EXTENSION OF REMARKS

Mr. WHITE of Idaho asked and was given permission to extend his remarks and include an article entitled "The Lure of Socialism" which is estimated by the Public Printer to cost $266.50.

Mr. JUDD asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. SHORT asked and was given permission to extend his remarks and include two newspaper articles.

Mr. McGREGOR asked and was given permission to extend his remarks.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until Wednesday, September 13, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the XXIV, executive communications were taken from the Speaker's table and referred as follows:

1668. A letter from the Secretary of Defense, transmitting a report of the actions taken by the Department of Defense to carry out the intent of the Congress that small business be afforded an opportunity to participate in military procurement, pursuant to section 632, Public Law 434, Eighty-first Congress; to the Committee on Armed Services.

1669. A letter from the Acting Federal Housing Commissioner, transmitting a report prepared by the Federal National Mortgage Association on its activities during the period January 1, 1950, through June 30, 1950, pursuant to section 306 of title III of the National Housing Act, as amended by Public Law 864, Eightieth Congress, approved July 1, 1948; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ENGLE: Committee on Public Lands. H. R. 8821. A bill authorizing payment to certain States amounts withheld from grazing fees on public lands; without amendment (Rept. No. 3050). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on Merchant Marine and Fisheries. S. 2477. An act to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard; without amendment (Rept. No. 3051). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on Merchant Marine and Fisheries. S. 3123. An act to amend section 5 of the act of February 26, 1944, entitled "An act to give effect to the Provisional Fur Seal Agreement of 1942 between the United States of America and Canada; to protect the fur seals of the Pribilof Islands; and for other purposes"; without amendment (Rept. No. 3052). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON:

H. R. 9629. A bill to establish the United States Marine Corps as a separate branch of the Armed Forces, to create the Department of the Marine Corps, and for other purposes; to the Committee on Armed Services.

H. R. 9630. A bill to provide for the establishment of a United States Marine Corps Academy; to the Committee on Armed Services.

By Mr. McCARTHY:

H. R. 9631. A bill relating to the promotion to regular employees of certain substitute postal employees in the field service of the Post Office Department who are veterans of World War II; to the Committee on Post Office and Civil Service.

By Mr. WHITE of California:

H. R. 9632. A bill to authorize the Secretary of the Interior to undertake the North Fork Kings River development, California, as an integral part of the Central Valley project, and for other purposes; to the Committee on Public Lands.

By Mr. HOBBS:

H. R. 9633. A bill to amend the Federal Tort Claims Act; to the Committee on the Judiciary.

By Mr. FALLON:

H. Res. 841. Resolution opposing the seating of Communist China in organs of the United Nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 9634. A bill for the relief of Albertha Y. M. Arrindall; to the Committee on the Judiciary.

By Mr. HESELTON:

H. R. 9635. A bill for the relief of Sarah A. Davies; to the Committee on the Judiciary.

By Mr. MOULDER:

H. R. 9636. A bill for the relief of Mrs. Margaret Page Harris; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. R. 9637. A bill authorizing the admission of Charles I. Hupman to the United States Naval Academy; to the Committee on Armed Services.

By Mr. WALTER:

H. R. 9638. A bill for the relief of Dr. Guiseppe Mazzone; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2364. By the SPEAKER. Petition of Mr. George M. Strayer, secretary, American Soybean Association, Hudson, Iowa, requesting that they be placed on record as urging ECA to give early and serious attention to the possibilities of placing soy flour in its proper and important place in the program; to the Committee on Agriculture.

2365. Also, petition of Minnie F. Barber and others, St. Cloud, Fla., requesting passage of House bills 2135, and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2366. Also, petition of Mrs. Mervin Henry and others, Orlando Townsend Club No. 2, Winter Park, Fla., requesting passage of House bills 2135, and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

TUESDAY, SEPTEMBER 12, 1950

(Legislative day of Thursday, July 20, 1950)

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

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

Our Father God, whose power is unsearchable and whose judgments are a great deep, we would quiet our hearts in Thy presence; we would be still and know that Thou art God. We come as citizens of the world acknowledging our oneness with all humanity, humbling ourselves in penitence for our boastful pride, confessing our share in the evil that has brought confusion and ruin on the earth and praying for an ordered society of nations that shall give substance and hope to man's dream of brotherhood. O Thou who hast so made this world that whatsoever man sows he reaps, beget in us that holy fear of Thee which is the beginning of wisdom, that we may amend our ways and choose life, not death, the blessing, not the curse. So minister to our needs that as we take up our tasks we shall see life steadily and see it whole and discern in it Thy purpose for us and for our fellows. In the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 11, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

Mr. McFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Graham	Lehman
Benton	Green	Lodge
Bricker	Gurney	Long
Butler	Hendrickson	Lucas
Byrd	Hickenlooper	McCarran
Cain	Hill	McCarthy
Chapman	Hoey	McClellan
Chavez	Holland	McFarland
Connally	Humphrey	McKellar
Cordon	Hunt	McMahon
Darby	Ives	Magnuson
Douglas	Jenner	Malone
Dworshak	Johnson, Tex.	Martin
Ecton	Kefauver	Millikin
Ellender	Kem	Morse
Ferguson	Kerr	Mundt
Frear	Kilgore	Murray
Fulbright	Knowland	Neely
George	Langer	O'Conor
Gillette	Leahy	O'Mahoney

Robertson	Taylor	Wherry
Russell	Thomas, Okla.	Wiley
Schoeppel	Thye	Williams
Smith, Maine	Tydings	Young
Sparkman	Watkins	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The Senator from Ohio [Mr. TAFT] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD without debate and without speeches.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred, as indicated:

SUPPLEMENTAL ESTIMATES, FEDERAL SECURITY AGENCY (S. DOC. NO. 228)

A communication from the President of the United States, transmitting supplemental estimates of appropriation, in the amount of $25,190,000, fiscal year 1951, for the Federal Security Agency (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

GRANTING OF APPLICATION FOR PERMANENT RESIDENCE TO HALINA BILMANIS

A letter from the Acting Attorney General, transmitting, pursuant to law, a copy of the order of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence of Halina Bilmanis (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, his twelfth quarterly report on export control (with an accompanying report); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

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

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the committee on the part of the Senate.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted at the sixty-fifth biennial national convention of the Ladies' Auxiliary, Ancient Order of Hibernians of America, in Boston, Mass., renewing their declaration of allegiance to the Constitution of the United States, and so forth, which was referred to the Committee on Foreign Relations.

COMMUNISM—RESOLUTION OF LOCAL NO. 8, UNITED PACKINGHOUSE WORKERS OF AMERICA, OMAHA, NEBR.

Mr. BUTLER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by local No. 8, United Packinghouse Workers of America, at a meeting in Omaha, on September 8, 1950, relating to communism. This resolution is indicative of the patriotic attitude of labor unions in Nebraska.

There being no objection, the resolution was referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

Whereas communism and the tactics used by the Communist Party and its members is an insult to every patriotic citizen of America; and

Whereas the Communist Party and its members through lies and sabotage, for the present are attempting to undermine our form of government through the sale and distribution of un-American literature; and

Whereas they are now in the process of using the mail to distribute the Stockholm peace petitions here in Omaha, as well as in other cities of the Nation. The drive for signatures to this petition was started seriously here on July 24 and many innocent people such as mothers of boys being called into the service, wives of men being recalled, fathers of men being called into the service and other members of the families have received the petitions through the mail on that day and in their hopes for peace at any price to save their loved ones, may have been duped into acquiring signatures to these petitions. Not realizing that in so doing they were sticking a knife into the backs of the boys fighting Communist aggression in Korea, and into the backs of their own country; and

Whereas the Communist paper, the Daily Worker, has from its inception done nothing but advocate the overthrow of our form of government through subterfuge, sabotage and if necessary by force: Therefore be it

Resolved, That we petition the council of the city of Omaha, to draw up an ordinance prohibiting the sale and passing out of Communist literature, and be it further

Resolved, That we petition the State and national legislative bodies to formulate laws to the effect that will bar the distribution of Communist literature through the mails, the sale or passing out of such literature and finally the outlawing of the Communist Party within our State and Nation's borders.

NELS PETERSEN,
President, Local 8.

REPORT OF A COMMITTEE

Mr. CONNALLY, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 511) providing for recognition and endorsement of the Inter-American Cultural and Trade Center, reported it without amendment, and submitted a report (No. 2556) thereon.

TRIBAL OWNERSHIP OF CERTAIN LANDS UPON THE COLVILLE INDIAN RESERVATION, WASH.—MINORITY VIEWS (PT. 2 OF REPT. NO. 826)

Mr. BUTLER, as a member of the Committee on Interior and Insular Affairs, submitted his minority views on the bill (H. R. 2432) restoring to tribal ownership certain lands upon the Colville Indian Reservation, Wash., and for other purposes, which were ordered to be printed.

BILLS INTRODUCED

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

By Mr. TAYLOR:

S. 4144. A bill for the relief of Olga Carrazzi; to the Committee on the Judiciary.

(Mr. BENTON (for himself, Mr. SPARKMAN, Mr. MCMAHON, and Mr. CAPEHART) introduced Senate bill 4145, to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes, which was read twice by its title, and ordered to lie on the table.)

REPLY TO ATTACK ON FARMERS UNION

Mr. MURRAY. Mr. President, a few days ago a slashing attack was made on the floor of the Senate against the National Farmers Union and its officers by the distinguished senior Senator from New Hampshire. At that time I was engaged in conducting a hearing on the labor-management relations in the American telephone industry, and was

therefore unable at the moment to express my surprise and dismay at the attack made by the Senator from New Hampshire on a great American farm organization—an organization comprised of honest, hard-working farm people whose only desire and aim is to foster and protect the democratic institutions of this country.

The theme of the Senator's attack on the Farmers Union seems to be that the Farmers Union is a Communist-front organization and its officers are fellow travelers actively connected up with the Communist movement in this country. This, of course, is a complete falsehood and a slander of thousands of fine, patriotic citizens of my State who belong to this splendid organization of farmers. The National Farmers Union in Montana has given fine, wholehearted support to every program for improving the economic conditions of the farmers of my State and for the welfare of the people of Montana as a whole.

For long years Montana had been the victim of exploitation by the big interests of the United States through the tariff system and through the monopolistic practices which had developed in our capitalistic system, which had brought the farmers of Montana to the verge of bankruptcy. The policies and the programs of the Farmers Union were designed to rescue our State from the effect of these conditions. Its program was to sponsor the small, family-sized farm and protect the farmers from exploitation through the manipulation of farm prices, which for years had created for them a precarious livelihood.

It sponsored the national programs of reclamation, power development, rural electrification, and all other national farm programs for the improvement of the economic life of American farmers and the national welfare. The Farmers Union in Montana is one of the most popular and patriotic organizations ever set up in my State, and its officers and members comprise a body of citizens whose integrity and patriotism and support of American institutions can never be questioned.

Mr. President, there seems to be a broad political movement on foot in this country to attack every liberal, democratic organization which has been set up for the purpose of improving the economic welfare of our people. This trend is demonstrated by the several attacks being made on the floor of the Senate by leaders of the Republican Party against distinguished Government officials. The purpose seems to be to confuse the American people in regard to the loyalty and patriotism of members of the Government in regard to national programs for the benefit of the American people.

The VICE PRESIDENT. The Chair inquires whether the Senator from Montana is delivering an address, because the order for the transactions of routine business provides that routine insertions be made without speeches or debate.

Mr. MURRAY. I thought I would be allowed to proceed for 5 minutes.

The VICE PRESIDENT. No; there is no rule with respect to that. We have only 5 minutes more until the time is divided.

Mr. MURRAY. Mr. President, I ask to have inserted in the RECORD at this point several editorials, columns, and press dispatches dealing with this subject which go to show how utterly without foundation is this program of the National Republican Party to smear decent, patriotic citizens and organizations in our country.

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

[From the Washington Post of September 11, 1950]

FARM UNION CHARGE IS DENIED

An assertion by Senator BRIDGES, Republican, of New Hampshire, that Communists appear to have taken over the Farmers Union was promptly denied yesterday by the farm organization.

Senator BRIDGES told the Senate Thursday that Communists often have boasted that they had been successful in their efforts to take over the organization.

In Washington, the organization issued a statement in the names of President James G. Patton, calling Senator BRIDGES' charges a lie and saying "it is significant that the smear was mouthed from the immunity of the Senate floor." Senators cannot be sued for anything they say on the floor.

Senator HUMPHREY, Democrat, of Minnesota, replied to Senator BRIDGES, too. He called the speech cheap politics and said it contained "warmed-over biscuits, same old junk, same old bunk."

In citing examples of what he said was pro-Communist activity by the Farmers Union, BRIDGES mentioned the Iowa Farmers Union.

He said the president of the Iowa group is F. W. (Fred) Stover and identified him as one of the leaders of the Communist-dominated Progressive Party.

Moreover, BRIDGES said the June 17 issue of the Iowa Union Farmer, which he described as "Mr. Stover's paper," carried an appeal for signatures to the Stockholm peace petition. That petition, BRIDGES said, is a Communist-inspired propaganda move.

[From the Washington Star of September 11, 1950]

SCHOEPPEL HARPOONED—CHAPMAN ROUTS ACCUSER IN SENATE; RED CHARGES SMELL FISHY (SALMON)

(By Doris Fleeson)

When Senator SCHOEPPEL entered the caucus room to hear Secretary of the Interior Chapman answer the Schoeppel imputations of treason against him, photographers asked the Kansas Republican to sit down by the Secretary and pose for pictures.

Senator SCHOEPPEL, attracting attention for the first time in 2 years in Washington, obliged with a big smile and commented to the man he had defamed: "This is one thing we agree on anyway."

"We agree on only one thing, Senator," Secretary Chapman retorted, "which is that this is the first time you ever saw or talked to me."

HARPOONS ACCUSER

An angry man, the Secretary then launched an offensive which not only demolished the jerry-built Schoeppel case but put the Senator so thoroughly on the defensive that his Republican colleagues are now apologizing for him. Mr. Chapman, normally so agreeable, harpooned his accuser repeatedly, finally daring him to change places and repeat under oath but without congressional immunity the speech he had made on the Senate floor. Senator SCHOEPPEL did not move nor speak.

The coup de grace was administered by Secretary of the Senate Biffle. He testified that Senators, including, of course, Mr. SCHOEPPEL, took the ceremonial oath in public and signed the loyalty oath separately, exactly as Secretary Chapman did. Senator SCHOEPPEL had made much of Chapman's being sworn in in this manner, hinting it made him blood brother to Alger Hiss.

A strong fishy odor, salmon to be exact, surrounds the sorry episode. Statehood for Alaska and Hawaii is near, thanks to the devoted efforts of Mr. Chapman among others. Their bitterest opposition has come from the Alaska salmon industry. All other arguments having failed, the charge of communism against statehood advocates is now being tried.

The Chapman attack was conspicuously not planned—indeed it could not have been—on a reclamation State Senator. These, together with their constituents, know Chapman's work and character. Such a Senator could be hurt at home or by Chapman's withdrawal of confidence in him.

CHAGRIN PUT BLUNTLY

Why did Senator SCHOEPPEL buy such a pup? Perhaps he thought he would help his party, a la MCCARTHY. Perhaps he only wanted some of that publicity which seems to come so easily to some politicians, including his very junior colleague, Senator DARBY, who is here briefly by appointment. But Senator DARBY had already won many friends as national committeeman and is besides so human, fair, and agreeable a person that Republicans have long tried to draft him as national chairman.

One Republican put his political chagrin bluntly: Neither Senators MCCARTHY nor SCHOEPPEL had anything, he said, but Senator MCCARTHY had caught on, anyway, and now Senator SCHOEPPEL has diminished MCCARTHY's effect.

One thing Senator SCHOEPPEL did prove: The big-lie technique is not for sissies. The Kansan had approximately the same amount and nature of proof as Senator MCCARTHY but kept insisting he wasn't really charging anything and he crumpled under determined attack.

Reporters, by this time connoisseurs of character assassination, decided they preferred Senator MCCARTHY. "He's a bad actor and doesn't try to hide it," one explained. "SCHOEPPEL insists upon being sanctimonious about it."

They were also counting on their fingers: 7 weeks until election and seven Cabinet officers to go. Who's next?

[From the Washington Post of September 11, 1950]

GUILT BY INTERROGATION

In his attack on the loyalty of Secretary of the Interior Chapman the other day, Senator SCHOEPPEL maintained a pretense that he was making no accusations, but was merely asking questions. His questions were answered by the Secretary fully and forthrightly and with documentation at a hearing Thursday morning. Will the Senator now make suitable amends for an error and an injustice which he committed either consciously or unconsciously?

One consequence of his error is an Associated Press report from Bellingham, Wash., that an invitation extended to the Secretary to speak at an international boundary peace arch celebration on September 22 has been canceled because his record had been questioned by a Member of the Senate. It

happens that this story is a fabrication. The invitation was declined by Mr. Chapman on August 26 because of the press of other engagements. Apparently an attempt is under way to make political capital of Senator SCHOEPPEL'S questions. Does Senator SCHOEPPEL want to lend himself to this attempt?

In the overheated atmosphere of today, the mere questioning of a Federal official's loyalty can be extremely damaging—even when, as in this case, the questioning is patently capricious and unwarranted. The technique of imputing guilt by accusation has now been made familiar by Senator MCCARTHY; perhaps Senator SCHOEPPEL has discovered a refinement—the imputation of guilt by interrogation. It could have even more disastrous effects upon national unity. The Senator can, of course, repair the injustice for which he was responsible by acknowledging that it was founded upon error.

[From the Washington Evening Star of September 8, 1950]

THE CASE AGAINST MR. CHAPMAN

"I have before me a memorandum covering a check of the personnel records, files and publications of the Committee on Un-American Activities dated May 3, 1950, which shows that as early as August 1938—at the time that Alger Hiss was secretly purloining state secrets for Russia—Oscar Chapman, then Assistant Secretary of the Interior, was a member of the American League Against War and Fascism. This outfit has been officially branded as a simon pure and unchallenged transmission belt of the Communist Party in America."

The above is a direct and representative quotation from the speech by Senator SCHOEPPEL, Republican, of Kansas, attacking the Secretary of the Interior.

At the outset, the Kansas Senator had said that he was not charging anyone with disloyalty, with treasonable acts, or with perjury. Then he proceeded, by a process of innuendo, to link Mr. Chapman and some of his associates in the Interior Department with one or all of these offenses.

This procedure would have been questionable enough if the basis of Senator SCHOEPPEL'S case has been new. Even in that event, before making such an attack on a Cabinet member, one would think that, at least, he would have asked Mr. Chapman for an explanation. But the Senator was dealing with old stuff. In 1948 a House committee headed by Republican Representative HOFFMAN, of Michigan, a zealous foe of communism in all forms and guises, had gone into the same complaints against Mr. Chapman. The latter appeared before the House committee, under oath, and denied or explained all of the accusations to Mr. HOFFMAN'S satisfaction—as he did in a repeat performance yesterday before Senator O'MAHONEY'S committee.

In consequence, there is nothing left of Senator SCHOEPPEL'S case. It has simply collapsed. All that remains is the question as to why a Senator who has not been given to flighty sensationalism would pull such a fantastic boner. At first blush, the inclination is to seek a motive in partisan politics. It is hard to credit this, however, since even a casual investigation would have shown the Republicans that the attack would blow up in their faces. Another possibility has been mentioned by Senator MURRAY. He suggests that the United States, at the rate it is going, "is gradually becoming one grand transmogrified lunatic asylum." A few more "exposés" like this one, and we will have to start building asylums on every street corner.

[From the New York Times of September 10, 1950]

GOP HEADS REFUSE TO BACK SCHOEPPEL—TAFT, CHIEF OF POLICY UNIT, SAYS IT DISAVOWS RESPONSIBILITY ON CHAPMAN ACCUSATION

WASHINGTON, September 9.—The Senate Republican Policy Committee refused today to back Senator ANDREW F. SCHOEPPEL, Republican, of Kansas, in his charges of Communist activity in the Interior Department.

