ACTIVITIES AND GENERAL ADMINISTRATION				
394	Salaries and expenses, general legal activities.....	200,000	200,000	200,000	200,000
394	Salaries and expenses, United States attorneys and marshals (1958).....	Language	Language	Language	Language
	FEDERAL PRISON SYSTEM				
394	Salaries and expenses, Bureau of Prisons.....	2,066,000	2,066,000	2,066,000	2,066,000
	GENERAL PROVISIONS				
394	General provisions.....				
	Total, Department of Justice.....	2,266,000	2,266,000	2,266,000	2,266,000
	UNITED STATES INFORMATION AGENCY				
394	Salaries and expenses.....	1,100,000			
S. 112	Acquisition and construction of radio facilities.....	22,300,000		15,000,000	10,000,000
S. 110	Payment to informational media and guaranty fund.....	7,000,000		5,000,000	2,500,000
	Total, United States Information Agency.....	30,400,000		20,000,000	12,500,000
	Total, chapter XIII.....	39,016,302	8,012,302	28,412,302	20,612,302
	TREASURY DEPARTMENT				
	BUREAU OF THE PUBLIC DEBT				
394	Administering the public debt.....	1,500,000	1,500,000	1,500,000	1,500,000
	BUREAU OF CUSTOMS				
394	Salaries and expenses.....	150,000			
	UNITED STATES SECRET SERVICE				
394	Salaries and expenses, White House Police.....	54,000		54,000	
S. 110	Contribution for annuity benefits.....	Language		Language	Language
	COAST GUARD				
394	Operating expenses.....	6,900,000	Language	Language	Language
394	Retired pay.....	700,000			
394	Acquisition, construction, and improvements.....	150,000	150,000	399,000	150,000
	Total, Treasury Department.....	9,454,000	1,650,000	1,953,000	1,650,000

The supplemental appropriation bill, 1959 (H. R. 13450)—Continued

H. Doc. No.	Department or activity	Budget estimates	House bill	Senate bill	Conference action
POST OFFICE DEPARTMENT					
394	Administration, regional operation, and research.....	\$1,600,000			
394	Transportation, 1958.....	3,000,000			
REIMBURSEMENT FOR PUBLIC SERVICES					
S. 110	Reimbursement for public services.....	171,259,000			
PAYMENT TO POSTAL MODERNIZATION FUND					
S. 110	Payment to postal modernization fund.....	29,500,000		\$29,500,000	
	Total, Post Office Department.....	205,359,000		29,500,000	
	Total, chapter XIV.....	214,813,000	\$1,650,000	31,453,000	\$1,650,000
CLAIMS AND JUDGMENTS					
S. 418 112	Claims and judgments.....	14,224,509	8,523,895	14,223,316	14,223,316
GENERAL PROVISION					
S. 110	Salary increases, policemen, firemen, and teachers.....	Language		Language	Language
	Grand total.....	4,081,154,221	3,131,844,797	3,866,382,978	3,697,305,478

LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE OF DECEASED EMPLOYEES—CONFERENCE REPORT

Mr. JOHNSTON of South Carolina. 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. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its amendment numbered 1.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

In Senate amendment numbered 2 as set forth in the Senate engrossed amendments strike out "Sec. 3." and insert in lieu thereof "Sec. 2."

And the Senate agree to the same.

OLIN D. JOHNSTON,
DICK NEUBERGER,
RALPH YARBOROUGH,
THOMAS E. MARTIN,
THRUSTON B. MORTON,

Managers on the Part of the Senate.

TOM MURRAY,
JAMES H. MORRISON,
EDWARD H. REES,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

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

Mr. JOHNSTON of South Carolina. Mr. President, the conference agreement

on this bill is completely satisfactory to both Houses. The House has accepted section 3 of the bill which is a Senate amendment and the Senate has agreed to striking out section 2 of the bill because identical language is contained in another measure now awaiting approval in the House. The Senate has been assured that action will be taken on the bill pending in the House, so no purpose would be served by retention of the same provision in H. R. 7710.

The PRESIDING OFFICER (Mr. BEALL in the chair). The question is on agreeing to the conference report.

The report was agreed to.

ADDITIONAL JUDGE FOR JUVENILE COURT OF DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. CLARK. 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. 7785) to provide for the appointment of an additional judge for the Juvenile Court of the District of Columbia. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) to provide for the appointment of an additional judge for the Juvenile Court of the District of Columbia, 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 (1), (2), (3), (4), and (5).

JOSEPH S. CLARK,
ALAN BIBLE,
JACOB K. JAVITS,

Managers on the Part of the Senate.

THOMAS G. ABERNETHY,
JOHN DOWDY,
JOSEPH P. O'HARA,
JOHN J. ALLEN, Jr.,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

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

Mr. CLARK. Mr. President, as the present occupant of the chair [Mr. BEALL] knows, it is of the greatest importance that there be an additional judge in the Juvenile Court of the District of Columbia. In order to obtain that additional judge it was necessary for the Senate conferees to recede from three amendments to the House bill. The Senate conferees were unanimous in their view that they should recede, and I ask for approval of the conference report.

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

The report was agreed to.

LOAN OF CAPTION FILMS FOR THE DEAF

Mr. HILL. Mr. President, on August 26 of last year, the Senate passed S. 1889, providing in the Department of Health, Education, and Welfare, a loan service of caption films for the deaf. This bill was referred to the House Committee on Education and Labor which considered this legislation this year and after amending the bill in two respects, namely; by authorizing an appropriation not to exceed \$250,000 and by striking out the "Advisory Council," favorably reported the bill under House number H. R. 13678 to the House. The House, on August 15, 1958, passed this bill without further amendment.

Mr. President, the House bill, H. R. 13678, is now at the President's desk. I ask the Chair to lay the House bill before the Senate and I ask unanimous consent for the immediate consideration of H. R. 13678.

The PRESIDING OFFICER laid before the Senate a bill coming over from the House of Representatives, (H. R. 13678) to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf, which was read twice by title.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

CARL EBERT AND HIS WIFE, GERTRUDE EBERT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3276) for the relief of Carl Ebert and his wife, Gertrude Ebert, which was, to strike out all after the enacting clause and insert:

That section 352 (a) of the Immigration and Nationality Act shall be held to have been and to be inapplicable to Carl Ebert and his wife, Gertrude Ebert: *Provided*, That they return to the United States to reside within 3 years following the date of the enactment of this act.

Mr. JOHNSON of Texas. Mr. President, on June 23, 1958, the Senate passed S. 3276, to permit two naturalized United States citizens to remain in Germany, the country of their birth, for 3 years following the date of enactment of the act without losing their United States citizenship by protracted residence abroad.

On August 19 the House of Representatives passed S. 3276, with a technical amendment which does not change the original intent of the bill as passed by the Senate.

I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON].

The motion was agreed to.

VICENTA GARCIA Y PUENTE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3818) for the relief of Vicenta Garcia y Puente, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Vicenta Garcia y Puente. From and after the date of the enactment of this act, the said Vicenta Garcia y Puente shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and orders have issued.

Mr. JOHNSON of Texas. Mr. President, on August 11, 1958, the Senate passed S. 3818, to grant the status of permanent residence in the United States to the beneficiary, who is an elderly widow residing in the United States with her children.

On August 19, 1958, the House of Representatives passed S. 3818, with an amendment to merely cancel outstanding deportation proceedings.

The amendment is acceptable, and I move that the Senate concur in the House amendment.

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

The motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of South Carolina in the chair). The Clerk will call the roll.

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

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

ORDER FOR CONVENING TOMORROW MORNING AT 9:30

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, it convene at 9:30 o'clock a. m.

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

NOTICE OF LATE SESSION TOMORROW AND POSSIBLE SINE DIE ADJOURNMENT ON SATURDAY NIGHT

Mr. JOHNSON of Texas. Mr. President, I wish to give notice that we expect to have a very late session tomorrow evening and that we shall make every effort to adjourn sine die by Saturday night.

I should like to have the very faithful members of the staff to be informed that we will have two more very trying days, and we may have to work around the clock. However, we have some very important proposed legislation which must be acted on.