Senator ROBERT A. TAFT, Republican, of Ohio, chairman of the group, told reporters "the policy committee disavows all responsibility for Senator SCHOEPPEL'S charges."

The announcement emphasized the concern with which Republican leaders viewed Mr. SCHOEPPEL'S accusation that Secretary of the Interior Oscar L. Chapman had "a strong and close personal alliance" with the Soviet Russian cause.

The Republican National Committee issued a statement yesterday saying that it had had no advance knowledge of Mr. SCHOEPPEL'S accusation.

Mr. SCHOEPPEL himself has conceded, after hearing a sharp reply from Mr. Chapman, that his own language may have been "a little strong."

In his attack, delivered in a Senate speech Tuesday, Mr. SCHOEPPEL also had charged Communist infiltration into leadership of the fight for Alaskan statehood. Several of those he accused have made documented denials, and the others are awaiting their turns to make similar denials at an official Senate inquiry.

GOP WORRY SAID TO MOUNT

Republican worry was said to have mounted when Mr. SCHOEPPEL yesterday told the Senate Interior Committee investigating his charges that he was marshaling new documents and wanted to call his own witnesses to back up his story.

Senator JOSEPH C. O'MAHONEY, Democrat, of Wyoming, chairman of the committee, said the requests would be granted.

Mr. TAFT told reporters that Mr. SCHOEPPEL had consulted with none of the GOP leaders who constituted the policy committee, and that the group had nothing to do with his fight.

"I hope Senator SCHOEPPEL knows what he's doing," said another Republican leader, declining to be identified. "My advice would have been to accuse nobody of anything unless you have ironclad proof."

At a public hearing yesterday, Randolph Feltus, former publicity man for the Alaskan Statehood Committee, denied Mr. SCHOEPPEL'S charges that he was or is an "agent of the Kremlin via Warsaw." He said he was not a Communist, knows no Russians, and that Mr. SCHOEPPEL'S charges were "ridiculous."

WORK FOR POLAND INVOLVED

Mr. SCHOEPPEL contended that Mr. Feltus must have been an agent for the Kremlin because he did public-relations work here for Communist Poland.

Mr. Feltus retorted that he did nothing disloyal, and that while he was retained as public-relations man for the Polish Embassy here he also wrote a letter in 1948 which 26 Republican Senators—Mr. SCHOEPPEL being one of them—signed and sent to the White House urging that the United States back Indonesia's fight with the Netherlands.

He suggested that "guilt by association" was something that could "cut both ways."

Mr. SCHOEPPEL remained silent through the testimony, then asked for the right to bolster his case.

The Senator declined to tell reporters whom he planned to call as witnesses, or what documents he was readying, except that one witness would be his administrative assistant, Frank T. Bow. Mr. Bow is a Republican candidate for Congress in Ohio, and the man who dug up most of the information, Mr. SCHOEPPEL said, on which his charges were based.

Mr. MURRAY. Mr. President, I also ask to have inserted in the RECORD a telegram which I have just received from Mr. James G. Patton, of the Farmers Union, in regard to the charges made by the Senator from New Hampshire against his organization.

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

DENVER, COLO., *September 10, 1950.*

Senator MURRAY,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name-calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29, an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizen, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent-family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health-insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

THE FARMERS UNION—TELEGRAM FROM JAMES G. PATTON

Mr. MORSE. Mr. President, I have received a telegram from Mr. James G. Patton, president of the Farmers Union, and I ask to have it incorporated in the body of the RECORD as part of my remarks.

Let me say that I think that when an organization like the Farmers Union is attacked on the floor of the Senate, some Senators should be willing to be the spokesmen through whom the Farmers Union can reply. In my opinion Mr. Patton's telegram is an adequate reply to the attack which was made upon the Farmers Union the other day in the Senate. I think the attack on the Farmers Union was unjustified. So far as the Farmers Union in the State of Oregon is concerned, there was no basis for the attack made by the Senator from New Hampshire [Mr. BRIDGES].

In my opinion, Mr. Patton, the president of the Farmers Union, is as loyal a citizen as there is in the United States, and Mr. Ronald Jones, the president of the Farmers Union in Oregon, is a fine patriotic citizen. I deplore the growing tendency in the Senate to use the floor of the Senate as a forum for accusing fellow citizens of disloyalty to their Government and offering not a scintilla of proof in support of such charges. Trial by accusation and placing the burden of proof on those accused to prove their innocence is not compatible with basic principles of American justice. Once such accusations as those which have been made against the Farmers Union are spoken on the floor of the Senate great damage is done to the officers of that union because many people will assume the charges are true because some Senator made them on the floor of the Senate. I am glad to offer Mr. Patton's telegram as a reply to the unfortunate remarks of the Senator from New Hampshire [Mr. BRIDGES].

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

DENVER, COLO., *September 10, 1950.*

Senator MORSE,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29 an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

"We are for the freedom and dignity of the individual citizen, and we will continue to oppose any hysteria-spawned legislation that threatens that freedom and dignity.

"We are for the independent family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

THE FARMERS UNION

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams from James G. Patton, president of the National Farmers Union.

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

DENVER, COLO., *September 9, 1950.*

Hon. HUBERT HUMPHREY,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: My sincere thanks for effectively answering the malicious attack of Senator BRIDGES upon this 48-year-old farm organization. This attempted smear of the good name of an organization democratically participated in and controlled by its 400,000 voting members on America's farms should react to the discredit of Senator BRIDGES and of those whose tool and agent he was. This was a malicious attempt to injure many hundreds of farmer cooperatives whose operations improve the security and standard of living in rural America. It was an attack upon the moral and ethical convictions of thousands of Catholics and adherents of other religious faiths, Republicans and Democrats who, as farmers on the land, find in the Farmers Union a common ground and a strength for their common good. Not the Farmers Union but this attack is un-American. The national board, composed of all State Farmers Union presidents, is in regular session and will issue a statement on the BRIDGES attack. Shall mail you copy.

Respectfully,

JAMES G. PATTON,
President, National Farmers Union.

DENVER, COLO., *September 10, 1950.*

Senator HUMPHREY,
Senate Office Building,
Washington, D. C.:

In order that you may have it at the earliest possible moment for whatever use you can make of it, I am wiring you, as follows, the text of a resolution just adopted by the board of directors of the National Farmers Union:

"Senator BRIDGES' attack in the Senate on the National Farmers Union has done a disservice to the cause of truth and decency by resorting to the tactics made infamous by totalitarian dictators in Italy, Germany, and Russia. His assignment to such a role in the Washington drama of terrorism and deception obviously was made because he has no Farmers Union members in his State, and therefore he can safely pretend to bravery in his name-calling. Few will envy him the responsibility he has accepted for this unsavory attack on the second oldest farm organization in the United States, an organization whose basic political philosophy has its roots deep in the American soil and in the fundamental principles of democracy.

"The speed with which fellow Senators repudiated the charges made by BRIDGES is clear indication of the lack of foundation for the statements.

"As every honest observer knows, the Farmers Union is not communistic and is not a Communist-front organization. Farmers Union officials on many occasions have denounced communism as well as other forms of totalitarianism. For example, on July 29, an official statement of the president, approved by the executive committee, charged the North Korean aggressors had been trained and agitated into waging war on South Korea by Russia.

"We, the democratically elected presidents of State Farmers Union organizations, constituting the board of directors of the National Farmers Union, and representing more than 400,000 farm people, support and approve that declaration.

"The Farmers Union will not be diverted in its determination to follow the course it has pursued for 48 years, that of fighting for the interests of family farmers, who represent the bulwark of democracy in this great Nation. We will not be muzzled by such use of fear techniques of dictatorship.

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"We are for the independent family farm operator, and we will continue to fight for the Brannan farm program and any other legislation that we regard as aiding family farmers.

"We are for a healthy nation, and we will continue to fight for a national health insurance program.

"We are for the strengthening of such instruments of true democracy as farmer cooperatives, and we will continue to fight the monopolies that seek to tear down these instruments.

"We are for genuine international collaboration to build a peaceful and prosperous world, and we will continue to support wholeheartedly the United Nations.

"We herewith rededicate ourselves to the ideals of our organization and pledge ourselves to answer any and all attacks by building a Farmers Union increasingly more effective for the strengthening of democracy."

JAMES G. PATTON.

FIELD DAY AT THE FARM OF HERBERT BRUCE THOMSON, AT FOREST, VA.—ADDRESS BY SENATOR BYRD

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address delivered by him at the field day at the farm of Mr. Herbert Bruce Thomson, Forest, Va., which appears in the Appendix.]

RESIGNATION OF MORRIS SHENKER FROM DEMOCRATIC NATIONAL FINANCE COMMITTEE

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him relative to the resignation of Morris Shenker from the Democratic National Finance Committee, which appears in the Appendix.]

THE SUNKEN BATTLESHIP "ARIZONA"—ARTICLE FROM THE DENVER KIWANIAN

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article with respect to the sunken battleship *Arizona*, published in the Denver Kiwanian, which appears in the Appendix.]

UNITED STATES POLICIES CONFUSE EUROPE—ARTICLE BY KARL H. VON WIEGAND

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "United States Policies Confuse Europe," written by Karl H. Von Wiegand, and published in the San Francisco Examiner on September 3, 1950, which appears in the Appendix.]

"TO MALIK" IS TO LIE—ARTICLE BY DEWEY L. FLEMING

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an article entitled "'To Malik,' Voice Tells World, Means Violent Repeated Lying," written by Dewey L. Fleming and published in the Baltimore Sun August 26, 1950, which appears in the Appendix.]

DEMOCRATIC FUNCTIONS OF LABOR—EDITORIAL FROM THE EUGENE (OREG.) REGISTER-GUARD

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Democratic Functions of Labor," published in the Eugene (Oreg.) Register-Guard of September 4, 1950, which appears in the Appendix.]

HOW THE PUBLIC WAS DELUDED—EDITORIAL RESEARCH REPORTS

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "How the Public Was Deluded," by Editorial Research Reports, published in the Portland Oregonian of August 13, 1950, which appears in the Appendix.]

WHY UNITED STATES BEARS BRUNT—ARTICLE FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "Why United States Bears Brunt," published in the Christian Science Monitor of Wednesday, September 6, 1950, which appears in the Appendix.]

WHY WERE WE DECEIVED—EDITORIAL FROM THE PORTLAND OREGONIAN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Why Were We Deceived," published in the Portland Oregonian of August 12, 1950, which appears in the Appendix.]

TAX LOOPHOLES

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an article entitled "Senate Unit Is Wall Street Santa," from the September 4 issue of Trainman News, which appears in the Appendix.]

UNITED STATES RACE BIAS COST

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an article entitled "United States Race Bias Cost Is Put at Billions," written by Edmond J. Bartness and published in the New York Times of September 8, 1950, which appears in the Appendix.]

IRRESPONSIBLE YEARS—EDITORIAL FROM THE WASHINGTON EVENING STAR

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an editorial entitled "Irresponsible Years," published in the Washington Evening Star of September 12, 1950, which appears in the Appendix.]

FREEDOM FIGHTS BACK—ARTICLE FROM THE CHRISTIAN SCIENCE MONITOR

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks an article entitled "Freedom Fights Back," by Volney D. Hurd, chief of the Paris News Bureau of the Christian Science Monitor.

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

FREEDOM FIGHTS BACK—COMMUNISTS LOSE GRIP IN FRANCE

(By Volney D. Hurd)

PARIS.—The Fourth Republic came into being with "built-in communism."

This is the fundamental point to remember when weighing the role of France today. Add to this the fact that built-in communism found itself with a rich field for its kind of nourishment—a France weakened and impoverished physically, morally, and spiritually by two wars and 4 years of Nazi occupation—and the remarkable thing is that France is making as much effort as it is to start fighting back.

Communists in France even had an added advantage—they played a strong role in the resistance movement against the Nazis. Actually, they had been for the Germans before the latter invaded Russia. The Communist daily paper L'Humanité has the doubtful honor of being the only paper which continued to be published under the Nazis in its original form—and still is published today.

JOINED FORCES IN COMMON STRUGGLE

But what these French Communists were fighting for really was communism's international imperialist objectives. The real Marxist follows the dictates of the Kremlin with fanatical vigor. Thus when Hitler attacked Russia, the Communists suddenly found themselves on the same side as the patriotic French—who had long been opposing the Germans.

In that common struggle everyone joined forces. The Communists did a fine job, the kind expected from hard-boiled revolutionaries, long trained in secret operations. The French found themselves admiring these hard-hitting undercover men—and letting down their mental barriers.

When the liberation came the Communists were the first to rush in and seize arms—which they stockpiled immediately as a future arsenal, to be used against the French Government, many believed. They were ready to help the Government get started, too. The French in their emotional letdown after the liberation were easy victims for skillful Communist maneuvering. Their patriotism had been touched deeply by the Communist fighters. Communism still was just a minor political party in France. Let us give them equality they have earned and let them into the Government, the French people reasoned.

So the Communists began to play a major role from the first. When the Fourth Republic was formed, they had a strong voice in writing its constitution—as usual, taking care that it looked legal but was built to serve Communist ends. When they got into the government, they appeared to play a straight role. This was built-in communism.

But what they did was to put into permanent civil service positions so many thousands of Communists that even today, with all the efforts made by non-Communist governments to get rid of such persons, the bureaucracy is shot through with them.

When the Communists, who felt they were strongly entrenched, pulled a walkout while Socialist Paul Ramadier was premier, they made their first big misstep. M. Ramadier quickly closed the door on them—and they never have been back in the government since. But since they had so infiltrated the government, it is not hard to see how they built up a following of some 30 percent of the French voters with promises and handouts. They also infiltrated French working life everywhere, both in the city and country. From these vantage spots they have played the Kremlin game well.

But slowly the French have come to see what communism is. When the Communist trade-union organization called two big general strikes 2 years in succession, the government did not crack down with a heavy hand. It would have meant riots, with useful martyrs for the Communists and public indignation against the police.

Instead, the strikes were "contained" and gently pushed and shoved and slowed down in a sort of elastic defense. This served two purposes. It not only prevented martyrdom and antipolice feeling, but it made the issue last long enough to greatly discomfort the common man. It also let him see for himself what force really was operating.

Twice in succession it happened—and then the strike was finished as a useful weapon. When Moscow ordered open opposition to the landing of American arms, the game was up. The French Communist Party no longer could pose as a friend of France.

PAPERS LOSE HALF OF CIRCULATION

Today the major Communist newspapers have lost more than half their circulation. The smaller ones have gone out of business. The party membership rolls have gone away down. So has the Communist labor union's influence.

Thanks to Marshall plan aid, France has managed to hold its own economically. This aid likewise has reduced the number of dissatisfied Frenchmen on whom communism can build its power. Now the situation is at the point where the Pleven government can prepare to crack down on Communists. It has the strong hand of Jules Moch, who handled the two general strikes and now is minister of defense. Practically speaking, M. Moch also has the vital Ministry of Interior as well.

Perhaps there is a connection between all this and the demand by 80 French Communists deputies for visas for themselves and families to spend vacations this year behind the iron curtain.

TRIBUTE TO SENATOR VANDENBERG

Mr. WILEY. Mr. President, as the days of the second session of the Eighty-first Congress draw to a close, I should like to take but a few moments of the Senate to voice what I am sure are the feelings of every last Member of this august body concerning one of our dear colleagues who unfortunately has not been with us in recent months. I refer, of course, to the distinguished senior Senator from Michigan [Mr. VANDENBERG].

The very mention of the name of this great statesman is all the tribute that is necessary to him. The name "Vandenberg" has come to signify the very finest in American public life.

During these recent weeks, when American foreign policy has experienced a particular crisis, we have felt more keenly than perhaps ever before the fact that unfortunately his health has not been such as to enable him to be with us. We have indeed felt him, however, to be with us in spirit, helping to guide us; particularly in the Senate Foreign Relations Committee. There is barely a passing day in which one of us does not remark publicly or among ourselves how we wish "Van" were with us in person to help us meet the great challenge to our country.

ARTHUR VANDENBERG has set standards of leadership which every single one of us in this Chamber would indeed like to follow.

As this second session draws to a close, therefore, I would not let this opportunity pass without rising to speak the prayer in the hearts of all of us that our great associate may return to this Chamber, his health restored. In the loss of his dear wife he has experienced a sad blow, and his unfortunate illness has further added to his personal burden.

But we here in this Chamber send to Van our warmest greetings, our sincerest hopes that the sorrows of the past will be replaced by a brighter tomorrow, so that he can resume his magnificent role in foreign and domestic policy.

THE TRAGIC RAILROAD WRECK INVOLVING THE TWENTY-EIGHTH (PENNSYLVANIA) DIVISION

Mr. MARTIN. Mr. President, I rise with a heavy heart to refer briefly to the railroad wreck which yesterday struck such a heavy blow at the famous Twenty-eighth Division in which I served for many years.

The wreck cost the lives of 33 soldier-sons of Pennsylvania and brought serious injury to many others. Only a few hours earlier they had bid good-by to their loved ones as they entrained for service in our country's cause. Only a few days ago the Twenty-eighth Division had been federalized, the largest National Guard unit to be called into active service since Communist aggression in Korea plunged us into war.

The heaviest casualties were borne by Battery B of the One Hundred and Ninth Field Artillery, from Wilkes-Barre, in the anthracite region of my State.

Mr. President, the One Hundred and Ninth Field Artillery is one of the oldest and proudest military outfits in the United States. Its history dates back to the Revolutionary War, when it gave three companies to the Continental Army and served under General Washington's command at Brandywine and Germantown. It fought in the Battle of Wyoming which preceded the Wyoming massacre in 1778.

In the Mexican War this historic outfit saw combat service at Vera Cruz and Cerro Gordo, and in the Civil War it fought for the preservation of the Union at Chancellorsville, Gettysburg, the Wilderness, Spottsylvania, and Petersburg.

It was designated as the Ninth Pennsylvania Volunteer Infantry in the Spanish-American War, and became the Third Pennsylvania Field Artillery during its service on the Mexican border.

The organization became the One Hundred and Ninth Field Artillery of the Twenty-eighth Division in World War I and covered itself with glory in every campaign in which the division was engaged.

In World War II the heroic fighting qualities of the One Hundred and Ninth Field Artillery added new honors to its distinguished record.

Mr. President, I know that every American is saddened by the heavy burden of tragedy and grief brought to the families of the boys who died in the wreck.

The disaster brings the war closer to every one of us and should strengthen our determination to mobilize all our material and spiritual resources in the cause of freedom.

As individual citizens we must dedicate all our energies to the service of our country. We must abandon all thought of personal gain or advantage. We must be prepared for patriotic sacrifice.

Mr. President, in the crisis confronting our Nation selfishness is sabotage—profiteering is treason.

In this war for the survival of the American Republic halfway measures can only bring us to disaster. We must have the strongest military power that can be assembled by ourselves and our allies of the United Nations, with universal military service as the great reservoir of trained manpower.

We must have a strong economy at home in order to sustain the cost of war, as far as possible, on a pay-as-you-go basis.

We must prevent inflation by sound fiscal policies and by imposing effective restrictions on the use of credit.

We must destroy the influence of communism in our midst by the enactment and strict enforcement of strong restrictive laws against the enemies of our form of government.

And, furthermore, we must be strong morally and spiritually, living in righteousness, as an example to all the world of our faith in God and submission to the divine will as we strive for peace and freedom, based on justice, tolerance, and brotherhood.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

The VICE PRESIDENT. The hour of 12:30 having arrived, under the unanimous-consent agreement, the time between now and 1 o'clock is divided equally between the proponents and the opponents, to be controlled by the Senator from Nevada [Mr. MCCARRAN] and the Senator from West Virginia [Mr. KILGORE].

The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. MUNDT], for himself, the Senator from Michigan [Mr. FERGUSON], and the Senator from South Carolina [Mr. JOHNSTON].