Mr. President—

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

EXTENSION OF RENEGOTIATION ACT OF 1951

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 2544, H. R. 11749, to extend the Renegotiation Act of 1951 for 6 months, and for other purposes. I give notice now that if the motion is agreed to, I do not intend to have any action taken on the bill tonight.

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

The LEGISLATIVE CLERK. A bill (H. R. 11749) to extend the Renegotiation Act of 1951 for 6 months, 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, which had been reported from the Committee on Finance with amendments.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. I wish to give notice of the possibility that the bill dealing with the Railroad Retirement Act will be offered as an amendment to the pending bill. I wish Senators to be

on notice that, while that has not definitely been determined, it is likely before we conclude consideration of H. R. 11749, to extend the Renegotiation Act, an amendment will be offered to it incorporating the substance of the railroad retirement bill reported by the senior Senator from Oregon [Mr. MORSE].

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

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. Does the Senator mean S. 2020 or S. 1313? There are two. S. 2020 is the technical bill.

Mr. JOHNSON of Texas. I have reference to Calendar 2428, S. 1313, to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act and the Railroad Unemployment Insurance Act so as to provide increases in benefits and for other purposes.

The Senator from Nebraska [Mr. CURTIS] and the Senator from New Jersey [Mr. SMITH] wish to be informed about it. I refer to calendar 2428, S. 1313. I do not know that that amendment will be offered, but there is a possibility of it. I shall give the minority leadership such information ahead of time as I can, although any Senator has the right to offer an amendment to any bill.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. CURTIS. To what bill would the Railroad Retirement Act be offered as an amendment?

Mr. JOHNSON of Texas. To calendar 2544, H. R. 11749, to extend the Renegotiation Act, which is a House bill.

I shall be very glad to enter into a unanimous-consent agreement to limit debate of the pending bill if Senators are disposed to do so.

One of the reasons for coming in early tomorrow morning is that I hope we will be able to dispose of the Renegotiation Act extension, the mutual security appropriation bill, the bill increasing the public debt limit, the conference report on S. 3420, dealing with Public Law 480, and the other appropriation bills, so that we may adjourn sine die on Saturday night.

With the fine cooperation I have received this week from every Member of the Senate, I have no doubt that we will be able to do it.

FINANCIAL CONDITION OF THE RAILROADS

Mr. JENNER. Mr. President, last Saturday, when this body had under consideration the social security amendments of 1958, the senior Senator from Oregon sent to the desk, as an amendment to that proposed legislation, S. 1313, which would amend the Railroad Retirement Act, the Railroad Retirement Tax Act and the Railroad Unemployment Insurance Act so as to provide increases in benefits and for other purposes. At that time he made certain comments regarding the history of S. 1313 and what he referred to as the "subsidy" or "hand-out" granted the railroads under the recently enacted legislation commonly referred to as the Smathers bill. I shall address myself to those comments.

The senior Senator from Oregon indicated in his statement that the Senate should vote on S. 1313 because in 1956 Congress had passed legislation which had to do with railroad retirement but had failed to provide funds to take care of the deficit in the railroad retirement fund which resulted from the passage of that legislation, that it was understood that at the next session of Congress legislation would be passed which would take care of that deficit, and to carry out that obligation the Senate should now consider the pending measure S. 1313.

It is true that in 1956 Congress passed legislation which granted a 10-percent increase in the annuities provided for under the railroad retirement system. No increased taxes to pay the cost of those benefits were provided in that bill. The railroads opposed the increased benefits in 1956. Notwithstanding this opposition, representatives of the railroad industry appeared in hearings on S. 1313 before the Railroad Retirement Subcommittee of the Senate Labor Committee in the spring of 1957 and stated that in the event the standard railway labor organizations had sponsored a bill in the 85th Congress only for the purpose of paying the cost of the 10 percent increased benefits the carriers would not have opposed such a proposal. In other words, if all S. 1313 had done was to pay off the deficit resulting from the 1956 legislation, the railroads would never have appeared regarding the bill. However, S. 1313 in the form introduced and also in the form reported by the Senate Committee on Labor and Public Welfare is a far cry from a bill aimed at merely financing the 10-percent increase in benefits provided for 2 years ago. With respect to the railroad retirement system the bill would provide a 10-percent increase in retirement benefits over and above the 10 percent granted in 1956; it would provide an increase in the taxable compensation base from \$350 to \$400 a month and an increase in the rate of tax from 6¼ percent to 9 percent each for employees and employers and thus raise retirement taxes paid by the railroads by more than \$175 million a year.