Mr. MCCARRAN. Mr. President, I yield 7½ minutes to the Senator from South Dakota [Mr. MUNDT], to speak on his amendment.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 7½ minutes.

Mr. MUNDT. Mr. President, the amendment which is now at the desk, I believe, is completely noncontroversial, and probably will not necessitate a discussion by me for 7½ minutes, or a long discussion by its opponents, if any.

Mr. MCCARRAN. Mr. President, if the Senator will yield, let me say, as I have said before, that insofar as it is within the power of the senior Senator from Nevada to do so, he will accept the amendment.

Mr. MUNDT. Yes. I may say, by way of just a word of explanation, that the amendment would simply make the first 17 sections of the so-called McCarran omnibus bill conform exactly—word for word, and paragraph for paragraph—with Senate bill 2311, the original text of the Mundt-Ferguson bill. I think it is the understanding of all Senators that that was to be done by our pending amendment. This was agreed to during the passage of the Maybank civilian production bill at the time our amendment in the nature of a rider was withdrawn.

I thus see no reason for detaining the Senate by discussing the amendment now, unless there is some opposition.

The VICE PRESIDENT. Under the unanimous-consent agreement, there cannot be any vote until 1 o'clock.

Mr. MUNDT. Mr. President, I shall be happy to discuss the bill generally, of course.

Mr. KILGORE. Mr. President, if the Senator will yield, let me say that I should like to have the Senator explain the exact changes which will be made by the amendment in the McCarran omnibus bill.

Mr. MUNDT. I shall be happy to do so.

Mr. President, the changes which will be made by the amendment are slight in character, although a casual glance at the amendment would seem to indicate that it would make rather numerous changes.

The first change, which is on page 2, in line 12, is simply a correction in the spelling of the word "totalitarian," inasmuch as a typographical error now appears in the bill in regard to the spelling of that word. The amendment will merely make the spelling of the word conform to the ordinary dictionary spelling.

The next change which will be made by the amendment is on page 5, beginning in line 24, where we have added definitions which make the bill inclusive

enough to include definitions for the McCarran phases of the proposed legislation. Consequently the amendment calls for renumbering the sections, so that the numerical references will be correct and exact.

The third change is on page 7, in line 17. That is a change which Senators will notice is repeated on page 8, in lines 1, 2, 3, 4, 5, 6, 7, and 10, and at various places thereafter—rather frequently, in fact. The amendment merely involves the following: Under the McCarran bill the term "Communist Party" is defined as a "Communist-controlled organization." In the original text of Senate bill 2311, the so-called Mundt-Ferguson-Johnston bill, such an organization was referred to as a "Communist political organization." So, in order to return the language of the McCarran omnibus bill to the original text of the Mundt-Ferguson-Johnston bill, it is necessary to change those words, not only on page 7, in line 17, but also, of course, everywhere else in the bill where that title for such an organization appears. So the entire series of changes—the first being on page 7, in line 17, and the last one of that sort being on page 64, in line 23—merely involves the changing of the word "Communist-controlled" to "Communist political," so as to make the phrase read "Communist political organization" wherever it appears.

The fourth change which will be made by the amendment is on page 11, in line 2, namely, to insert a sentence which was deleted from S. 2311 when the original McCarran omnibus bill was drafted. That sentence is a criterion to be used as a part of section 4 (a). I shall read the original criterion thus to be added again to the bill:

> For purposes of this subsection, the term "totalitarian dictatorship" means a form of government, characterized by (1) the existence of a single political party, with such identity between such party and its policies and the government and governmental policies of the country in which it exists as to render such party and the government itself indistinguishable for all practical purposes, and (2) the forcible suppression of all opposition to such party.

As I say, that addition provides, in section 4 (a), that the original criterion found in the text of the Mundt-Ferguson-Johnston bill is to be used by the courts and by the administrator in determining the type of foreign government or the type of foreign-government organization which is considered to be referred to in the section of the bill dealing with the conspiratorial attitude of Communists within our midst.

On page 11, in line 6, there is another change, very minor in character, which is made on the basis of a discussion which was held on the floor of the Senate in the course of a colloquy between the Senator from Tennessee [Mr. KEFAUVER] and myself. Senators will note that the amendment will change the McCarran bill on page 11, in line 6, by adding the word "major" after the word "in", so as to make the bill at that point read: "or in major part by the United States."

That portion of the bill deals with the stock of a corporation which is held by the United States Government, and provides that it must be a major portion of the stock.

On page 11, in line 11, after the word "organization", the amendment would insert the words "as defined in paragraph (5) of section 3 of this act."

That insertion again will be made in order to bring the language of the McCarran omnibus bill back into complete conformity with the language of Senate bill 2311, the so-called Mundt-Ferguson bill.

The next change which will be made by the amendment is on page 11, in line 22. That change is exactly the same as the one just referred to, and is being made because the same phraseology appears at that point in the bill as appears in line 11, on the same page.

The next change which will be made by the amendment is on page 20, in line 25, namely, after the word "individual", to insert the words "until 6 months shall have elapsed after receipt of such request by the Attorney General, or."

The McCarran omnibus bill failed to include that language, which was contained in Senate bill 2311. Therefore, the amendment will reestablish that particular language, in order to keep the McCarran omnibus bill in complete conformity with the original text of the Mundt-Ferguson bill (S. 2311).

The next change which will be made by the amendment is on page 21, in line 3, at which point it is proposed to strike out the period and to add—

> , whichever is earlier.

Inasmuch as those words appeared in the original text of Senate bill 2311, but were omitted from the text of the McCarran omnibus bill, the amendment would insert them at the point indicated.

The next change which would be made by our amendment is on page 25, in line 18, after the word "necessary", to insert the words "and appropriate." That is a comparatively meaningless addition, which is made simply to make good our statement that Members of the Senate would be given an opportunity to know precisely what they were voting on, because this amendment will bring the first 17 sections of the McCarran omnibus bill into complete and total conformity, word for word, with the text of the Mundt-Ferguson-Johnston bill (S. 2311).

That is done because Senate bill 2311 is the bill on which the Senate Judiciary Committee reported favorably by a vote of 12 to 1; Senate bill 2311 is the bill which has been considered by the American Bar Association in two of its conventions, and has been reported on favorably by that organization; Senate bill 2311 is the bill which was considered by the American Legion National Convention and was reported on favorably by that organization; Senate bill 2311 is the exact language of the bill which was considered and reported on favorably by the Veterans of Foreign Wars National Convention.

Mr. President, the final change which will be made by the amendment is on page 7, in line 18, after the word "States", to insert "having some, but not necessarily all, of the ordinary and usual characteristics of a political party."

Those words also appear in Senate bill 2311.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

The Senator from West Virginia is recognized.

Mr. KILGORE. Mr. President, I agreed to yield 10 minutes to the majority leader, the distinguished senior Senator from Illinois [Mr. LUCAS]. I now yield to him.

LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, I desire to address the Senate for a few moments with respect to the order of business for the remainder of the week.

Senators will recall that last week I advised the Senate that after the disposition of the measure now pending we shall proceed, tomorrow, to have a call of the calendar. There are certain bills which the policy committee has agreed to have the Senate consider, either by means of unanimous consent or by motion, following the disposition of the calendar, in the event those bills fail to pass during the call of the calendar.

It is my hope that the conferees on the tax bill will make progress soon. Whatever happens this afternoon with respect to the internal-security bill which we now are considering, it is my hope that the conferees will get together as speedily as possible.

It is also my hope that we shall be able to take up, as speedily as possible, the deficiency appropriation bill dealing with certain defense matters.

What the Senator from Illinois is now doing is to tell the Senate that we hope we may be able to get away from Washington by Saturday night. I do not say that we shall, but if we can work with a sufficient amount of speed and without too much controversy about some of the matters in conference—and we can also probably hold night sessions, if necessary—I am sure we may be able to complete the work and then either adjourn, recess, or take some action which will at least get us away from the Capital for a while.

I may say to the minority leader that tomorrow I hope I may be able to discuss with him and other Senators on his side of the aisle the entire question of what should be done with respect to whether we adjourn or take a recess, and when.

I wanted to make that announcement now, so that if Senators have any questions to ask, I might have an opportunity to answer them.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I yield.

Mr. WHERRY. I should like to ask the distinguished majority leader whether the list of legislative matters which he proposes to bring up by motion is the same list that he submitted recently? Has anything been added to the list, or is it the same?

Mr. LUCAS. It is the same list.

Mr. WHERRY. I thank the majority leader. I also wish to state that the minority will be glad to cooperate with respect to any meeting which the ma-

jority leader may call regarding an adjournment, as to when we may adjourn, and as to the type of resolution which should be submitted to the Senate.

INTERNAL SECURITY ACT OF 1950

The Senate resumed the consideration of the bill (S. 4037) to protect the internal security of the United States, and for other purposes.

Mr. LUCAS. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator has 4 minutes left.

Mr. LUCAS. Mr. President, at the proper time, I shall, along with other Senators, offer an amendment to the pending bill, to strike out sections 2 to 17, inclusive, and insert in lieu thereof title 2 of the Kilgore-Douglas bill, which deals with the detention of subversive individuals. I merely wish to say a word about that amendment now, because I shall have but 7½ minutes in which to discuss it when we finally offer the amendment.

I should like to advise the Senate and the country that there is no individual in America who is more strongly opposed to the Communist philosophy and to all the hideous things for which the Communists stand than is the Senator from Illinois. For the record, I should like to say that since 1920, and especially since 1926, when I became department commander of the American Legion in Illinois, I have at all times attempted to be more than vigilant in my work against the Communist propaganda which has spread its poisonous tentacles throughout the world. I am convinced that the pending bill does not provide for the doing of the kind of job that ought to be done with respect to the dangerous characters who are in America today, from the standpoint of sabotage and espionage, in the event of an emergency. In other words, I have taken the position that the McCarran anti-Communist bill now before the Senate does not go far enough. I have stated openly, and I today repeat, that in my judgment the bill would not accomplish the task which would need to be done in case an emergency arose, but would still leave dangerous individuals who are unalterably opposed to our form of government in a position to carry on their devilish work of sabotage and espionage.

It is a rather strange coincidence to find members of Communist groups in the United States appearing before congressional committees, resorting to the courts, using the Constitution of the United States as a cloak or shield to protect what they call their basic American rights, when, at the same time, if the same individuals who use the Constitution as a shield had the opportunity they would destroy the Constitution overnight. Yet, under the precedents, the traditions, and the court decisions of this country, those people have a right to claim the privileges and immunities of the Constitution.

Mr. President, I favor a bill stronger than the so-called registration features which are found in the McCarran anti-Communist bill. One may call it a police-state measure, or whatever else he may desire. But, Mr. President, you and I know what happened in the last war, when this Government, under the orders of the military, picked up one Japanese after another and moved him from the west coast into the interior of our country.

The McCarran bill, Mr. President, is a futile thing as it stands. On the other hand, the Kilgore bill would lay down the rules in advance, with respect to the detention of individuals who would sabotage the country in any and every way possible, if opportunity were given them to do so. The registration features of the McCarran bill would, in my opinion, do nothing other than confuse the public, create a high degree of chaos, and give the Communist group a weapon to further their traitorous acts. This bill, we can be sure, will drive them further underground, as the hard core of the Communist group now operating in America will never register. I am firmly convinced that the registration bill is entirely inadequate, and that it will not do what needs to be done.

One may talk about concentration camps, one may talk about the Kilgore proposal as being one to create a police state, if he desires; but when we are dealing with a Communist group such as the one we know exists in this country, a group which we have seen in operation as the result of a few trials which have taken place, there is nothing too drastic, so far as the Senator from Illinois is concerned, in order to meet that situation.

The VICE PRESIDENT. The Chair understands that the Senator from West Virginia has yielded the other 5 minutes to the Senator from Illinois.

Mr. KILGORE. That is correct.

The VICE PRESIDENT. The Senator from Illinois.

Mr. LUCAS. Mr. President, what do we say about the Communists, with respect to Russia? We say that the Communists in Russia know only one thing so far as respecting this or any other country is concerned; and that is force. In other words, it is necessary that we meet force with force, in order to convince those who are now in the dominant position in Russia to make them understand that we mean business. The Kilgore bill applies the same principles. The only thing the Communists in America will understand is a most stringent law, one which says to the Attorney General of the United States that, under certain conditions laid down in the Douglas-Kilgore bill, he can detain these individuals overnight.

What will the average American say if he is asked the question, Under the conditions which exist and which are laid down in the Kilgore-Douglas bill, do you, Mr. American, want a registration bill which absolutely does nothing, so far as effectively dealing with subversive activities, or do you want enacted a law which will provide for the detention of an individual who is a recognized Communist, to the end that he will be unable to destroy plants, railroads, and other American property, through espionage and sabotage in an emergency?

So far as the Senator from Illinois is concerned, there is no law that can be strong enough adequately to take care of this type of individual who has taken an oath to overthrow, by an overt act, the Government of the United States by force and by violence. An individual who would take that kind of an oath is a traitor to his country. He should not be shielded by any kind of law that merely makes him register. If he does register, what is the penalty? It has been said over and over again that it will be 2 years before we find out whether he has registered, and another 2 years before we can finally convict him. I want a law, Mr. President, that will give the Attorney General and the Government of the United States the power to pick up overnight, these culprits, these individuals who do not believe in our form of Government, who are traitors to our country, who work 24 hours a day in attempting to devise ways and means to destroy the basic principles of America, and who take their orders from the Kremlin in Moscow. Yet, Mr. President, in a crisis of this kind, when our boys are dying in Korea in fighting the Communist crowd there, we are asked to pass a bill which would merely compel them to register. Everyone knows the northern Koreans are being led by Moscow. There can be no doubt about that in the mind of any person. Yet, Mr. President, we are asked to pass a bill which merely says, "Boys, you have got to register. If you do not register, we shall fine you." It amounts merely to a slap on the wrist. It will take 4 years before we can find out whether we can put such a person in jail if he fails to register I want something that will take hold of him, Mr. President, when the emergency rises, as is set forth in this amendment.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. McCARRAN. Mr. President, I think the remainder of the time is mine. Am I correct?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. McCARRAN. Mr. President, the word went out yesterday and the day before that Communists will not register, and that it does not mean anything if they do register. A similar statement could have been made when we were passing the bill to compel lobbyists to register. It could have been said that they would not register because the large corporations which maintain lobbyists in Washington would see to it that they did not register. When the committee was holding hearings, we were told that Communists would not comply with the law. So, Mr. President, I want to see whether they will comply with a law of this country, or whether they will flout it.

As I pointed out yesterday, there are two sections of this proposed amendment which concern themselves with apprehension and detention. Section 104 deals with warrants and purports to limit the issuance of warrants to cases in which there is probable cause. But section 103 permits apprehension and detention without any warrant at all. Section 103, in subsection (a), on page 26, provides that any officer designated

by the President to have such authority may apprehend and detain any person when he, the officer doing the apprehending or detaining, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage.

The man doing the apprehending does not have to prove that there is reasonable ground; all he has to do is "find" that there is reasonable ground. And remember, in this substitute, the phrase "attorney general" is artificially defined, and does not mean the Attorney General of the United States, but means any officer or officers of the United States whom the President may have designated. Those are the people who, under section 103 of this proposed amendment, could apprehend and detain any person whom they "find" may engage in espionage or sabotage.

Mr. President, as I said yesterday, it is going to be possible to apprehend and detain a great many people, if a provision like that is made the law of the land.

Contrasting section 104 of this substitute with section 103, Senators will find that, whereas the warrants to be issued under section 104 are to be issued only for the apprehension of persons "as to whom there is reasonable ground to believe," and so forth, the apprehensions and detentions under section 103 may affect any person as to whom the apprehending and detaining officer himself finds that there is such reasonable ground. Thus, under section 104, a court could pass upon the question of whether there actually was reasonable ground. But under section 103, all that a court could pass upon is whether the apprehending and detaining officer found that there was reasonable ground.

There is a section of this substitute which purports to provide for preliminary hearings. It uses the phrase "preliminary hearing." But what does it mean by hearing? By the definition of the concentration camp substitute itself, a preliminary hearing means that the person who has been detained is to be brought in and advised of his legal rights and of the grounds on which his detention was ordered. The officer before whom he is brought is required to "record any information offered or objections made by such detainee"; but it is perfectly clear that there is no expectation the detainee will be released, no matter what information or objections he offers, because the same sentence provides that within 7 days after the preliminary hearing the so-called hearing officer shall receive any additional written evidence or representations the detainee may wish to file. Clearly, it is expected, for a certainty, that the detainee will still be in a concentration camp at least 7 days after the so-called preliminary hearing. Actually, he will be there a good deal longer than that.

Anyway, under the procedure provided in this proposed amendment, the detainee is brought in before what is called a preliminary hearing officer—actually, a sort of little commissar, since the bill provides no standards for preliminary hearing officers and authorizes the appointment of as many of them as the Attorney General may deem necessary—and after the detainee has been brought in before one of these little commissars, he is told of his legal rights, if any, and of the grounds on which his detention was ordered—not the details of the charges against him; oh, no, only the grounds on which his detention was ordered—and then if he offers any information or makes any objections, the little commissar makes a record of that; and then the detainee is taken back to the concentration camp.

Is any opportunity provided to him to present witnesses in his behalf? Oh, no. Is any opportunity presented to him to be confronted by his accusers? Oh, no.

Is any opportunity given him to even hear any witnesses against him, much less cross-question such witnesses? Oh, no. In another part of the substitute, there is a provision that the detainee shall be afforded full opportunity to be represented by counsel at this so-called preliminary hearing. But there is no provision that he shall have the right to have counsel assigned, if for any reason he is unable to procure his own counsel.

Now, Mr. President, because there is not time to go into the question of this concentration camp substitute in detail, let us skip over to subsection (g) of section 109. This subsection appears on page 38 of the bill S. 4130 and starts on the same page of the printed substitute.

This subsection reads as follows:

In any proceeding before the Board under this title the rules of evidence, prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

The VICE PRESIDENT. The time of the Senator from Nevada has expired. All time has expired under the agreement.

The pending question is the amendment offered by the Senator from South Dakota. However, inasmuch as a committee amendment went over, probably the Chair would be justified in having that amendment voted on first.

Mr. LUCAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Douglas	Gurney
Benton	Dworshak	Hendrickson
Bricker	Ecton	Hickenlooper
Butler	Ellender	Hill
Byrd	Ferguson	Hoey
Cain	Frear	Holland
Chapman	Fulbright	Humphrey
Chavez	George	Hunt
Connally	Gillette	Ives
Cordon	Graham	Jenner
Darby	Green	Johnson, Tex.
Kefauver	McFarland	Russell
Kem	McKellar	Schoeppel
Kerr	McMahon	Smith, Maine
Kilgore	Magnuson	Sparkman
Knowland	Malone	Taylor
Langer	Martin	Thomas, Okla.
Leahy	Millikin	Thye
Lehman	Morse	Tydings
Lodge	Mundt	Watkins
Long	Murray	Wherry
Lucas	Neely	Wiley
McCarran	O'Conor	Williams
McCarthy	O'Mahoney	Young
McClellan	Robertson	

The VICE PRESIDENT. A quorum is present.

The Senator from Louisiana is recognized for 7½ minutes. Does the Senator wish to have his amendment stated?

Mr. ELLENDER. Yes.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 80, in lieu of the language proposed to be stricken out beginning with line 21 and extending through line 20 on page 81 it is proposed to insert the following:

SEC. 32. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

Mr. ELLENDER. Mr. President, the pending amendment, previously reported by the Senate Judiciary Committee as Senate bill 1681, Calendar No. 740, and which is now being substituted for the language originally used in the McCarran bill, prohibits the picketing of United States courts, such as has occurred on many occasions in recent years. More specifically, it adds a new section to the United States Code to prevent picketing or parading in or near a court building or a building or residence occupied by a judge, juror, witness, or court officer, for the purpose and with the intent of influencing such persons.