In regard to the unemployment system S. 1313 would provide increased and extended unemployment and sickness benefits for railroad employees; it would fix the practical minimum weekly benefit at a level above the maximum weekly benefit under all but a very few State unemployment systems; it would permit individual beneficiaries to draw several thousand dollars in benefits for one period of unemployment; it would increase the tax base; and it would increase the tax rate paid by the railroads to support the unemployment system, thereby increasing the railroads' unemployment taxes by about \$85 million a year more than they are now paying. It may be that there is some obligation on this body to consider legislation aimed at paying for the costs of the 1956 amendments to the railroad retirement system, but there certainly is no obligation to consider with favor the drastic and sweeping changes in the railroad retirement and unemployment systems

contained in S. 1313 in the form reported by the Labor Committee.

The senior Senator from Oregon states that he does not propose to oppose the program set forth in S. 1313 on the basis that railroad workers and retired railroad employees should subsidize the carriers on the ground that the carriers now claim they cannot afford a fair retirement system. There is, of course, a considerable difference of opinion as to what constitutes a fair retirement system for railroad employees. As everyone knows, the benefits available to railroad workers under existing law are much more generous than those available to the worker under the present social-security system and will continue to be much more generous even if the social security amendments which we considered last week become law. However, the important point, it seems to me, is that the senior Senator from Oregon is willing to impose additional payroll taxes against the railroad industry regardless of their effect on that industry. He appears to be of the view that the only fact worth being considered is what is a fair system for a particular group of employees and once having determined that fact the system should be placed in effect without any consideration being given to the impact on the employers of such employees.

Every Member of the Senate is well aware of the very critical financial situation in which the railroads now find themselves. Extended hearings were held early this year on the legislation which has now become the Transportation Act of 1958, at which time the railroads clearly showed that they needed help and they needed it quickly. The railroads' position has not improved in the interim between those hearings and the present. As a matter of fact, it has steadily declined. In the first 5 months of 1958, 42 railroads were operating in a deficit. During that same period the net income of the class I railroads was only \$72 million. Additionally, operating costs are steadily increasing and traffic is continuing to decline. Railroad employment in May 1958 was about 180,000 less than it was in May 1957.

The last serious freight car shortage in this country is that which occurred in the fall of 1956. Serviceable ownership of freight cars is now 20,000 less than it was at that time and such ownership recently has been decreasing at the rate of 10,000 cars a month. Because of the decline in earnings of the carriers they have been unable to maintain their car fleet, and accordingly there are about 140,000 freight cars out of service awaiting repairs. Further, lack of money prevents them from purchasing new cars. The imposition of increased payroll taxes, such as are provided for in S. 1313, would deprive the carriers of funds already badly needed for maintenance of existing equipment and purchase of new equipment all in the best interests of the national transportation system and at a time when the national defense potential of the railroads is already a matter of concern.

The senior Senator from Oregon states that if the railroads, in order to supply the people of the country with

continuing transportation which is essential to national defense, need a further subsidy along the lines of the Smathers bill he would vote for it. The Smathers bill, of course, provides no subsidy or handouts as they were referred to in the Senator's statement, and no one can point to anything in the legislation which even smacks of a subsidy or handout.

As I understand the senior Senator from Oregon, his position is that increased benefits should be granted the railroad employees even though the cost of such benefits will thereafter prevent the railroads from buying new cars and maintaining their present fleet, and then if it develops that the railroads are inadequately equipped to take care of the defense needs of the Nation a subsidy should be provided. I am unalterably opposed to such a proposition, and I am certain that the majority of the House and Senate are likewise opposed. The railroads of this country have never asked for subsidization and I cannot believe that railroad employees would favor subsidies. Subsidizing the railroad industry is outright socialism and could only lead to nationalization of not only the railroads but of the entire transportation system of this country. We have all seen the disastrous results when the transportation systems of other countries have been nationalized. Certainly the railroad industry would not favor nationalization and the railroad employees would not desire to give up their right to collective bargaining, a right that almost certainly would be lost to them under Federal operation of the carriers.