Its enactment will prevent the exercise of undue influence by picketing crowds, use of sound trucks and the like, on the United States courts, and will permit the persuasion of a court to remain in the courtroom and in the hands of authorized counsel, where it should by all means remain if we are to have respect for our judiciary system. Presently, the power of United States courts to deal with such offenses as picketing and parading is contained in provisions of the United States Code relating to contempt "in their pres-

ence or so near thereto as to obstruct justice," and in the Code sections making it an offense to corruptly or by threats of force, or by threatening letter or commotion "influence, obstruct, or impede the due administration of justice." Cases arising under present laws are usually initiated by the presiding judge of the court affected.

This legislation will not only serve to clarify and make more definite the authority of United States courts to punish a person unlawfully picketing or parading in or near either the court, or a building or residence of a judge, juror, witness, or court officer, but it will make it a crime for one to engage in such activities, so that the offender can be prosecuted in an orderly manner and in the same way as violators of other criminal laws, and it will also provide for fine and imprisonment for its violation.

Differing from the bill passed by the House in that it requires the establishment of the intent of interfering with the administration of justice, of the intent of influencing judges and others in the discharge of their duties, this amendment also prohibits picketing or parading, not only near a court or building occupied by a judge, juror, witness, or court officer but also in or near his residence. Further, this bill prohibits the use of sound trucks or similar devices for the purposes described. Penalties for violation are fixed at not more than $5,000 or imprisonment for not more than 1 year, or both. The language of this amendment has been revised and refined from that of a bill originally presented by me and reported by the Judiciary Committee of the Senate. It has the emphatic approval of the American Bar Association as well as many State bar associations.

Finally, a provision specifies that nothing in the proposed code section shall interfere with or prevent the exercise of any court's power to punish for contempt.

The practice of picketing courts is of recent origin, and apparently has been employed almost solely in connection with proceedings involving alleged Communist Party members and sympathizers. During the recent trial of Communist Party leaders before Judge Medina of the Federal district court in New York City, newspapers reported picketing conducted by large crowds outside the court building; similar occurrences took place at the Federal district court in Los Angeles last winter during contempt proceedings arising out of an investigation of Communist Party activities. Large crowds paraded around and picketed the Federal Building, carrying signs, passing out literature, and surging into the building in large numbers, overcrowding the court room and corridors to the extent that persons with legitimate business in the court had extreme difficulty in transacting it. In addition, the residence of the judge was picketed. When the Los Angeles case was argued on appeal in the court of appeals in San Francisco, a sound truck was employed outside the building and created sufficient noise to harass and obstruct the proceedings that were before the court. It is readily apparent that such activities, if allowed to proceed without restraint, will not only detract from the dignity of our judicial proceedings but will ultimately result in the derogation of justice.

The passage of this amendment will serve, in a measure, to prevent some of the disturbances that have attracted national prominence over the past year or so. Mr. President, we can read on courthouses throughout the length and breadth of our country that ours is a government of law and not of men. But we cannot adhere to these noble sentiments so long as we permit the continuation of tactics recently perpetrated against our Federal judiciary. Admittedly, these demonstrations before our United States courts and judges' homes are designed to bring public opinion to bear on the judge himself, on the jury, or on the court attachés entrusted with the administrative details of officiating at the court.

If we are to keep our national judiciary on the high plane it has enjoyed since the founding of this country, we must restrain these disgraceful practices, adopted by persons and groups who would undermine our country by first undermining our judiciary.

Traditionally, the judicial branch of our government is the most hallowed in the minds of our people. The ill winds of political vicissitude may change the legislative or the executive branch, but by the very tenure of appointment—the lifetime of the officeholders in our constitutional courts—the framers of the Constitution decreed that our judges be farthest removed from the temporal influences of political life.

Mr. President, let us by the adoption of this amendment strengthen our judiciary system against encroachment by persons who would destroy our entire form of government. Our judiciary is the cornerstone of good government and just government; by the adoption of this amendment we will preserve unimpeded its efficient and effective administration.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Florida [Mr. HOLLAND] be added as one of the sponsors of the amendment.

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

Mr. McCARRAN. Mr. President, the amendment offered by the able Senator from Louisiana was stricken from the bill by the Committee on the Judiciary, not that the Committee on the Judiciary did not favor the provisions of the amendment, because the committee had almost unanimously, lacking one vote of being unanimous, I believe, adopted identical language in a separate bill.

Mr. President, the Committee on the Judiciary struck the amendment from the bill because we thought it was not in keeping with the tenor and objectives of the particular measure now before the Senate. However, so far as the chairman of the committee is concerned, I shall vote for the amendment.

The amendment embodies the provisions of the Senate bill, S. 1681, which was reported favorably by the Committee on the Judiciary and is now on the Senate Calendar.

Mr. President, in the recent past we have witnessed the technique of the Communist Party in picketing the Federal courts. If this practice continues unchecked, it cannot help but bring about a disruption for law and constitutional government under law. The essence of the Federal judiciary has been the impartiality and independence under which it functions in the orderly administration of justice, but this impartiality and independence is today seriously threatened.

The facts as revealed to the Committee on the Judiciary are that in some instances the number of pickets which have been employed by the Communist Party in the picketing of Federal courts has ranged from 300 to 750 in such cities as San Francisco, Los Angeles, and New York; that the participants carried picket signs, distributed literature, and overcrowded the corridors and courtrooms of the court buildings. It was further developed in the testimony before the committee that the picketing was accomplished by loud chanting of slogans and that in one case in San Francisco a sound truck was employed outside the building which created so much noise that it seriously impaired those inside the courtroom in hearing the testimony.

Mr. President, the Congress not only possesses the constitutional power but is charged with the constitutional duty to protect all agencies of the Federal Government including courts, their officers and all persons whose attendance is necessary in the proceedings of these courts. The Congress has seen fit to exercise this power by conferring upon the courts the power to punish for contempt but there is serious question as to whether or not the power to punish for contempt is broad enough to cover the new technique of mass picketing.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from South Dakota [Mr. MUNDT], which has been previously reported and discussed.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. McCARRAN. Mr. President, I wish to call up amendments lettered A, B, C, D, E, F, and G, which can be considered en bloc, because they are merely perfecting amendments.

The VICE PRESIDENT. Without objection, the amendments will be considered en bloc, and the clerk will state the amendments.

The LEGISLATIVE CLERK. On page 39, line 15, after the word "office", it is proposed to insert "research laboratory or station."

On page 39, line 22, after the word "stored", to insert the following: "or are the subject of research or development."

On page 44, line 25, after the word "Defense", to insert the following: "or by the Director of the National Advisory Committee for Aeronautics."

On page 45, line 8, after the word "agency", insert the following: "or of the National Advisory Committee for Aeronautics or any officer or employee thereof."

On page 45, lines 5 and 6, to strike out the words "National Military Establishment" and to insert in lieu thereof "Department of Defense."

On page 45, line 7, to strike out the word "Establishment" and to insert "Department."

On page 45, line 8, to delete the following: "Establishment."

On page 71, line 25, to strike out the word "hearing" and to substitute in lieu thereof the word "examination."

On page 73, line 10, to strike out the word "shall" and to substitute in lieu thereof the word "may."

On page 75, line 22, between the word "arms" and the word "by", to insert the following: "or the performance of noncombatant service in the Armed Forces of the United States."

On page 76, line 14, after the word "States", to insert the following: "or perform noncombatant service in the Armed Forces of the United States."

On page 77, lines 1 and 2, to strike out the following: "that I will perform noncombatant service in the Armed Forces of the United States when required by law;".

On page 79, lines 20 and 23, to strike out the word "internal."

Mr. McCARRAN. These are all perfecting amendments, Mr. President. I do not care to take up the time of the Senate in explaining them.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Nevada [Mr. McCARRAN] en bloc.

The amendments were agreed to.

Mr. McCARRAN. Mr. President, I offer one more perfecting amendment which I ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 63, line 22, after "Sec. 24" it is proposed to insert "(a)"; on page 64, line 8, strike "Sec. 2" and insert in lieu thereof "(b)"; on page 64, line 10, insert a comma after the word "alien"; on page 64, line 11 insert a comma after the word "alien", and on page 64, line 13, strike the words "to be."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I send forward an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 26, line 6, it is proposed to insert the following new sentence:

Each such petition shall be verified under oath, and shall contain a full and complete statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order.

The VICE PRESIDENT. The Senator from Wyoming is recognized for 7½ minutes.

Mr. O'MAHONEY. Mr. President, an examination of section 14 (a) will reveal that whenever the Attorney General has reason to believe that an organization which has not registered but should register, or when any individual who has not registered under section 8 is in fact required to register, he shall file with the board a petition, and thereupon the machinery of action begins to run. My amendment adds a new sentence. It is designed to protect the rights of individuals by requiring that each such petition shall be verified under oath, and shall contain a full and complete statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such an order.

The reason I offer the amendment, Mr. President, is that knowing, as we do, the subtlety with which Communists operate, and their purposes of sowing confusion, it might easily be that a Communist organization might give the names of innocent persons as alleged members. The petition which the Attorney General may file does not require a statement of probable cause. It has been long our system that no person shall be held to answer for an offense without either an indictment or an information, and it seems to me there can be no objection to requiring the Attorney General, when he files a petition, to verify it and give the statement of his reasons. I feel that that was the intention of the committee, Mr. President.

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

Mr. O'MAHONEY. I yield.

Mr. FERGUSON. Does not the Senator feel that it goes too far to require the Attorney General to file a full and complete statement of the facts?

Mr. O'MAHONEY. Yes; I think the Senator is quite right. I would be quite willing to drop the words "full and complete", and have it read "a statement of the facts upon which", and so forth.

Mr. FERGUSON. Yes, because his proof may vary, and may be much stronger than he would want to state.

Mr. O'MAHONEY. Yes.

The VICE PRESIDENT. The Senator from Wyoming has modified his amendment by striking out the words "full and complete."

Mr. FERGUSON. I see no objection to the amendment with those words stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] as modified.

The amendment, as modified, was agreed to.

Mr. McFARLAND. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 58, line 16, it is proposed to strike out the period after the word "Act" and insert a colon and the following proviso: *"Provided,* That no fine or refund nor any expense incident to detention or deportation as provided in this act shall be assessed against or required of any owners of vessels or transportation lines for bringing into or deporting from the United States any alien, if, at the time of such alien's foreign embarkation, he held an unexpired visa, issued by a United States consul."

The VICE PRESIDENT. The Senator from Arizona is recognized for 7½ minutes.

Mr. McFARLAND. Mr. President, it will be noted that on page 58, and particularly at line 11, it is provided:

And the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation lines by which such aliens respectively came.

The amendment simply provides that when an alien has a valid visa to come to this country, the transportation line would not be liable for his return passage. I do not think the amendment needs any further explanation. It is merely a matter of fairness. When a person has a legal right to come to this country the transportation line should not be required to take him back at its expense. A statement of the amendment itself I believe would satisfy any objection that might be raised to it. I hope the distinguished Senator from Nevada will accept the amendment.

Mr. McCARRAN. Mr. President, this has been a matter of considerable study. The proposition cuts right across at least 20 of our immigration laws. So far as the principle is concerned, I am entirely willing to accept it, but the language, it seems to me, must be worked out satisfactorily. I am willing to take the amendment to conference and work it out there. I think the language of the amendment at present is not in keeping with its spirit or intent.

The VICE PRESIDENT. The question is on agreeing to amendment offered by the Senator from Arizona [Mr. McFARLAND].

The amendment was agreed to.

Mr. LUCAS. Mr. President, on behalf of the Senator from Pennsylvania [Mr. MYERS], the Senator from Washington [Mr. MAGNUSON], the Senator from New Mexico [Mr. ANDERSON], the Senator from Connecticut [Mr. McMAHON], the Senator from New York [Mr. LEHMAN], the Senator from Connecticut [Mr. BENTON], and myself, I offer an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment is a long one. Does the Senator wish to have it stated in full?

Mr. LUCAS. No; I do not.

The VICE PRESIDENT. Let the amendment be stated for identification.

The LEGISLATIVE CLERK. On behalf of himself, Mr. MYERS, Mr. MAGNUSON, Mr. ANDERSON, Mr. McMAHON, Mr. LEHMAN, and Mr. BENTON, Mr. LUCAS offers an amendment on page 1, beginning with line 11, to strike out all down to and including line 3, on page 39, and insert in lieu thereof the following:

Title I—Emergency Detention.

The amendment, in full, offered by Mr. LUCAS, for himself and other Senators, is as follows:

Amendment intended to be proposed by Mr. LUCAS, Mr. MYERS, Mr. MAGNUSON, Mr. ANDERSON, Mr. MCMAHON, Mr. LEHMAN, and Mr. BENTON to the bill (S. 4037) viz: On page 1, beginning with line 11, strike out all down to and including line 3, on page 39, and insert in lieu thereof the following:

"TITLE I—EMERGENCY DETENTION

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 2. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 3. (a) In the event of any one of the following:

"(1) Invasion or imminent invasion of the territory of the United States or its possessions,

"(2) Declaration of war by Congress,

"(3) Insurrection within the United States in aid of a foreign enemy, or

"(4) Declaration of an 'internal security emergency' by concurrent resolution of the Congress,

and if, in addition, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an 'Internal Security Emergency.'

"(b) A state of 'Internal Security Emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 4. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States, as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 5 (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

"(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

"(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

"(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court).

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

"DETENTION REVIEW BOARD

"SEC. 6. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal, which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board at all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 7. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 8. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

"SEC. 9. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 10. (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring

the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

"(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 11. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designed by him for the supervision or control of the detention of such person, to release such detainee from custody.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 12. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

"(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record

of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title, or shall escape, attempt to escape, or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 14. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in, espionage or sabotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"SEC. 15. Any person who shall wilfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 16. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 17. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 18. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 19. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination.

"TITLE II—INTERNAL SECURITY"

Change sections numbers and references to conform to the above amendment, and amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. LUCAS. Mr. President, I have sent to the desk a perfecting amendment to the McCarran bill. This amendment, which has been offered by myself and other Senators will remove the registration feature from that bill and substitute the detention provisions of the Kilgore bill. I am just as anxious as is any other Senator that anti-Communist legislation of some kind be passed at this session of Congress, in view of our trouble with the Communists in North Korea and throughout the world.

I am offering this amendment for several reasons. In the first place, it is my hope that Congress will approve legislation which will be effective in guaranteeing the internal security of the United States. I am firmly convinced that this object cannot be attained by a registration bill.

There can be only one consideration in the minds of all Senators and all patriotic Americans, and that is the security of our great country. Let me emphasize that our efforts today must result in approval of the most effective means of preserving this security.

The registration feature of this bill would be useless as a genuine security device. No one, including the framers of this bill, seriously thinks that Communists or Communist-front organizations are going to rush in to register. They will not do so, for the simple reason that none of those organizations will admit that they are organizations with the characteristics set out in this registration bill. In the case of every organization, there will be full and complete litigation before the subversive board and before the courts of the United States. That could take as long as 2 years. At the end of that protracted litigation, we would succeed in getting a name on a register. The organization could then defeat the effects of that order by merely disbanding and reforming into another group. Our Government would have to start prosecuting the second organization, thus beginning the prosecution all over again. That process could go on indefinitely.

The registration feature of this bill could well, in fact, harm the security of the United States. In the litigation that would ensue, our Government would be forced to reveal the identity of many of its key informants inside these subversive organizations. If Congress approved a registration bill, the Attorney General would have little choice but to enforce it vigorously against such organizations as the Communist Party and other closely allied front organizations. The framers of this bill have told us that all the criteria must be given consideration, which means that in the case of each of these organizations the Attorney General would be forced to submit proof of such things as foreign control and foreign financing. That information would be in the possession only of persons who are close to the inside operation of these organizations. To prove those facts would require premature disclosure of valuable sources of information. Undercover agents become useless once their identity is revealed. Such disclosures would materially injure the security of the United States.

No one here can doubt or question the value of effective surveillance of people dangerous to our security. The Director of the Federal Bureau of Investigation, J. Edgar Hoover, has recently requested an additional $6,000,000 for this purpose. In judicial proceedings and public investigations, he has also opposed the disclosure of valuable sources of information, except in the most unusual circumstances.

I question the advisability of our forcing, by congressional sanction, the Justice Department to engage in wholesale

litigation that could only be successfully prosecuted by severing our invaluable contacts inside such subversive organizations. We should think twice before we take such a course.

The task that would be placed upon our judicial system under this registration bill would please no one quite as much as the Communists.

We must keep in mind that when the Attorney General carried out the directions of Congress, there would be hundreds of cases to be considered by the Administrative Board. Every one of these would be appealed to the courts of the United States. It must be remembered that, in addition to test cases to present constitutional questions, every registration case is appealable on the question of the facts and the evidence. Mr. President, in this crisis we need action now, not a delay of from 2 years to 4 years, which is what would occur under the registration feature of the McCarran bill. In other words, in the regular course of events there could be appeals to the Federal courts in every case. All these appeals would go to a single court which already has other duties.

The trial in New York of the 11 Communist leaders, with the harassing and contemptuous conduct that occurred there, is still clear in the minds of all of us. The Communists want to discredit us wherever they can, and they would not pass up this opportunity to burden our courts to the breaking point.

I want to emphasize again that the crucial problem before us is to find the proper course of action for assuring the internal security of the United States. If we are to have adequate security, the Federal Bureau of Investigation must not be hampered in its work in following the activities of the dangerous people in our midst. In fact, this work of the FBI should be expanded. We must also have effective laws which will permit our Government to move swiftly against any individual or group in our society when it appears that our security requires such action.

It seems to me that the registration feature of the McCarran bill is directly opposed to both of these objectives. It would destroy the effectiveness of the Federal Bureau of Investigation, through disclosures of valuable information. It provides no effective means in the long run for dealing with these dangerous people. I say to the Senate that they are dangerous, more dangerous today than at any other time in the history of the United States of America. We cannot gain security by taking names.

The detention provisions, however, recognize fully our security requirements. The lines of contact which the Federal Bureau of Investigation has succeeded in extending into the Communist Party on all levels would be preserved. We would also have a law which would encourage this effective surveillance and would provide a means for acting swiftly in an emergency.

We owe an obligation to the American people to approve legislation here that will fully meet our security needs. We shall not be fulfilling this obligation if we approve a law which at best will be ineffective, and which in all probability will be harmful. The McCarran bill, if enacted, would merely result in slapping the Communists on the wrist, as a result of asking them to register under the provisions of that bill. I say to my colleagues in the Senate that that is all the McCarran bill, if enacted, would do.

I have heard some of the strongest proponents of a registration bill speak with considerable concern over the detention of dangerous people in an emergency. I cannot believe for a moment that anyone could oppose the detention of dangerous Communists when our very survival may be at stake.

I ask my colleagues, Mr. President, what would be the answer of the average United States citizen if we were to ask him whether in a crisis of this sort he would prefer to have the Communists required to register or whether he would prefer to have them detained. Senators will find that 9 out of 10 of the American people will say, "Detain them. Why register these people? Why fool with them?"

Mr. President, we are faced with a serious problem, which requires serious and firm measures. The Federal Bureau of Investigation knows of many thousand dangerous and disloyal people who would threaten our security in a crisis. Are we to sit helplessly by when it becomes obvious that these people present an immediate danger? Or are we going to move swiftly in the interests of our security? The American people are deeply concerned with the answer we give to this question.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. McCARRAN. Mr. President, I yield 7½ minutes to the Senator from Michigan [Mr. FERGUSON].

The VICE PRESIDENT. The Senator from Michigan is recognized for 7½ minutes.

Mr. FERGUSON. Mr. President, I am very glad that the distinguished majority leader has advised the Senate at this late date in the session that there is danger from communism. Since March 22 of this year, we have had on the calendar a bill providing for registration, and we have been trying ever since then to have it brought before the Senate for a vote. There have been complaints here that the registration process will take too long, but already some 6 months have been wasted by the failure to bring this bill up for action.

Now we are advised that there has been discovered a different way to deal with this entire question, namely, to have a concentration camp established and to immediately put in it all the Communists in America. Whatever may be the merits of that proposal, where were its proponents when we were trying desperately to get the registration bill before the Senate?