It is obvious that the railroads do not have the money to pay for the costs of S. 1313. It does not appear in the foreseeable future that they will have funds to pay those costs. It seems to me that it is far more in the best interests of the Nation's economy and of the national defense to give the railroads an opportunity to use such funds as are available to provide themselves with a car supply capable of meeting the needs of this country than it is to deprive them of such funds and in fact bankrupt a number of lines in order to provide additional retirement and unemployment benefits to a group of employees whose benefits are already substantially more liberal than those granted to workers in industries other than the railroads.

MINERALS STABILIZATION LEGISLATION

Mr. BIBLE. Mr. President, today is a black day for the domestic mining industry of America. By a vote of 182 to 159, the House has defeated the minerals stabilization bill, washing—at least for a year—any hopes the faltering mining industry might have held out for a Congressional lifeline.

The bill that was defeated by the House today was certainly not a cure-all for all the ills besetting our mining industry, Mr. President. In fact, it fell far short of the aims many of us had hoped to achieve in the face of great obstacles. The bill was designed to assist domestic mining by establishing a

long-range purchase program for copper, lead, zinc, acid-grade fluorspar and tungsten, as well as promoting mining and development research for beryl, chromite and columbium-tantalum from domestic mines.

While I would prefer to see legislation enacted that would call for proper protective tariff guaranties to domestic mining to meet the unfair and indiscriminate importation of foreign metals, it was felt that this measure might provide at least a semblance of relief for a distressed and near-mordant segment of our economy. Under this bill, there was the possibility that we could have salvaged something—that perhaps some mines, now closed, might have been able to reopen and prevent our country from being barren of mineral production.

I am tremendously disappointed at the House action, Mr. President, not only because of the blow that has been dealt to our own mining industry but by its implication that some House Members have a greater concern for the mining world overseas than they do for our own producers.

AUTHORIZATION TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO FILE REPORT DURING ADJOURNMENT

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to file, during the adjournment of the Senate, a report of its activities during the 85th Congress.

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

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL EXECUTIVE REPORTS OF A COMMITTEE

The following additional executive reports of a committee were submitted:

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

Howard W. Babcock, of Nevada, to be United States attorney for the district of Nevada, vice Franklin P. Rittenhouse; and

Russell R. Bell, of West Virginia, to be United States marshal for the southern district of West Virginia.

INCREASED DIVERSION OF WATER FROM LAKE MICHIGAN INTO ILLINOIS WATERWAY—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H. R. 2) to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to test, on a 3-year basis, the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway, and for other purposes, which were ordered to lie on the table, and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO MU- TUAL SECURITY APPROPRIATION BILL

Mr. BRIDGES (for himself and Mr. WILLIAMS) submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H. R. 13192, an act making appropriations for mutual security for the fiscal year ending June 30, 1959, and for other purposes, the following amendment, namely, page 7, line 21, add the following new section:

"Sec. 109. The Congress hereby requests the President, from time to time during the fiscal year ending June 30, 1959, to review the expenditures programed by the executive branch for such fiscal year and to issue such directives to the Director of the Bureau of the Budget and other officials in the executive branch of the Government as may be necessary to achieve the maximum reduction in the expenditures of the executive branch during such fiscal year consistent with the objectives of maintaining essential Government services, providing adequately for the common defense, and fostering a healthy national economy; all with a view toward achieving an aggregate, of at least 2 percent on defense appropriations and at least 4 percent on other appropriations but not more than 10 percent on any one item, reduction in the expenditures programed by the executive branch as of July 1, 1958, for the fiscal year ending June 30, 1959. Nothing in this section shall be deemed to authorize executive action to decrease expenditures for interest on the public debt, veterans compensation, or pensions, Federal, and State cooperative benefit programs and expenditures from trust funds. A report of action taken under this chapter shall be contained in the 1960 budget."

Mr. BRIDGES (for himself and Mr. WILLIAMS) also submitted an amendment, intended to be proposed by them, jointly, to House bill 13192, making appropriations for mutual security for the fiscal year ending June 30, 1959, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 21, 1958, he presented to the President of the United States the following enrolled bills:

S. 540. An act for the relief of the board of national mission of the Presbyterian Church in the United States of America;

S. 552. An act to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Auf der Heide-Aragona, Inc., of West New York, N. J.;

S. 571. An act for the relief of George P. E. Caesar, Jr.;

S. 1258. An act for the relief of M. Sgt. Robert A. Espe;

S. 1801. An act for the relief of Guerdon Plumley;

S. 2001. An act for the relief of Alalu Duncan Dillard;

S. 2057. An act for the relief of Diana Elaine Greig;

S. 2216. An act for the relief of John C. Walsh;

S. 2517. An act to amend sections 2275 and 2276 of the Revised Statutes with respect to

certain lands granted to States and Territories for public purposes;

S. 2888. An act to provide for registration, reporting, and disclosure of employee welfare and pension benefit plans;

S. 2955. An act for the relief of Kazuko Young;

S. 3004. An act for the relief of Joanna Strutynska;

S. 3195. An act to authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries;

S. 3219. An act for the relief of Mrs. Margaret Graham Bonnalle;

S. 3221. An act for the relief of Erika Margaret Zintl Pearce;

S. 3300. An act for the relief of Jean Andre Paris;

S. 3308. An act for the relief of Itzhak Aronovici;

S. 3357. An act for the relief of Arturo Ernesto Audrain y Campos;

S. 3445. An act for the relief of Teruko K. Jackson;

S. 3448. An act to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskaadee reclamation project, Wyoming, and for other purposes;

S. 3502. An act to amend the Federal Airport Act in order to extend the time for making grants under the provisions of such act, and for other purposes;

S. 3509. An act for the relief of Wong Wing Boa;

S. 3547. An act for the relief of Andrejs Pablo Mierkalus;

S. 3607. An act for the relief of Harvey L. Forde;

S. 3640. An act for the relief of Daniel (Nathaniel) Rosenzweig;

S. 3739. An act for the relief of Hermine Elmon Papazian;

S. 3743. An act for the relief of Cynthia Elizabeth Jefferson (Mimi Kurosaka) and Sylvia Elise Jefferson (Junko Tano);

S. 3768. An act for the relief of Hing Man Chau;

S. 3776. An act to extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 3789. An act for the relief of Donald J. Marion;

S. 3801. An act for the relief of Klara Leitner and her daughter, Sylvia Leitner;

S. 3826. An act for the relief of Concettina Iannacchino;

S. 3921. An act for the relief of Peter Tillner;

S. 3966. An act to amend Public Law 85-422;

S. 4020. An act for the relief of Kunio Inouye (Sparkman);

S. 4021. An act to establish the United States Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins, and intervening areas;

S. 4053. An act to extend the boundaries of the Siskiyou National Forest in the State of Oregon, and for other purposes;

S. 4071. An act to provide more effective price, production adjustment, and marketing programs for various agricultural commodities;

S. 4081. An act for the relief of Marianne (Sachiko) Fuller;

S. 4167. An act to authorize the lease of Papago tribal land to the National Science Foundation, and for other purposes;

S. 4169. An act to amend the act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization;

S. 4196. An act to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract

terms by reference in short-form documents; and

S. 4273. An act to provide for cooperation with the European Atomic Energy Commission.

ADJOURNMENT TO 9:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, if no Senator desires to address the Senate, or ask any questions, I move that the Senate stand in adjournment until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 49 minutes p. m.) the Senate adjourned until tomorrow, Friday, August 22, 1958, at 9:30 a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 21, 1958

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

I Chronicles 22: 12: *Only may the Lord give you wisdom and understanding.*

Almighty God, as we again assemble to confer and consult with one another, may we have a clear vision of Thy will and a deep concern for the good of all mankind.