We have heard those who in the past were objecting to the registration feature of the bill say that it was unconstitutional, that it would result in taking away the liberties of people, by requiring them to register. However, now we find, so we are told, that the way to deal with them is to use the unconstitutional, un-American method of immediately putting them into a concentration camp, without trial.

It has been stated on the floor of the Senate that those who favor the concentration-camp procedure, as proposed, do not want to burden the courts. They make a virtue of the claim that such a procedure would not result in burdening the courts. Under the concentration-camp procedure such persons would be put in jail and would be kept there; and to that end the writ of habeas corpus would be suspended. Those who favor such a provision say that once such persons were put into concentration camps, they could try to get out, although the burden of proof is on the prisoner.

Mr. President, that is not the way to deal with this situation. I say to the Senate today that after months of study—yes, years of study—it was decided by the Senate Judiciary Committee, with the single exception of the vote of one Member, that the way to deal with this problem is by the registration method provided by the McCarran bill.

There is only one Communist Party in America. The President has sent to the Congress a message saying that the Communist Party is foreign-controlled. Mr. President, is there anyone who doubts that it is foreign-controlled? There is only one such party in the United States.

What will be difficult about proving to a board that there is a Communist Party in the United States? Once that is proved, the officers of that group will have to register the names and the addresses of the members. If they do not register them, they will be put in jail, which is the place where they belong.

It has been stated that we should not enact the registration bill because the Communists have said they will not comply with it. Mr. President, the reason we should enact the bill is that they are not going to want to comply with it, but we are going to compel them to comply, if they are going to remain in the United States and are going to stay out of jail; and we shall do so by due process of law.

Mr. President, the substitute bill would wipe out all the constitutional provisions in regard to indictment and trial by jury. It is said that a man's liberty is only constrained. Those are fancy words. I say that by whatever name it is called, detention is imprisonment. If we pass the so-called Kilgore detention-camp bill today, it will be the first blueprint of dictatorship in America. We shall be violating every known constitutional provision for the protection of the rights and liberties of the people of the United States, including the right to be tried by due process of law and by a jury of one's peers.

This is the first time in the history of America that an attempt has been made in the Congress to infringe the constitutional rights of citizens. We have always said that a man could be tried for acts in violation of the law and for conspiracy to commit such acts. We took another step in the early history of our jurisprudence by providing that a man could be tried for attempting to commit a crime. That is, when a man is in position to commit a crime, but, for some reason or other is frustrated in

his attempt, he may be tried for the attempt. But never in the history either of American jurisprudence or of the British common law was it ever contended that a man could be tried for his mere capacity to commit a crime.

The Kilgore bill is a pure thought-control bill, a bill to control a man who thinks about doing a thing. It is real thought-control. To substitute such a proposal for the McCarran bill would be to take away all the liberties of the people.

Mr. President, this question has been given very careful attention by all the members of the Judiciary Committee. We have spent months on it. I say honestly and sincerely that the way to deal with this problem is by requiring registration. Every person in this body knows I am not soft toward Communists. After a man is registered, we may then deal with him to prevent the commission of certain specific acts. We effectively provide for protection against communism in the United States, and we do it constitutionally.

I yield the remainder of my time to the junior Senator from South Dakota.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 2 minutes.

Mr. MUNDT. Mr. President, in the time allotted to me, I think perhaps I should first of all call the attention of the Senate to the fact that the very eloquent address delivered by the senior Senator from Illinois was not his first adrress on this subject. A headline in the Chicago Sunday Tribune for September 10 reads: "Legion rebuffs LUCAS on Red curbs issue; hears Senator support bill, then snubs it."

I wondered what that was about. I felt sure the Senator from Illinois was in favor of curbing the Reds. I was curious.

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

Mr. MUNDT. I yield very briefly since I have but 2 minutes.

Mr. LUCAS. The Senator from South Dakota knows more about the Tribune than I do, and I am sure he will believe everything the Tribune says.

Mr. MUNDT. I am merely reading the news report. The Tribune is a great newspaper, but I am not going to argue the relative merits of the various newspapers of America. The article reads:

> Delegates to the State American Legion convention listened to Senator LUCAS, Democrat, of Illinois, yesterday and then rebuffed him by resolution and lashed at him through speeches from the floor. The session was held at the Civic Opera House.
>
> The Senate majority leader, a former State Legion commander, asserted the Douglas-Kilgore bill to curb Communists was superior to the Republican-sponsored Mundt-Ferguson bill. He charged Senator MUNDT, Republican, of South Dakota, was playing politics by seeking speedy action on his anti-Communist measure.
>
> HIS ADVICE REJECTED
>
> The delegates, representing more than 200,000 members of 1,135 posts, heard him through and then considered a resolution endorsing the Mundt-Ferguson bill, which he had criticized, or "similar legislation." To leave no doubt that they rejected the LUCAS advice, they struck out the phrase "similar legislation." They passed a measure urging approval of the "Mundt-Ferguson bill or the McCarran bill."
>
> The Mundt-Ferguson bill would require that Communist Party members register with the Government and would forbid their appointment to Federal positions. The Douglas-Kilgore bill provides that the Attorney General in time of emergency could arrest and detain anyone believed engaged in sabotage or conspiring with others to do so.
>
> "We took a tongue lashing from the senior Senator from Illinois today," said Edward Clamgae, former State commander, in urging the convention to endorse only the Mundt-Ferguson or McCarran bills. "He came here on the defensive. He spoke from a manuscript, which has been given to the newspapers. His message will go out from here and be used as propaganda.
>
> "We should let it be known the Legion is for a good anti-Communist bill, not a doctored-up bill like the Douglas-Kilgore measure."

The convention either was held, or it was not held; I am sure the veracity of that report can be checked.

The substance of the amendment offered by the Senator from Illinois today is the Kilgore substitute to curb communism. The Senator was speaking on the Mundt-Ferguson bill. He charged that the Senator from South Dakota was playing politics. He has done that before. The delegates, members of 1,135 Legion posts, and numbering more than 200,000, heard LUCAS through, and then adopted a resolution endorsing the Mundt-Ferguson bill, which LUCAS had criticized. To leave no doubt that they respected the LUCAS advice, which was to substitute this new concentration-camp technique for the Mundt-Ferguson provisions, the American Legion struck out the phrase "similar legislation" and adopted a resolution urging favorable action on the Mundt-Ferguson bill or the McCarran bill.

The Mundt-Ferguson bill would require registration. That is what the American Legion has consistently supported, because registration is the heart of this control program. It discloses the Communist conspiracy in every part of America. It identifies the Communist literature. It identifies the Communist propaganda. It identifies the Communist agents. It is the thing that forces the Communists out into the open, and under our provisions if they refuse to come into the open, they then go to jail. It is not the kind of concentration-camp legislation which puts a man into a concentration camp without due process of law because someone thinks he is thinking about becoming a Communist.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MUNDT. So I trust the Senate will follow the resolution adopted by the American Legion post in Chicago and reject the Kilgore-Douglas-Lucas substitute.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS] for himself and other Senators.

Mr. LUCAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business. If present and voting, the Senator from Pennsylvania [Mr. MYERS] would vote "yea."

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea."

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Utah [Mr. THOMAS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey and the Senator from Maine would each vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and, if present, would vote "nay."

The result was announced—yeas 29, nays 45, as follows:

YEAS—29

Anderson	Hunt	McMahon
Benton	Kefauver	Magnuson
Chavez	Kerr	Morse
Douglas	Kilgore	Murray
Frear	Langer	Neely
Fulbright	Leahy	O'Mahoney
Graham	Lehman	Sparkman
Green	Long	Taylor
Hill	Lucas	Thomas, Okla.
Humphrey	McFarland	

NAYS—45

Bricker	Hendrickson	Martin
Butler	Hickenlooper	Millikin
Byrd	Hoey	Mundt
Cain	Holland	O'Conor
Chapman	Ives	Robertson
Connally	Jenner	Russell
Cordon	Johnson, Tex.	Schoeppel
Darby	Kem	Smith, Maine
Dworshak	Knowland	Thye
Ecton	Lodge	Tydings
Ellender	McCarran	Watkins
Ferguson	McCarthy	Wherry
George	McClellan	Wiley
Gillette	McKellar	Williams
Gurney	Malone	Young

NOT VOTING—22

Aiken	Hayden	Stennis
Brewster	Johnson, Colo.	Taft
Bridges	Johnston, S. C.	Thomas, Utah
Capehart	Maybank	Tobey
Donnell	Myers	Vandenberg
Downey	Pepper	Withers
Eastland	Saltonstall	
Flanders	Smith, N. J.	

So the amendment offered by Mr. LUCAS for himself and other Senators was rejected.

Mr. KILGORE. Mr. President, I desire to call up my amendment in the nature of a substitute.

Mr. LUCAS. Mr. President, I have another amendment to offer.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. KILGORE. I yield.

Mr. LUCAS. Mr. President, I offer, to be inserted in the appropriate place in the McCarran bill, an amendment which includes the same language which is in the detention section of the amendment which I just offered and which was defeated. I am offering this as an amendment to the McCarran bill.

The amendment offered by Mr. LUCAS is as follows:

On page 1, immediately following line 10, insert the following:

"TITLE I—INTERNAL SECURITY"

On page 81, after line 25, insert the following:

"TITLE II—EMERGENCY DETENTION

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 101. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a worldwide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a singlie world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorships. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people, and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 102. (a) In the event of any one of the following:

"(1) Invasion or imminent invasion of the territory of the United States or its possessions,

"(2) Declaration of war by Congress,

"(3) Insurrection within the United States in aid of a foreign enemy, or

"(4) Declaration of an 'internal security emergency' by concurrent resolution of the Congress,

and if, in addition, the President shall find that the proclamation of such an emergency is essential to the preservation, protection and defense of the Constitution, and to the

common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an internal security emergency.'

"(b) A state of 'internal security emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States, as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the determination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 104. (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly described the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

"(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

"(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

"(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court.)

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

"DETENTION REVIEW BOARD

"SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the 'Board') which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board of all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

"SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 109 (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedure of a government or political party of a foreign country, or in the espionage, counter-espionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

" (i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall

issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

"(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 113. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sagotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 116. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 117. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 118. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination."

Amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Change section numbers and references thereto to conform to the above amendment.

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

Mr. LUCAS. I yield.

Mr. KERR. Does that mean that the Senator now offers his amendment in addition to the language in the McCarran bill?

Mr. LUCAS. That is correct. I offer it as an amendment to the McCarran bill.

Mr. KERR. It would constitute an additional title and an additional provision?

Mr. LUCAS. That is correct.

Mr. KERR. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. KERR. The provisions of the amendment would be effective and available for utilization upon the declaration of an emergency by the President or by the Congress. Is that correct?

Mr. LUCAS. That is correct. If there were an insurrection, or if war were declared, or if there were an invasion or an imminent invasion of the territory of the United States or its possessions——

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I understood the time was to be divided. I understand the Senator is about to offer an amendment, as to which he has 7½ minutes.

Mr. LUCAS. I am now speaking in the 7½ minutes allotted to me.

The PRESIDING OFFICER. The Senator from Illinois is entitled to 7½ minutes in connection with his amendment.

Mr. McCARRAN. The Senator has not yet offered his amendment.

The PRESIDING OFFICER. The Chair understood that the Senator had offered the amendment.

Mr. LUCAS. I have offered it.

The PRESIDING OFFICER. The Senator is entitled to speak for 7½ minutes.

Mr. LUCAS. Mr. President, in answer to the Senator from Oklahoma, the amendment would be applicable in the event of any of the following: Invasion or imminent invasion of the territory of the United States or its possessions; a declaration of war by Congress; insurrection within the United States in aid of a foreign enemy, or declaration of an "internal security emergency" by concurrent resolution of the Congress; and if, in addition, the President shall find that the proclamation of such an emergency is essential, and so forth.

Those are the points on which the amendment is based. In other words, only when those contingencies arose the provisions of the bill would become effective. It seems to me this amendment should be adopted if there is to be registration, which I still say is absolutely ineffective from the standpoint of detaining the subversive elements in this country. The provisions of my amendment should go into the bill so that we may be alerted to any emergency which may arise. In the case of interning the Japanese in the last war a great many people thought what we did was unconstitutional. What we are now doing is giving the power in advance to detain subversive elements who are doing their utmost to destroy this Government in every way possible. If we want a real security bill, which will have teeth in it, we had better adopt this amendment.

Mr. KERR. In addition to the registration features, the bill would have the features of the Senator's amendment?

Mr. LUCAS. Yes.

Mr. KERR. Then the Senator from Oklahoma will join the Senator as a cosponsor of the amendment.

Mr. LUCAS. I am delighted to have that statement from the Senator from Oklahoma. I gladly accept him as a cosponsor.

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

Mr. LUCAS. I yield.

Mr. McCLELLAN. We would keep the McCarran bill, and the registration would presumably continue in process, but if one of the conditions should arise which the Senator has enumerated, then the provisions of his amendment would be operative and would be in force.

Mr. LUCAS. Mr. President, the Senator has expressed it correctly and much better than I could have.

That is all I desire to say, Mr. President. I am satisfied that the Senate understands the provision of the Kilgore-Douglas bill with respect to the detention features. All I am doing is to add those detention features to the McCarran bill which is before the Senate.

If the Senate is really in earnest about this question and desires to do something that will be effective in the event of an emergency, it had better adopt this amendment, because no one knows when the Communists are going to strike. We should have a provision of this kind in the law so that it will deal with the situation adequately and effectively.

I want to congratulate the Senators who originally sponsored this measure. I hope they do not feel that I am stealing their thunder. This is something which is real and genuine and which will be effective. The Senate cannot afford, in my opinion, not to adopt this amendment. The Senator from South Dakota [Mr. MUNDT] lectures about Communists all over the country. If he wants to do something really drastic about Communists he will not read the Chicago Tribune as to what was said about LUCAS; he will vote for this amendment. It will test the sincerity of anyone who wants to deal effectively with the Communist question.

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

Mr. LUCAS. I yield.

Mr. KEFAUVER. Is it not true that in handling the Japanese problem in World War II the Government had the First and Second War Powers Acts as the basis for action, but that as matters now stand, it has nothing of that kind?

Mr. LUCAS. That is correct; our Government has absolutely nothing. If a bomb should strike Washington tonight we would have nothing upon which to operate as far as moving and detaining the traitorist Communists.

Mr. McCARRAN. Mr. President——

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. Mr. President, I am sincerely interested in doing something about communism in America, but I am also sincerely interested in obeying the Constitution, even when dealing with Communists.

Mr. President, after studying the concentration camp feature of the substitute bill I am firmly of the opinion that we must keep in mind the fifth and sixth amendments to the Constitution, with respect to imprisonment without trial we must remember that we must obey the Constitution and that by our oaths we are bound to do things in the American, constitutional way. Therefore we cannot adopt a measure which gives, not to the Attorney General, but to anyone designated by the President, the right to imprison a person without trial and without charging him with the commission of a crime.

I say to the Senate that we cannot afford to burden the bill, which will do something against communism, with this unconstitutional feature. It is in the conscience of every Senator to say whether or not we shall destroy the institutions of America by adopting another method, which is the method used solely by dictators. We know that Russia has concentration camps today. We despise them.

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

Mr. FERGUSON. Not for the moment. We know that Germany had concentration camps. Shall we now adopt them in America? I yield to the Senator from Louisiana.

Mr. LONG. Does the Senator feel that in the event of war with Russia or in the event of a national emergency involving the safety of America we can afford to go through a long court procedure to prove a man is a Communist before we can lock him up?

Mr. FERGUSON. To answer the Senator's question I would say that if we feel that way about it we should pass a bill which would make communism illegal and membership in the Communist Party a crime. Then we could try such a person as a criminal. That would be better than adopting the suggested procedure and putting a man into a concentration camp, without benefit of trial and merely upon some official's authority.

I for one have not been in favor of outlawing the Communist Party or making membership in the party a crime. However, if we wish to adopt that feature, we should draw up appropriate legislation which would make it a crime to be a Communist. Under such an act we would then use American institutions to convict, but we will not do so under the procedure suggested by the Senator from West Virginia and the Senator from Illinois.

Mr. KERR. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. FERGUSON. I yield.

Mr. KERR. I understand the amendment adds provisions in addition to the registration feature and would make the act applicable only in the event of war, invasion, or insurrection within the United States in aid of a foreign enemy or similar national emergency, when it has been so declared by joint resolution of Congress.

Mr. FERGUSON. No. It is not essential that there be action by Congress. I understand there are four conditions upon which the President could set in motion the concentration camp mechanics. The first condition reads:

(1) Invasion or imminent invasion of the territory of the United States or its possessions.

If the substitute bill were passed, the President could put it into effect today on the ground there is danger of invasion of the island of Okinawa.

Mr. KERR. Mr. President, will the Senator yield for a further question?

Mr. FERGUSON. Yes.

Mr. KERR. Does the Senator think it would be too far-fetched to contemplate such a possibility?

Mr. FERGUSON. It is not a question of whether an invasion is imminent or not imminent at this moment. I think it would be unconstitutional, un-American, and I think it would be the first blueprint, as I said before, of a dictatorship in America, to set up concentration camps upon such a purely discretionary basis.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS].

Mr. HOLLAND. Mr. President, I offer an amendment to the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HOLLAND. Mr. President, we have not available a printed copy of the amendment offered by the Senator from Illinois, but we do have a printed copy of the amendment in the nature of a substitute, which is offered by the Senator from West Virginia [Mr. KILGORE] and other Senators. It includes, as a part of it, title II, the amendment now offered by the Senator from Illinois. I refer to page 25 of the amendment in the nature of a substitute offered by the Senator from West Virginia and other Senators. In section 102 are found four grounds upon which an internal-security emergency may be declared. They are:

(1) Invasion or imminent invasion of the territory of the United States or its possessions;

(2) Declaration of war by Congress;

(3) Insurrection within the United States in aid of a foreign enemy; or

(4) Declaration of an internal-security emergency by concurrent resolution of the Congress.

Mr. President, I think we must adhere to the Constitution, and I believe Senators want to adhere to the Constitution. The constitutional provision which bears most closely on this point is section 9 of article 1, reading:

The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

In the humble opinion of the Senator from Florida some of the four grounds enumerated in the substitute fall within that test enunciated in the Constitution, and some of them do not.

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

Mr. HOLLAND. Yes.

Mr. ROBERTSON. Are we confronted with the problem that the McCarran bill is unconstitutional in the opinion of the President of the United States and therefore he will veto it if we pass it; that the amendment offered by the Senator from Illinois makes it more unconstitutional, but the President will accept it, and the Senator from Florida is now trying to modify the amendment so that the proposed extreme action could be taken only in the event of war?

Mr. HOLLAND. The Senator is entirely correct in the last part of his statement. The amendment which I offer would strike out in line 16 of page 25 the words "or imminent invasion."

Mr. KERR. To what page is the Senator referring?

Mr. HOLLAND. Page 25, line 16, of the Kilgore substitute. It is proposed to strike out the words "or imminent invasion" in line 16. Also, it is proposed to strike out the entire ground No. 4:

(4) Declaration of an "internal security emergency" by concurrent resolution of the Congress.

If those two elements are stricken from the amendment it would leave the provisions as follows:

(1) Invasion of the territory of the United States or its possessions.

(2) Declaration of war by Congress.

(3) Insurrection within the United States in aid of a foreign enemy.

Mr. President, it seems to me we would be on sound constitutional grounds if we were to adopt the amendment I offer.

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

Mr. HOLLAND. Yes.

Mr. FERGUSON. Does the Senator believe that the mere right of suspending the writ of habeas corpus, which the Constitution allows to be done in two cases, is an indication that we cannot use the fifth and sixth amendments to the Constitution in relation to trials, and so forth? I did not so understand.

Mr. HOLLAND. In reply to the Senator from Michigan I would say that it is my understanding that the writ of habeas corpus may be suspended by appropriate action of Congress, proper action by military authorities, or proper action by the Chief Executive, but only in accordance with the conditions stated by the Constitution. My amendment would make available the machinery referred to in the Lucas amendment to supplement the machinery already available but only in the smaller number of cases left by my amendment. Of course we have some machinery available already. Under military law we can proceed in some cases, and we can proceed under the old statutes of 1798. Methods of procedure are available for action by the President under the war powers or by a State when insurrection or invasion takes place within its bounds. I have no objection to making the bill a better bill if we can do so without injecting a serious question of constitutionality. I believe the adoption of my amendment, which is really two amendments stated as one—and there would be no point in adopting one without adopting the other one also—would bring the amendment offered by the Senator from Illinois within the provisions of the Constitution. That is the only reason for my offering it.

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

Mr. HOLLAND. I yield.

Mr. LUCAS. I have conferred with my colleague, the Senator from Oklahoma [Mr. KERR] and I see no objection to modifying my amendment in line with the suggestion offered by the distinguished Senator from Florida. I think he is correct, "Imminent invasion" does not mean too much, because in the event an invasion occurs, a declaration of war would follow immediately.

The PRESIDING OFFICER. The Senator from Illinois [Mr. LUCAS] modifies his amendment in accordance with the suggestion made by the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President I fully recognize the fact that we are not entirely helpless after war is declared, as many of us know who have been through that experience. When war is declared we know that we can pick up actual or potential saboteurs, and we can detain them. There is no good reason why we should not do so. However, there is a hodgepodge of membership in these subversive organizations, and it may be necessary to seize and detain many more people than we have detained in the past, and although we may pick up some innocent people in the process, most of those detained will be persons who should be detained.

I believe that the changes in the proposed amendment as accepted by the Senator from Illinois will bring it within the purview of the Constitution, and will make available better machinery than that now existing to deal with sabotage and espionage, and therefore I hope that the sponsors of the bill will accept it.

Mr. MUNDT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from South Dakota.

Mr. MUNDT. I inquire whether the Senator from Florida or the Senator from Illinois can answer this question: Does the amendment include the list of printed amendments which are in the nature of corrective amendments to the Kilgore bill, making the board a bipartisan board, and providing many other regulations?

Mr. HOLLAND. I am not able to answer the question, but if it does not, there is no reason why we cannot proceed to perfect the amendment in accordance with the suggestion of the Senator from South Dakota.

Mr. MUNDT. I understood the Senator from Illinois to say he had put it in, but I do not know.

Mr. FERGUSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from Michigan.

Mr. FERGUSON. I wish to call the attention of the Senator to what I had in mind when I said that the suspension of the writ of habeas corpus does not waive the other provisions of the Constitution. I find in case in the Supreme Court *Ex parte Endo* (323 U. S. Reports, p. 298) this language:

Broad powers frequently granted to the President or other executive officers by Congress so that they may deal with the exigencies of wartime problems have been sustained. And the Constitution when it committed to the Executive and to Congress the exercise of the war power necessarily gave them wide scope for the exercise of judgment and discretion so that war might be waged effectively and successfully. (*Hirabayashi* v. *United States*, supra, p. 93.) At the same time, however, the Constitution is as specific in its enumeration of many of the civil rights of the individual as it is in its enumeration of the powers of his government. Thus it has prescribed procedural safeguards surrounding the arrest, detention, and conviction of individuals. Some of these are contained in the sixth amendment, compliance with which is essential if convictions are to be sustained. *Tot* v. *United States* (319 U. S. 463). And the fifth amendment provides that no person shall be deprived of liberty (as well as life or property) without due process of law. Moreover, as a further safeguard against invasion of the basic civil rights of the individual it is provided in article I, section 9 of the Constitution that "The privilege of the writ of habeas corpus

shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." (See *Ex parte Milligan*, supra.)

We mention these constitutional provisions not to stir the constitutional issues which have been argued at the bar but to indicate the approach which we think should be made to an act of Congress or an order of the Chief Executive that touches the sensitive area of rights specifically guaranteed by the Constitution.

So that the mere suspension of the writ of habeas corpus does not take away the other fundamental constitutional rights of the individual.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

Mr. HOLLAND. Will the Senator yield an additional minute?

The PRESIDING OFFICER. The Senator has 2½ minutes left.

Mr. McCARRAN. I did not yield any time at all to any Senator. The Senator from Florida offered an amendment.

The PRESIDING OFFICER. The Chair will state the parliamentary status.

Mr. McCARRAN. A parliamentary inquiry. Does the Senator from Florida, as the author of the amendment to the amendment, have 7½ minutes to address himself to his amendment? If so, then we would have 7½ minutes to reply.

The PRESIDING OFFICER. The Senator from Florida had 7½ minutes. The amendment was accepted by the Senator from Illinois. Under the original division of time the Senator from Nevada has 2½ minutes left.

Mr. McCARRAN. Mr. President, I have not used any time at all on the amendment offered.

The PRESIDING OFFICER. The Senator has used time on the amendment offered by the Senator from Illinois, and now that is all that is pending before the Senate. The Senator has 2½ minutes of the original time on the amendment of the Senator from Illinois.

Mr. McCARRAN. Mr. President——

Mr. WHERRY. Mr. President, if I may address a parliamentary inquiry to the Chair, what happened to the time of those who might oppose the amendment of the Senator from Florida to the amendment of the Senator from Illinois?

The PRESIDING OFFICER. The Chair is advised that as soon as the amendment was accepted, no further time could be allotted on the Holland amendment.

Mr. WHERRY. I ask unanimous consent that 5 minutes be allotted to those who oppose the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. That makes 7½ minutes the Senator from Nevada has.

Mr. McCARRAN. Mr. President, I wonder if those who would accept the amendment offered by the Senator from Illinois know all that is involved in the amendment. Let me read a little of it:

In any proceeding before the Board under this title the rules of evidence prevailing in courts of law and equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any evidence of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

Mr. President, we are dealing with a constitutional question. Either ours is a Government of law or it is a Government of men. It has always been a Government of law. Are we now going to abandon the fundamental principles of the organic law and pick up something and put it onto a bill which has been studied for weeks and months, insert an amendment containing provisions some of which I have read in haste, but many of which are even more obnoxious to the Constitution than the ones I have read?

I appeal to those who have heard this language for the first time, now that it is offered by the Senator from Illinois, to pause before they add to this bill something which will compel the President of the United States to veto it. It has been stated that the President intends to veto the bill. He will have a perfect excuse, if this language is inserted, with all its unconstitutional provisions, to say, "You added onto the bill things which were unconscionable, and of course I cannot sign it." So the bill will be vetoed, and the President would have a perfect ground on which to veto it.

Mr. President, that is only one point. For 2 or 3 days we have been reciting phrase after phrase contained in the Kilgore bill that is obnoxious to the organic law of this country. In God's name, stop a moment, as Americans, and pause, before writing into this bill something that is sure to result in a veto, or the first time it comes into a court it will be turned down as contrary to the organic law.

Mr. President, I appeal to those who think of this for the first time, and it is the first time some of my colleagues have heard this colloquy. We have been discussing this matter for days. The Committee on the Judiciary of the Senate has had every phase of the bill before it for months. It has adopted every phase of it by an almost unanimous vote, and some phases of it have already passed the Senate. One phase of it has already passed the House by an overwhelming vote. Are Senators now going to tie in an unconstitutional provision so as to weigh the bill down and destroy it by a veto, or a decision of the first court before which it comes?

Mr. LEHMAN. Mr. President, I ask unanimous consent that time be given to the sponsor of the amendment to explain the effect of the amendment offered by the Senator from Florida, which appears to me completely to change the purpose of the original amendment.

The PRESIDING OFFICER. The amendment of the Senator from Florida has been accepted, and all time on that amendment has expired.

The question is on agreeing to the amendment offered by the Senator from Illinois, as modified, in accordance with the amendment offered by the Senator from Florida. The ayes and nays have already been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business. If present and voting, the Senator from Pennsylvania would vote "yea."

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea." The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate. The Senator from Maryland [Mr. TYDINGS] is unavoidably detained on official business.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey and the Senator from Maine would each vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and, if present, would vote "nay."

The Senator from Nevada [Mr. MALONE] is temporarily detained on official business, and, if present, would vote "nay."

The result was announced—yeas 34, nays 37, as follows:

YEAS—35

Anderson	Humphrey	McClellan
Benton	Hunt	McFarland
Chavez	Ives	McMahon
Connally	Johnson, Tex.	Magnuson
Douglas	Kefauver	Morse
Frear	Kerr	Neely
Fulbright	Kilgore	O'Mahoney
Graham	Langer	Russell
Green	Leahy	Sparkman
Hill	Lehman	Taylor
Hoey	Long	Thomas, Okla.
Holland	Lucas	

NAYS—37

Bricker	Gurney	Murray
Butler	Hendrickson	O'Conor
Byrd	Hickenlooper	Robertson
Cain	Jenner	Schoeppel
Chapman	Kem	Smith, Maine
Cordon	Knowland	Thye
Darby	Lodge	Watkins
Dworshak	McCarran	Wherry
Ecton	McCarthy	Wiley
Ellender	McKellar	Williams
Ferguson	Martin	Young
George	Millikin	
Gillette	Mundt	

NOT VOTING—24

Aiken	Hayden	Smith, N. J.
Brewster	Johnson, Colo.	Stennis
Bridges	Johnston, S. C.	Taft
Capehart	Malone	Thomas, Utah
Donnell	Maybank	Tobey
Downey	Myers	Tydings
Eastland	Pepper	Vandenberg
Flanders	Saltonstall	Withers

The PRESIDING OFFICER (Mr. HOEY in the chair). The amendment is not agreed to.

Mr. KERR. Mr. President, I ask for a recapitulation of the vote.

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. As I understand, a recapitulation cannot be had after announcement of the vote is made. Is that correct?

The PRESIDING OFFICER. A recapitulation could not be called for until the vote is announced.

Mr. McCARRAN. The vote was announced.

The PRESIDING OFFICER. There is no prohibition against recapitulation of the roll call.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The purpose of a recapitulation, of course, is to see whether or not an error was committed.

Mr. McCARRAN. Was not the vote announced?

The PRESIDING OFFICER. The vote was announced.

Mr. WHERRY. But even though a recapitulation is had, no Senator is permitted to change his vote. It simply is a recapitulation of the vote which has already been had. No other Senator can vote. Is that not true?

The PRESIDING OFFICER. No other Senator has a right to vote. The purpose of a recapitulation obviously is to correct any error, if any error was committed.

Mr. WHERRY. So if an error was committed a change can be made, but no other Senator can vote.

The PRESIDING OFFICER. No other Senator can vote who has not already voted.

Mr. WHERRY. And no change of vote can be made.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Do I understand that if there has been a mistake made in the roll call that a Senator cannot correct the mistake by changing his vote as recorded?

The PRESIDING OFFICER. A Senator who did not previously vote cannot now vote. If an error has been committed the error can be corrected.

Mr. LUCAS. Certainly.

Mr. WHERRY. But no change of vote can be made, though certainly if an error has been made it can be corrected. However, no Senator can change his vote now.

The PRESIDING OFFICER. A change cannot be made of the vote unless the vote is erroneously recorded.

Mr. WHERRY. That is what I stated. If a Senator's vote is erroneously recorded and he so states that it is erroneously recorded, it can be corrected.

The PRESIDING OFFICER. If an error has been committed it can be corrected, but a Senator cannot change his vote merely because of change of opinion.

The clerk will call the roll, on recapitulation, and the Senate will give attention to it.

The legislative clerk recapitulated the vote.

Mr. McFARLAND. Mr. President, I call attention to the fact that I was not recorded on the vote, although I voted "Yea."

The PRESIDING OFFICER. Is there objection to recording the Senator's vote?

Mr. McCARRAN. Mr. President, the Senator's name was recorded, and the correct recording was announced.

Mr. McFARLAND. I have just been told that my vote is not recorded.

The PRESIDING OFFICER. The Chair is informed by the clerk that the Senator's vote is not recorded.

Mr. McFARLAND. Mr. President, I voted "Yea," as a number of Senators will agree, and I did so in a voice loud enough to be heard all over this room.

The PRESIDING OFFICER. Without objection, the Senator's vote will be recorded; and that makes the result of the vote on the Lucas amendment 35 yeas to 37 nays.

Mr. KILGORE. Mr. President, I now call up my amendment in the nature of a substitute.

The PRESIDING OFFICER. The Senator does not wish to have the entire amendment in the nature of a substitute read, does he?

Mr. KILGORE. Oh, no.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 7½ minutes.

Mr. KILGORE. Mr. President, I call attention to the fact that in the case of my amendment in the nature of a substitute, an exception is made to the general provision under the unanimous consent agreement, in that 30 minutes is available, instead of 15, for discussion of this amendment.

Mr. MUNDT. Mr. President, there is so much confusion in the Chamber that we cannot hear what is being said.

Is this the amendment on which 30 minutes is available to each side?

The PRESIDING OFFICER. That is correct. The Senate will be in order.

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

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. TYDINGS. I am asking that the Senator yield to me.

Mr. KILGORE. For what purpose does the Senator request that I yield?

Mr. TYDINGS. In order that I may move to reconsider a vote which has recently been taken, if I have a clear understanding of what is involved.

Mr. KILGORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KILGORE. I do not wish to lose the floor. I believe the motion that the Senator——

Mr. MUNDT. Mr. President, we cannot hear the unanimous-consent request; there is so much confusion in the Chamber that we do not know what is being requested or what is being discussed.

The PRESIDING OFFICER. There is no unanimous-consent request.

The Senate will be in order, so that Senators may understand what is taking place. Senators will please resume their seats.

The Senator from West Virginia has the floor.

Mr. KILGORE. Mr. President, I yield to the Senator from Maryland, to permit him to make a motion.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. WHERRY. Mr. President, reserving the right to object, that would take unanimous consent; certainly unanimous consent would be required before a motion to reconsider could be made.

The PRESIDING OFFICER. A Senator can enter such a motion, but it cannot be voted on now.

Mr. WHERRY. Yes; I agree as to that.

The PRESIDING OFFICER. That is the only purpose for which the Senator from Maryland can be recognized.

Mr. TYDINGS. Mr. President, I desire to enter a motion to reconsider the vote recently taken on the amendment allowing for internment in case of invasion of the territory of the United States or of its possessions or a declaration of war or insurrection in the United States in aid to a foreign enemy.

The PRESIDING OFFICER. The motion will be entered, for consideration later.

Mr. McCARRAN. Mr. President, let me inquire how the Senator from Mary-

land voted on the question of the adoption of that amendment.

The PRESIDING OFFICER. The Senator from Maryland did not vote on that question.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. Can the Senator from Maryland now move a reconsideration of the vote on the amendment?

The PRESIDING OFFICER. A Senator who did not vote can move a reconsideration.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Is a motion to lay on the table the motion of the Senator from Maryland now in order?

The PRESIDING OFFICER. No; it is not in order, because the motion to reconsider has simply been entered.

The Senator from West Virginia has been recognized for 15 minutes to speak on his amendment in the nature of a substitute.

Mr. KILGORE. Mr. President, I think the issue before the Senate is clear cut, and I do not wish to take unnecessary time. According to the New York Times, the question is whether we shall use a blunderbuss or a scalpel in dealing with difficult internal security problems. I prefer to use a scalpel, in the words of the New York Times.

Mr. President, a good many wild and hysterical things have been said about the substitute measure which I, along with several of my distinguished colleagues, have offered. I wonder whether those who have uttered those charges have read the substitute. One interesting fact is that many of the criticisms of it come from the far right and many from the far left. The Communist Daily Worker is outraged over the substitute bill. So are a good many reactionaries of the far right.

Mr. President, the time is too limited to permit me to give all the arguments, pro and con, on the amendment in the nature of a substitute.

However, at this time I should like to read to the Senate an editorial which appears in today's issue of the New York Times:

BLUNDERBUSS VERSUS SCALPEL

The Senate will begin voting today on the anti-Communist measures which it has had under consideration for the past week. If it follows the course of least resistance, which is to approve anything with an "anti-Communist" label without looking too closely to see what else is involved, it will doubtless pass the McCarran bill (S. 4037). For this measure appears to cover everything. It includes the Republican-sponsored Mundt-Ferguson bill broadly outlawing any activity that would substantially contribute to creation of a foreign-controlled dictatorship in the United States and requiring registration of vaguely defined Communist-front as well as Communist organizations; it includes some of Senator McCARRAN'S pet anti-immigration measures as extreme as they are silly; and it also includes certain desirable provisions strengthening the espionage laws.

If the Senate simply wants to pass some sweeping anti-Communist legislation and have done with it, irrespective of its effect, then S. 4037 is the bill. But if Members of the Senate are more interested in the actual protection of the internal security of the United States and in the preservation of the American system of democratic government than in making some quick and easy political capital out of the Communist menace, it is probable that they will hesitate to approve S. 4037. We ourselves have supported that part of the McCarran bill which would actually tighten our espionage laws and strengthen the protection of defense installations—provisions that have been separately introduced as an administration bill by Senator MAGNUSON and others. Supplementing this measure is a much more far-reaching proposal put forward last week by seven progressive Democrats: Senators KILGORE, DOUGLAS, HUMPHREY, LEHMAN, GRAHAM, KEFAUVER, and BENTON.

While in its own way as drastic as some features of the McCarran and Mundt-Ferguson bills, this measure has the great merit of striking directly at the heart of the matter. In brief, under conditions of war, invasion, insurrection, or emergency declared by the President and Congress, it would permit the immediate detention of persons whom there was reasonable ground to suspect might engage in espionage or sabotage. Although the rights of these persons would be protected by elaborate provisions of law, there is no denying the fact that this proposal for preventive arrest represents a startling departure from American tradition. But the menace is something new, too; never before has the issue between American security and American freedom been so sharply joined.

The Kilgore bill (S. 4130) seems to us to represent a reasonable, though severe, way out of the dilemma. It would give the FBI a legislative basis for speedy and effective police action against the most likely enemies of our country when and if the emergency comes. This measure, in our view, would be a more effective way of solving the issue, while preserving a maximum of constitutional guaranties, than would be the blunderbuss method offered by Senator McCARRAN.

Mr. President, may we have order? I cannot even hear myself speak.

The VICE PRESIDENT. The Senate will be in order.

Mr. KILGORE. Mr. President, I sincerely hope that every Member of the Senate will carefully consider the thought-provoking comments of the New York Times.

While much has been said about the Constitution and the writ of habeas corpus, I may say that provision is made in the substitute bill for appeal to the courts. While there has been comment about the activity of the Board in its secret sessions, it must be realized that an appeal lies from that Board to the courts, where the entire matter may be brought out into the open, if appellant so desires.

Therefore, I desire to see serious consideration given to this amendment in the nature of a substitute. In my opinion, it really covers the situation—a new situation, it is true. This is the first time that an effort has really been made strongly to infiltrate this country, to disrupt us from within, and to destroy us through internal activities.

I digress to say that when I was a young man in college I helped organize a collection agency, which covered about five counties. One of our services was to furnish merchants the names of our subscribers to whom they might safely extend credit. We did not expect the "deadbeats" in those counties to come in and register as deadbeats; we knew they would not. We went out and hunted them up. We found out who they were. As an organization, we operated rather profitably. When we graduated from college, we sold the business for a substantial sum of money. People are not coming forward to admit that they are hostile to our form of government, which they would do by registering.

At this time, I also desire to offer a perfecting amendment to the amendment in the nature of a substitute.

The VICE PRESIDENT. The Senator has a right to modify his own amendments without either a vote or consent of the Senate.

Mr. KILGORE. Mr. President, at this time I desire to read my perfecting amendment to the amendment in the nature of a substitute to the bill, S. 4037, as follows:

On page 25, line 23, immediately after the words "in addition", insert the words "to any one of the foregoing."

On page 31, line 21, immediately after the period, insert the following new sentence: "Not more than five members of the Board shall be members of the same political party."