We pray that in our plans and purposes we may give evidence that we are partners rather than partisans.

Grant that we may never try to escape the imperatives of our own personal responsibility as we face the crucial issues of our time.

Inspire us to affirm and apply those principles of justice and righteousness which must be paramount in all our longings and labors to build the temple of world peace.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate has passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 1695. An act for the relief of Harry N. Duff;

H. R. 3366. An act to validate overpayments of pay and allowances made to certain officers of the Army, Navy, Naval Reserve, and Air Force, while undergoing training at civilian hospitals, and for other purposes;

H. R. 3571. An act for the relief of Boris F. Navratil;

H. R. 9370. An act to permit illustrations and films of United States and foreign obligations and securities under certain circumstances, and for other purposes;

H. R. 9817. An act relating to venue in tax refund suits by corporations;

H. R. 9950. An act for the relief of D. A. Whitaker and others;

H. R. 10473. An act for the relief of Hipolito C. DeBaca;

H. R. 10559. An act for the relief of Thomas Forman Screven, Julia Screven Daniels, and May Bond Screven Rhodes; and

H. J. Res. 675. Joint resolution to facilitate the admission into the United States of certain aliens.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3287. An act for the relief of Vivian D. Giesey;

S. 4109. An act for the relief of Dr. Herbert H. Schafer and his wife, Irma Niemeyer Schafer; and

S. 4113. An act for the relief of Harold Pangelin.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 469) entitled "An act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. MONRONEY, Mr. BIBLE, Mr. SCHOEPEL, and Mr. BUTLER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. NEUBERGER, Mr. YARBOROUGH, Mr. MARTIN of Iowa, and Mr. MORTON to be the conferees on the part of the Senate.

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. 12858) entitled "An act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, 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. 12 to the foregoing bill.

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. 13450) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments Nos. 2, 7, 14, 15, 22, 24, 42, 50, 58, and 113.

The message also announced that the Senate recedes from its amendment No. 23.

The message further announced that the Senate disagrees to the House amendment to Senate amendment No. 36, further insists on its amendments Nos. 36 and 114, asks a further conference with

the House on the disagreeing votes of the two Houses thereon, and reappoints as conferees on the amendments in disagreement, Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. ANDERSON, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG, and Mr. KNOWLAND.

The message further announced that the Senator from Iowa [Mr. MARTIN] had been appointed a conferee on the bill (S. 25) entitled "An act relating to effective dates of increases in compensation granted to wage board employees" in place of the Senator from Kansas [Mr. CARLSON], excused.

SUPPLEMENTAL APPROPRIATION BILL, 1959

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes, insist on the House amendment to Senate amendment No. 36, insist on its disagreement to Senate amendment No. 114, 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 Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CANNON, THOMAS, ROONEY, GARY, TABER, FORD, and BOW.

CALL OF THE HOUSE

Mr. YATES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not 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. 186]

Ashley	George	Miller, N. Y.
Avery	Glenn	Minshall
Bailey	Gordon	Mitchell
Barden	Gwinn	Morrison
Baumhart	Hale	Norrell
Beamer	Harrison, Nebr.	Pilcher
Bentley	Haskell	Powell
Blitch	Hebert	Preston
Boykin	Herlong	Prouty
Brooks, La.	Hill	Radwan
Brownson	Hillings	Rivers
Buckley	Hoffman	Roosevelt
Burdick	Hosmer	Scherer
Christopher	James	Schwengel
Clevenger	Jenkins	Scott, Pa.
Coffin	Jensen	Sheehan
Colmer	Johnson	Shuford
Coudert	Jones, Mo.	Simpson, Pa.
Curtis, Mass.	Kearney	Spence
Dies	Kilburn	Taylor
Diggs	LeCompte	Teague, Tex.
Doyle	McCarthy	Thompson, La.
Durham	McCormack	Vanik
Eberharter	McCulloch	Williams, N. Y.
Elliott	McIntire	Winstead
Engle	Macdonald	Young
Farbstein	Mason	Zelenko
Frelinghuysen	Metcalf	
Friedel	Miller, Calif.	

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.