On page 35, line 8, strike out the words "or of a court revoking such detention order" and insert in lieu thereof a comma and the following: "the court or the Attorney General revoking such detention order and for legal costs incurred by such detainee incident to proceedings under this title."

On page 38, line 21, immediately preceding the period, insert a comma and the following: "and to cross-examine adverse witnesses who testify in open session."

On page 39, line 2, strike out the word "evidence" and insert in lieu thereof the word "testimony."

On page 39, line 6, immediately after the period, insert the following new sentence: "If the Board determines that the failure of the Attorney General to present the testimony of such Government agent or officer to the Board in an open session is unreasonably prejudicial to the presentation of the case of the person concerned, the Board may refuse to consider the information provided by such Government agent or officer."

On page 41, between lines 15 and 16, insert the following new sentence: "The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous four subparagraphs shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General and the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee might engage in, or conspire with others to engage in, espionage or sabotage."

On page 42, line 24, immediately after the word "fact", insert the following: "in sufficient detail to apprise the detainee of the grounds for its decision."

On page 43, line 9, immediately after the period, insert the following new sentence: "If timely exceptions are filed, the Board shall hear oral argument upon the request of either party."

On page 45, line 9, immediately after the words "supported by", insert the word "substantial."

On page 45, line 21, immediately after the words "supported by", insert the word "substantial."

Mr. President, as I understand the ruling of the Chair, these amendments are incorporated in the amendment in the nature of a substitute without the necessity of a vote.

The VICE PRESIDENT. The Senator has a right to modify his own amendment.

Mr. KILGORE. Mr. President, do I have any additional time?

The VICE PRESIDENT. The Senator from West Virginia has 4 minutes remaining.

Mr. KILGORE. I yield my 4 minutes to the Senator from Tennessee [Mr. KEFAUVER].

The VICE PRESIDENT. The Senator from Tennessee is recognized for 4 minutes.

Mr. KEFAUVER. Mr. President, there is prevalent in this land today an understandable rising fury against communism and Soviet Russia. Our people are concerned, alarmed, afraid, and some are even hysterical. Fear and hysteria are powerful moving forces, and cause men to do things which in calm courage they would never even consider doing.

Were it not for the insidious threat of communism, and were we not in the very shadow of world war three, virtually no thinking American would ever consider asking Congress to enact laws to control the thoughts of any of its citizens. But communism is a fact and the ominous shadow of another terrible world war is a fact. And we are afraid. The very nature of communism causes us to fear harm from within as much or more so than we fear attack from afar. I think all of us agree to that, and the multiplicity of bills to control communism within our borders attest the truth of that assertion.

I am anxious to place on the statute books the most effective law or laws that we can draft to deal with this problem. I know that this feeling is shared by all of my colleagues. And we want to do this before this session recesses.

The question is, What best shall we do about it? Let us be practical.

The President announced Thursday, September 7, 1950, that he would not sign the McCarran-Mundt-Ferguson bill into law. The President thinks this bill endangers our basic freedoms, and many of us agree with him. This means that Congress might leave Washington with no antisubversive law on the statute books. If the McCarran bill is passed and then Congress carries out its announced schedule of going into recess on Saturday, Congress will not be here to act on the President's veto. The result would be no legislation at this session. We all agree that some legislation is necessary. I agree readily that we of the Congress have our legislative duty to perform and that the President has his. Also I agree that we should not let a threat of veto deter us from doing our duty as we see it. But in this case we have a time set for recess which is bound to arrive before the President could act upon this bill. Then we cannot overlook the fact that the Constitution by the veto power gives the Chief Executive legislative power equal to one-sixth of the membership of the House and of the Senate.

Five of my colleagues and I have joined in presenting the Kilgore substitute to the McCarran bill. That substitute represents our views of what best we can do to solve the problem. I think it removes the objections the President finds in the McCarran bill. I think the President would sign the Kilgore substitute into law, although I am not privileged to speak for him.

What does the Kilgore substitute anti-Communist bill do? It puts those disloyal and dangerous individuals within our borders in confinement immediately in time of war or national emergency. It takes them out of circulation; it provides for action first and talk later; it puts away spies and saboteurs until the danger is past or until they can show by appeals to a board and to the courts that they are detained wrongfully. That is best what we can do, Mr. President; that is what we would have to do and we ought to have a law for that purpose—round up the Communists and others who would harm these United States in time of emergency and put them behind bars. That is what I favor; that is what I have proposed. The FBI does not now have that authority, and it will not have that authority under the McCarran bill even if it should pass over the President's veto. I do not intend to be stampeded into voting for a bill which will die a-borning. The President of the United States, the Director of the Federal Bureau of Investigation, the Attorney General of the United States, the directors of all our armed services intelligence units have said the McCarran bill is not the way to approach the problem; that its passage will make matters worse instead of better.

J. Edgar Hoover is the best authority, the man upon whom we can most confidently rely in this matter. What does he say? In the 1949 FBI report he says:

> Suppression and outlawing of subversive organizations by legislative enactments are not the answer. As a Nation, we need have no fear so long as actions of those residing within our shores are open and aboveboard.

Mr. Hoover testifying before the House Un-American Activities Committee admonishes that he "would hate to see a group that does not deserve to be in the category of martyrs have the self-pity that they would at once invoke if they were made martyrs by some restrictive legislation that might later be declared unconstitutional."

This view is shared by outstanding newspapers such as the New York Times, the Washington Post, and the Chattanooga Times. Are not these men in better situation to gage preventive methods than we? In addition, we all remember the points made so forcibly by Governor Dewey in his memorable debate with Governor Stassen. Governor Dewey proved conclusively that plans such as the McCarran-Mundt-Ferguson bill have never worked in any nation where they have been tried.

I consider myself to be just as anti-Communist as Mr. J. Edgar Hoover, and just as pro-American as Mr. J. Howard McGrath.

These officials, charged with the duty of protecting the internal security of the United States, know what laws they need as implements to do the job. Mr. Hoover has said provisions, such as are contained in the McCarran bill, are not the answer. Mr. Hoover says it is better in time of peace that actions of American residents remain open and aboveboard. Mr. Hoover said Thursday that the FBI considers about 12,000 Communists in this country dangerous—half of them American citizens and many of them native-born. The FBI knows who and where these dangerous and 38,000 additional Communists are—knows better than we how to deal with them.

I say to my colleagues that it is high time we stop conjecturing, and act on the advice of men, such as J. Edgar Hoover, who are experienced—where we are not—in the handling of persons who would harm the United States. We seem to be running over each other in a contest to see who can devise the most "anti" anti-Communist legislation; we should be listening to the counsel of J. Edgar Hoover and other experts in the field.

My support of the Kilgore bill rather than the McCarran bill means I am not foolish enough to support a bill which the experts say will not work and which the President will not sign, merely because it is labeled "anti-Communist." It means that I accept the statement of J. Edgar Hoover that driving the Communists underground to bore from underneath is not the answer to the problem. It means that I am ready and eager to put all Communists and internal enemies of the United States behind bars anytime the FBI and men who know Communists best say the word. It means that fear shall not drive me to subtsitute my own theories for the experience of experts.

I shall not here deal at length with the constitutional objections to the McCarran bill. These objections are well set forth in the minority report, and some days ago in colloquy with the Senator from South Dakota [Mr. MUNDT] I explained some of my particular objections: One does not need to be a sagacious constitutional lawyer to find basic objections to the McCarran bill. Any intelligent layman who will read the Constitution and then read the bill will have a feeling that it endangers many of the basic rights we Americans hold so dear—freedom of speech, press, assembly, thought, and the right not to have to give evidence against one's self.

Take section 4, for instance. The Constitution gives a Member of Congress the right to propose any amendment to the basic law he desires. It gives the citizen a right to support that amendment. Yet the Congressman and the citizen would be guilty of violating section 4 if he did any act—proposing a constitutional amendment is not excepted—which some court might say contributed to establishing a totalitarian dictatorship in the United States. This includes any town or municipality. Totalitarian dictatorship is defined in the preceding section to mean one party rule where no opposition is permitted. This could be used by unscrupulous prosecutors to punish people upon suspicion, hearsay, or flimsy evidence, even though

their acts are protected by the Constitution.

Section 4 (b) could result in convicting an innocent person of orally passing on confidential information, even though he may not actually know it was classified and did not intend to do harm to the Government.

Section 4 (c) would make Mr. Churchill or any representative of a foreign government guilty if he asked for information which was classified or confidential. The section is not limited to unfriendly governments. This is a heavy burden to put on people with whom we are trying to get along.

As to these sections—

They would—

In the words of the late Charles Evans Hughes, Jr.—

include attempts to bring about such result by expression of opinions through speech or publication, or by participation in peaceable assemblies, designed to bring about changes in the Government through orderly processes of amendment of the Constitution. Statutes which spread as wide a net as that violate the first amendment.

* * * * *

In addition, section 4 fails to meet the test of due process which requires that the definition of a crime must be sufficiently definite to be a dependable guide to the conduct of the individual and to the court and jury which passes upon his guilt or innocence. This is true of the critical terms * * * "vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual," and "any movement." Interpretation of these phrases receives only the slightest aid from the legislative declarations in section 2, because the latter relates to a particular "Communist totalitarian dictatorship" and to a "world Communist movement," whereas section 4 denounces attempts to establish any totalitarian dictatorship controlled by "any" foreign organization and "any" movement so long as it aims at that end. Especially in such a context the terms "attempt," "facilitate or aid," and "actively to participate" are too vague and indefinite for a criminal statute (p. 416 of hearings on H. R. 5852).

About last year's section 4a, which is substantially identical with the present provision, Tom Clark said:

From the language of the bill, it appears uncertain whether mere membership in a Communist organization as defined in section 3 would constitute a violation of section 4. The principle that a criminal statute must be definite and certain in its meaning and application is well established; and principle which may not be satisfied by the definitions and criteria of the bill. (*Connally* v. *General Construction Co.* (269 U. S. 385); *Lanzetta* v. *New Jersey* (306 U. S. 451) (p. 424 of Hearings on H. R. 5852).)

Seth Richardson, Chairman of the Loyalty Review Board, had this to say about the old section 4—and it applies with equal force to the present language:

I am inclined to the view that before section 4 of the act can be deemed a proper exercise of the power of the Congress to protect the country against threatened danger, the bill should provide that efforts to establish a totalitarian dictatorship must be accompanied by force and violence and by unconstitutional procedures.

Mr. John W. Davis' similar opinion was, in part, as follows:

Without pausing to consider such constitutional questions as are raised by the general frame of the bill or others which might appear in the course of its attempted enforcement, I am constrained to think that because of its indefiniteness and uncertainty the bill fails to meet the constitutional requirement of due process. It is a highly penal statute of a character concerning which the Supreme Court has but recently said: "The standards of certainty in statutes punishing for offenses is higher than in those depending primarily upon civil sanction for enforcement. The crime 'must be defined with appropriate definiteness'" (*Winters* v. *New York*, decided March 29, 1948 (338 U. S. 507, 515)).

In this opinion the Court goes on to say—pages 515–516:

There must be ascertainable standards of guilt. Men of common intelligence cannot be required to guess at the meaning of the enactment. The vagueness may be from uncertainty in regard to persons within the scope of the act * * * or in regard to the applicable tests to ascertain guilt.

These principles are, I believe, of universal acceptance in all American courts.

In the light of these opinions by the Nation's foremost lawyers, I think we must agree that the Supreme Court would reverse convictions under many sections of the McCarran bill. Then after years of delay nothing worthwhile would have been accomplished. The Kilgore bill does not get into the matter of thought control or of curbing freedom of speech or of the press. During time of danger it merely puts dangerous Communists and fifth columnists out of circulation. There are no valid constitutional objections to doing this. The Government has a right to protect itself.

Furthermore, the McCarran bill group together five or six other measures. Some of these are good. Others are not. Some need much amending before passage. One such bill transfers from the State Department to the Justice Department many powers and rights in dealing with Ambassadors and foreign representatives. The State Department says this would be calamitous. We should defer action on this bill.

I think those Americans who sent me here will approve my reasons and my action. I hope my colleagues will reconsider the ill-conceived McCarran bill and pass into law the Kilgore substitute.

I shall feel much more confident in reporting to my people if that is done. The McCarran bill is a clumsy catch-all and difficult of enforcement. I do not favor it as it now stands. I will vote for it if some amendments to give adequate protection to decent and loyal citizens are adopted. I shall present several very necessary amendments to section 4. I do not think we should follow the philosophy of voting for a bill regardless of whether it meets constitutional requirements, regardless of whether it is sound just because it is called anti-Communist. When I entered this body I took an oath to support the Constitution. I could not live with my conscience if I gave my approval to a bill which does violence to the Constitution, to the Bill of Rights, and which I think destroys many of those freedoms which make America the great land of the free. The Kilgore substitute is realistic and direct and would give the FBI the tools to do the job when the time comes.

That is why I sponsored the Kilgore substitute rather than the McCarran bill.

I have certain amendments which I shall propose at a later time, in connection with section 4.

The VICE PRESIDENT. The Senator's time has expired. The Senator from Nevada is recognized.

Mr. McCARRAN. Mr. President, I yield 7½ minutes to the Senator from Maryland [Mr. O'CONOR].

Mr. O'CONOR. Mr. President, I rise to express opposition to the substitute offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators, which substitute, incidentally, was never submitted to the Judiciary Committee or ever received a minute's consideration from that committee. The pending measure, the McCarran bill, comes before the Senate with an overwhelming majority of the Judiciary Committee in approval of it after the most extensive consideration, hearings, and consultation with legal authorities to insure its constitutionality. Not a single legal opinion has been sought or obtained by the committee in support of the so-called Kilgore substitute.

The McCarran bill, despite what has been said about its embodying the features of the Mundt-Ferguson bill, does not aim at thought control, but it does provide penalties for un-American acts which are aimed at the overthrow of American institutions. It does not make mere membership in the Communist Party a crime, but it does bring Communists into the open, through registration requirements affecting the membership of Communist-controlled parties and Communist-front organizations, as well as requiring them to reveal the sources of their financial backing and to label their propaganda so that the American public will not be deceived or misled, whereas the Kilgore substitute offers nothing in that respect.

The McCarran bill follows the desire of J. Edgar Hoover, FBI Director, who has given us assurances that the primary thing in which the FBI is interested is in knowing the identity of all Communists in the United States, which the Kilgore substitute would give no help in doing, except after the damage is done, when the Communists would be placed in concentration camps.

The McCarran bill provides proper legal safeguards, guaranties, and judicial review, and through administrative machinery designed to protect the rights and privileges of all persons—even subversive aliens—conforms to the traditional American procedures. No loyal American who is devoted to his country's interests in war or in peace need fear any sanctions under this bill. No citizen of the United States desiring to avail of his constitutional rights to advocate changes in the American form of government through pursuance of accepted methods for constitutional

change, and who is not intent upon placing the United States under the domination of a foreign power, will be prevented from engaging in any legitimate activity for a constitutional amendment.

No alien who is seeking admission to the United States or who has gained admission need fear the sanctions of this bill, provided he does not come here for the purpose of inciting terror or fomenting discord and of acting in furtherance of an un-American movement to up-root our basic institutions and to supplant our democratic form of government through the installation of a dictatorship under foreign control.

In a word, the McCarran bill is preeminently a measure for the preservation of American ideals. It would accomplish this laudable purpose through the exposure of potential enemies and through punishment of those actively engaged in a world-wide undertaking whose avowed purpose is the destruction of the American form of government.

Just a word, Mr. President, as to the concentration camp feature, which I think is the most un-American of the features embodied in the so-called Kilgore substitute. This provision is so astonishing in its scope and contains implications—as it now appears, though not as it was suggested that it be amended—by the Senator from Florida, of such far-reaching effects upon our people, that I do not see how it can be accepted. If this bill, embodying the Kilgore substitute, should become law, the only other element that would be needed for the establishment of dictatorship would be a President who wanted to be a dictator, or who was under the control of forces which wanted a dictatorship.

Why do I say that? Section 102 of this proposal lists four contingencies, in the event of any one of which the President may by proclamation establish what is defined as an internal security emergency, and then imprison his opponents in concentration camps. But only two of these contingencies are within the control of the Congress. The second numbered contingency is in case of declaration of war by Congress. The fourth numbered contingency is a declaration of an internal security emergency by concurrent resolution of the Congress.

But there are two other contingencies. The first is the case of invasion or imminent invasion of the territory of the United States or its possessions. There is nothing said about any action by the Congress. It is not a question for the Congress to determine. If the President, by proclamation, declared that such an invasion was imminent, even if he only referred, in terms, to the imminent invasion of a distant Territorial possession, that would be sufficient basis to support the proclamation of an internal security emergency.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. McCARRAN. Mr. President, I yield two and a half more minutes to the Senator from Maryland.

Mr. O'CONOR. Mr. President, that finding embodied in a Presidential proclamation would be sufficient to create the state of emergency envisioned by the bill, because there would be no person and no machinery capable of challenging the effectiveness of that proclamation. Under that proclamation any officer or officers appointed by the President to execute such authority could proceed to apprehend and detain American citizens without trial and without hearing; and it is easy to see that it would not be very long before there would be no one left outside the concentration camps who disagreed with the new dictator.

Similarly, Mr. President, it would be possible for the President, by proclamation, to declare a state of insurrection within the United States, whether or not such a state of insurrection actually existed; and there would be no one to challenge, successfully, the sufficiency or the effectiveness of the proclamation.

Of course, the present proponents of the substitute do not favor a dictatorship in the United States, nor are they trying to lay the groundwork for it. But the fact remains that if we wanted to establish a dictatorship in this country, the enactment of this substitute would provide the machinery for it. If there should ever be in the White House a potential dictator, or a President subservient to a group which wanted a totalitarian form of the Government in the United States, an effective dictatorship could be established overnight.

That is why, Mr. President, I cannot vote for such a proposal, and I cannot sit idly by and see such a proposal voted on in the Senate of the United States without voicing this note of warning concerning it.

Mr. McCARRAN. Mr. President, I yield the remainder of my time to the Senator from South Dakota [Mr. MUNDT].

The VICE PRESIDENT. The Senator from South Dakota is recognized for 5 minutes.

Mr. MUNDT. Mr. President, the junior Senator from Maryland [Mr. O'CONOR] has done a splendid job of outlining to the Senate precisely what would happen if we should substitute the Kilgore proposal and what it imports into the picture, and how it injects into American political life, for the first time, a totalitarian tactic, giving to a group of nine members of a board the right, without due process of law and in violation of our constitutional guaranties, to detain in a concentration camp native-born American citizens.

I should like to pause here, Mr. President, long enough to pay a tribute to the junior Senator from Maryland. I think that perhaps more than any other Senator on his side of the aisle he has shown a consistent position in this matter. He has been articulate and energetic in connection with the proposed legislation. He has not listened to the appeals of demagogues who are trying to get his support to add to their bloc of votes. Senator O'CONOR has opposed communism in America vigorously and courageously.

I desire to refer to the registration feature of S. 2311 which has been so often attacked, and with reference to which this last effort on the part of the Kilgore group is a third attempt to eliminate it from the bill. The first time, they endeavored to operate on it by boring little holes in it, and inserting a substitute in the nature of the Lucas amendment. That was defeated by the recent roll call vote. Failing in that they have tried to add it as supercargo to the top of the ship, so as perhaps to raise the question of the bill's constitutionality, perhaps make the whole bill unconstitutional, thus invite a veto, and incline Senators to vote against it. That attempt also failed. Now the attempt is made to kill the Mundt-Ferguson provisions with the blunderbuss method, by trying to knock in the bottom of the ship a hole as big as a farmer's washtub, and thus to sink the ship and defeat the legislation by that method.

Mr. President, it is the same argument each time. For some reason or other Senators who sponsor the amendment do not want these fellows registered. Why? Why do they object to the registration feature? Why do they object to bringing Communists into the open, which the FBI has said is the thing we need to do in order to defeat the Communist program? We must bring these Communists out into the open. I heard the majority leader say on the floor of the Senate today that registration would do absolutely nothing. He tried to tell that to the American Legion in Chicago last Saturday night, and after they listened to him they voted overwhelmingly against the Kilgore substitute and in favor of the McCarran bill. It is recorded in the newspaper report of the convention. Why did the American Legion do that? Why do other groups take the same action? The reasons are many.

First, as the junior Senator from Maryland has pointed out, registration forces Communists into the open. Once the bill is adopted Communists will either come out into the open or go to jail. It will be one thing or the other. All of it will be done under due process of law. Another thing registration would do would be to make Communists identify their literature. Here is a copy of the Communist Daily Worker, which is circulated all over America and sold in every major city of America and in book stalls. I defy anyone with a pair of binoculars or without them to find anything in it indicating to the uninformed that this publication is a Communist publication. Registration would make them label the Communist Daily Worker as the Communist publication that it is. All it says now is that the Daily Worker is "published daily except Saturday and Sunday by the Freedom of the Press Co." They give the address where the paper is published. Nothing is shown about the fact that it is a Communist publication. It is said that registration will not do any good. Mr. President, it will alert America to the fact that Communist propaganda is spewed out to them from Communist sources, and it will identify those sources.

Registration would make Communists identify their front organizations. American Youth for Democracy swept through American college and university campuses because no one identified the organization as a Communist or-

ganization. When it was finally identified as such, the American Youth for Democracy died within 90 days.

What else would registration do? It would alert every college president. It would alert every employer in America. College presidents and boards of regents do not intentionally hire Communists. I do not think that very many Government officials intentionally employ Communists. Registration would bring them out into the open. It would alert people.

The majority leader said today that it would do no good. Let me tell the Senator that the 30 Communists in South Dakota would be very effectively nullified 30 days after the adoption of the act, because 30 days after the adoption of the bill if they did not register voluntarily the Attorney General would publish the list and send it to the Subversive Control Board. We would see to it that those Communists did not hold jobs in Igloo at the South Dakota ammunition dump, at the big B–36 bomber base at Rapid City, S. Dak., or along the air strips at Aberdeen on the way down from Alaska, in case of an invasion from the North.

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

Mr. MUNDT. I am amazed that Democratic Senators should stand on the floor and object to having Communists registered and forcing them to divulge where they get their money, when the Republican Party, the Democratic Party, and the Progressive political party must register and show where they get their money.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired. All time for debate has expired.

Mr. HUMPHREY. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. HUMPHREY. Has the time for debate expired?

The VICE PRESIDENT. All time for debate has expired. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators.

Mr. DOUGLAS and other Senators asked for the yeas and nays.

Mr. FERGUSON. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOLLAND. Is the amendment in the nature of a substitute open to amendment?

The VICE PRESIDENT. It is open to amendment.

Mr. HOLLAND. I send an amendment to the desk and ask that it be stated and that I may explain it briefly.

The VICE PRESIDENT. The Senator from Michigan has suggested the absence of a quorum. Does he withhold his suggestion?

Mr. FERGUSON. Yes.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 49, after line 2, it is proposed to insert a new section, as follows:

SEC. 117. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting, immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

Mr. HOLLAND. When the Senate was considering amendments to the bill, the Senator from Louisiana [Mr. ELLENDER] offered an anti-court-picketing measure as an amendment to the bill. The Senator from Florida joined the Senator from Louisiana as a cosponsor. Since the amendment, in the nature of a substitute, is now being perfected, we wish to follow the same course with reference to the substitute. The amendment is offered by the Senator from Florida for himself and in behalf of the Senator from Louisiana [Mr. ELLENDER]. It would incorporate an anti-court-picketing amendment in the substitute measure.

Mr. KILGORE. Mr. President, in order to save time, the sponsors of the amendment in the nature of a substitute are willing and glad to accept the amendment offered by the Senator from Florida [Mr. HOLLAND].

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND], for himself and in behalf of the Senator from Louisiana [Mr. ELLENDER], to the amendment offered by the Senator from West Virginia [Mr. KILGORE] and other Senators.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Ferguson	Ives
Benton	Frear	Jenner
Bricker	Fulbright	Johnson, Tex.
Butler	George	Kefauver
Byrd	Gillette	Kem
Cain	Graham	Kerr
Chapman	Green	Kilgore
Chavez	Gurney	Knowland
Connally	Hendrickson	Langer
Cordon	Hickenlooper	Leahy
Darby	Hill	Lehman
Douglas	Hoey	Lodge
Dworshak	Holland	Long
Ecton	Humphrey	Lucas
Ellender	Hunt	McCarran
McCarthy	Mundt	Taylor
McClellan	Murray	Thomas, Okla.
McFarland	Neely	Thye
McKellar	O'Conor	Tydings
McMahon	O'Mahoney	Watkins
Magnuson	Robertson	Wherry
Malone	Russell	Wiley
Martin	Schoeppel	Williams
Millikin	Smith, Maine	Young
Morse	Sparkman	

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the amendment in the nature of a substitute, as amended, offered by the Senator from West Virginia [Mr. KILGORE] for himself and other Senators.

The amendment was to strike out all after the enacting clause and to insert:

TITLE I—INTERNAL SECURITY

SECTION 1. This title may be cited as the "Internal Security Act of 1950."

SEC. 2. (a) The Congress hereby finds that—

(1) Totalitarian political movements, and individuals and associations of individuals giving aid or support to such movements, endanger the military security and constitute a serious threat to the existence of American institutions and the peaceful enjoyment of the American way of life.

(2) The Congress from time to time has enacted various statutes designed to protect the Government against injury resulting from activities of those who adhere to or furnish aid or support to such movements, including the following provisions of existing law:

(A) sections 2384 and 2385 of title 18 of the United States Code, which prohibit advocating and teaching the overthrow of the Government by force or violence, organizing any groups for such purpose, or any conspiracy therefor, and the constitutionality of which has recently been upheld by the United States Court of Appeals for the Second Circuit in affirming the conviction thereunder of 11 leaders of the Communist Party of the United States;

(B) the act of June 8, 1938, as amended (22 U. S. C. 611–621), which requires agents of foreign governments to register with the Attorney General and to label their propaganda;

(C) the act of October 16, 1918, as amended (8 U. S. C. 137), and section 19 of the Immigration Act of 1917, as amended (8 U. S. C. 155), which provide for the exclusion and deportation from the United States of aliens who advocate the overthrow of the Government by force or violence;

(D) section 2381 of title 18 of the United States Code, which embodies the constitutional definition of treason; and

(E) chapter 105 of title 18 of the United States Code, which prohibits the sabotage of materials, premises, and utilities relating to the national defense.

(3) In addition, various other provisions enacted by the Congress and certain administrative practices of agencies engaged in carrying out such provisions have been useful in providing further protection against such injury including—

(A) the provisions of law dealing with the issuance of passports (22 U. S. C. 211–299), under which the Secretary of State has denied passports to Communists and others in the interests of national security;

(B) the internal-revenue laws, under which exemption from taxation under section 101 of the Internal Revenue Code is denied to certain organizations determined by the Attorney General to be subversive, and under which contributors are denied deductions for their contributions to such organizations;

(C) chapter 79 and section 1001 of title 18 of the United States Code, which deal with perjury and the making of false statements,

and which have been effective in the prosecution of persons who have untruthfully denied affiliation with subversive groups; and

(D) the provisions of section 9A of the act of August 2, 1939, to prevent pernicious political activities (5 U. S. C. 118j), which prohibit membership by Government employees in organizations which advocate the overthrow of the Government by force or violence, and other provisions of law under the authority of which a program has been established for the exclusion from Federal employment of Communists and other persons of doubtful loyalty.

(b) The Congress therefore declares that—

(1) The policy embodied in the foregoing statutes is hereby reaffirmed and such statutes should be vigorously enforced so as to minimize the present danger to the national security resulting from activities of associations and individuals aiding and supportng the world Communist movement.

(2) In the light of existing world conditions, certain of the statutes herein referred to should be amended in certain respects in order to strengthen their provisions and facilitate their enforcement, in accordance with the recommendations of the President and the departments and agencies directly charged with responsibility for internal security functions.

SEC. 3. Section 793 of title 18 of the United States Code is hereby amended to read as follows:

"§ 793. Gathering, transmitting, or losing defense information.

"(a) (1) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, air force base, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war, including items related to nuclear energy, are being made, prepared, repaired, processed, or stored, or are the subject of research and development under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

"(2) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, matter, writing, or note of anything connected with the national defense; or

"(3) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

"(4) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted, the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entiled to receive it; or

"(5) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, matter, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit, or causes to be communicated, delivered, or transmitted, the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

"(6) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, matter, or information relating to the national defense—

"(A) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed; or

"(B) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed,

and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

"Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(b) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

"(c) No prosecution shall be brought under this section or under section 792 or 794, except upon the express direction of the Attorney General of the United States."

SEC. 4. (a) The analysis of chapter 213 of title 18, United States Code, immediately preceding section 3281 of such title, is amended by adding at the end thereof the following new item:

"3291. Espionage and security of defense information."

(b) Chapter 213 of title 18, United States Code, is amended by adding after section 3290 the following new section:

"§ 3291. Espionage and security of defense information.

"An indictment for any violation of section 792, 793, or 794 of this title may be found at any time within 10 years next after such violation shall have been committed: *Provided,* That such period of limitation shall not commence to run in regard to any such violation or violations by any officer, agent, or employee of the United States during any period that such individual holds the office, position, employment, or appointment he held at the time such offense was committed: *And provided further,* That nothing contained in this section shall be construed to impose any limitation in the case of offenses punishable by death."

SEC. 5. The act of June 8, 1938 (52 Stat. 631; 22 U. S. C. 611–621), entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," as amended, is hereby further amended as follows:

(a) Strike out the word "and" at the end of section 1 (c) (3), insert the word "and" at the end of section 1 (c) (4), and add the following subsection immediately after section 1 (c) (4):

"(5) any person who has knowledge of, or has received instruction or assignment in, the espionage, counterespionage, or sabotage service or subversive tactics of a government of a foreign country or a foreign political party, unless such knowledge, instruction, or assignment has been acquired by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party or unless by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned, and a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security."

(b) Add the following subsection immediately after section 8 (d):

"(e) Failure to file any such registration statement or supplements thereto as is required by either section 2 (a) or section 2 (b) shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary."

SEC. 6. (a) The analysis of chapter 67 of title 18, United States Code, immediately preceding section 1381 of such title, is amended by adding at the end thereof the following new item:

"1385. Promulgation of security regulations."

(b) Chapter 67, title 18, United States Code, is amended by adding after section 1384 the following new section:

"§ 1385. Promulgation of security regulations.

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated by the Secretary of Defense and approved by the President of the United States for the protection or security of military or naval aircraft, airports, airport facilities, ves-

sels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the National Military Establishment, or of any department or agency of which said establishment consists, or of any officer or employee of said establishment, department, or agency, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions thereon, or the ingress thereto, or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident, or by enemy action, sabotage, or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than 1 year or both.

"(b) Every such regulation or order shall be posted in conspicuous or appropriate places.

"(c) In time of war, or national emergency as proclaimed by the President, the provisions of this section may be extended by Presidential proclamation to include such property and places as the President may therein designate in the interest of national security."

SEC. 7. Section 20 of the Immigration Act of February 5, 1917, as amended (39 Stat. 890; 57 Stat. 553; 8 U. S. C. 156), is hereby amended to read as follows:

"SEC. 20. (a) That the deportation of aliens provided for in this act and all other immigration laws of the United States shall be directed by the Attorney General to the country specified by the alien, if it is willing to accept him into its territory; otherwise such deportation shall be directed by the Attorney General within his discretion and without priority of preference because of their order as herein set forth, either to the country from which such alien last entered the United States; or to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory; or to any country in which he resided prior to entering the country from which he entered the United States, or to the country which had sovereignty over the birthplace of the alien at the time of his birth; or to any county of which such an alien is a subject, national, or citizen; or to the country in which he was born; or to the country in which the place of his birth is situated at the time he is ordered deported; or, if deportation to any of the said foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory. If the United States is at war and the deportation, in accordance with the preceding provisions of this section, of any alien who is deportable under any law of the United States, shall be found by the Attorney General to be impracticable or inconvenient because of enemy occupation of the country whence such alien came or wherein is located the foreign port at which he embarked for the United States or because of other reasons connected with the war, such alien may, at the option of the Attorney General, be deported (1) if such alien is a citizen or subject of a country whose recognized government is in exile, to the country wherein is located that government in exile, if that country will permit him to enter its territory; or (2) if such alien is a citizen or subject of a country whose recognized government is not in exile, then, to a country or any political or territorial subdivision thereof which is proximate to the country of which the alien is a citizen or subject, or, with the consent of the country of which the alien is a citizen or subject, to any other country. No alien shall be deported under any provision of this act to any country in which the Attorney General shall find that such alien would be subjected to physical persecution. If deportation proceedings are instituted at any time within 5 years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that cannot be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation lines by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than 5 years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 18 of this act: *Provided*, That when in the opinion of the Attorney General the mental or physical condition of such alien is such as to require personal care and attendance, the said Attorney General shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending final determination of the deportability of any alien taken into custody under warrant of the Attorney General, such alien may, in the discretion of the Attorney General (1) be continued in custody; or (2) be released under bond in the amount of not less than $500, with security approved by the Attorney General; or (3) be released on conditional parole. It shall be among the conditions of any such bond, or of the terms of release on parole, that the alien shall be produced, or will produce himself, when required to do so for the purpose of defending himself against the charge or charges under which he was taken into custody and any other charges which subsequently are lodged against him, and for deportation if an order for his deportation has been made. When such an order of deportation has been made against any alien, the Attorney General shall have a period of 6 months from the date of such order within which to effect the alien's departure from the United States, during which period, at the Attorney General's discretion, the alien may be detained, released on conditional parole, or upon bond in an amount and specifying such conditions for surrender of the alien to the Immigration and Naturalization Service as may be determined by the Attorney General. If deportation has not been practicable, advisable, or possible, or departure of the alien from the United States has not been effected, within 6 months from the date of the order of deportation the alien shall become subject to such further supervision as is authorized hereinafter in this section.

"(b) Any alien, against whom an order of deportation, heretofore or hereafter issued, has been outstanding for more than 6 months shall be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall require any alien subject to supervision (1) to appear from time to time before an officer designated by the Attorney General for identification; (2) to submit, if directed by such designated officer, to medical and psychiatric examination at the expense of the United States; (3) to give to such designated officer information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information whether or not related to the foregoing as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Such regulations shall also require that any alien subject to supervision shall be denied access to any area designated by the Attorney General, if in the opinion of the Attorney General the presence of such alien in such area would endanger the national security.

"(c) Any alien who willfully fails or refuses to comply, and any person who counsels, aids, advises, abets, or encourages any alien not to comply, with any requirement imposed by or pursuant to subsection (b) of this section shall be fined not more than $10,000 or imprisoned not more than 5 years, or both: *Provided*, That the alien may be released from such imprisonment by the Attorney General if the alien's deportation can be immediately effected at any time during the term of his imprisonment.

"(d) If any alien subject to supervision under subsection (b) of this section is able to depart from the United States, except that he is financially unable to pay his passage, the expense of such passage to the country to which he is destined may be paid from the appropriation for the enforcement of this act, unless such payment is otherwise provided for under this act."

SEC. 8. If any provision of this act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this act and the application of such provision to other circumstances shall not be affected thereby.

TITLE II—EMERGENCY DETENTION

SHORT TITLE

SEC. 100. This title may be cited as the "Emergency Detention Act of 1950."

FINDINGS OF FACT AND DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each state a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(11) the experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people, and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional right and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

DECLARATION OF "INTERNAL-SECURITY EMERGENCY"

SEC. 102. (a) In the event of any one of the following:

(1) Invasion or imminent invasion of the territory of the United States or its possessions;

(2) Declaration of war by Congress;

(3) Insurrection within the United States in aid of a foreign enemy; or

(4) Declaration of an "internal-security emergency" by concurrent resolution of the Congress;

and if, in addition to any one of the foregoing, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an "Internal Security Emergency."

(b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

DETENTION DURING EMERGENCY

SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General or such other officer or officers of the United States as the President may by his proclamation designate (hereinafter referred to as the Attorney General), is hereby authorized to apprehend and by order detain each person as to whom he, the Attorney General, or such other officer so designated, finds that there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

(b) Any person detained hereunder (hereinafter referred to as "the detainee") shall be released from such emergency detention upon—

(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

(2) an order of release issued by the Attorney General;

(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

(4) a final order of release by a United States court after review of the action of the Board of Detention Review.

PROCEDURE FOR APPREHENSION AND DETENTION

SEC. 104. (a) The Attorney General, or such officer or officers of the Government as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General.. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer designated by the Attorney General who shall—

(1) advise the detainee of his legal rights and of the grounds on which his detention was ordered;

(2) record any information offered or objections made by such detainee, and within 7 days after the preliminary hearing receive any additional written evidence or representations such detainee may wish to file with the Attorney General; and

(3) prepare and transmit to the Attorney General, or such other officer as may be designated by him, a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

(e) The Attorney General, or such other officers as he may designate, shall upon re-

quest of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court, and the detainee to the fullest extent possible the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States. He is also authorized to prosecute appeals from orders of the Board of Detention Review or of any court which modify or revoke any order under which any person is detained, and to petition for the suspension of the execution of any such order of modification or revocation pending final disposition of any appeal taken therefrom to any court of competent jurisdiction (in the case of an order of the Board) or to any higher court (in the case of an order of a court).

(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary or desirable to promote the effective administration of this title.

(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act. The Attorney General shall appoint an Inspector of Detention, and such assistants as may be necessary, to review all phases of any detention program in operation and to report to the Attorney General his findings and recommendations at regular intervals (no less often than bimonthly) and from time to time upon request of the Attorney General. Such reports of the Inspector of Detention shall be included in each bimonthly report of the Attorney General to the President and the Congress.

DETENTION REVIEW BOARD

SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the "Board") which shall consist of nine members appointed by the President by and with the advice and consent of the Senate. Not more than five members of the Board shall be members of the same political party. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board of all pending appeals in the courts from orders of the Board, the President is authorized in his discretion to dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such examiners or agents as it may designate, conduct any hearing necessary to its functions in any part of the United States.

SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 109. (a) Any Board created under this title is empowered—

(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

(3) to issue orders confirming, modifying, or revoking any such order of detention; and

(4) to hear and determine any claim made by any detainee pursuant to this paragraph for idemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board, the court, or the Attorney General revoking such detention order and for legal costs incurred by such detainee incident to proceedings under this title. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice. Such hearing may be conducted by any member, officer, regional examiner, or other agent (hereinafter referred to as "hearing examiners") designated by the Board.

(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) (1) Notices, orders, and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail or by telegraph or by leaving a copy thereof at the

principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return postoffice receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf, and to cross-examine adverse witnesses who testify in open session.

(g) In any proceeding before the Board under this title the rules of evidence prevailing in courts of law or equity shall not be controlling, and the Board and its hearing examiners are authorized to consider in closed session under regulations designed to maintain the secrecy thereof any testimony of Government agents and officers the full text or content of which cannot be publicly revealed or communicated to detainee for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. If the Board determines that the failure of the Attorney General to present the testimony of such Government agent or officer to the Board in an open session is unreasonably prejudicial to the presentation of the case of the person concerned, the Board may refuse to consider the information provided by such Government agent or officer. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

(1) that the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

(2) any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

(3) activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

(4) any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage. The authorization of the Attorney General and the Board of Detention Review to consider the evidence set forth in the previous four subparagraphs shall not be construed as a direction to detain any person as to whom such evidence exists, but in each case the Attorney General and the Board of Detention Review shall decide whether, on all the evidence, there is reasonable ground to believe the detainee or possible detainee might engage in, or conspire with others to engage in, espionage or sabotage.

(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

ORDERS OF THE BOARD

SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody.

(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity.

(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact in sufficient detail to apprise the detainee of the grounds for its decision and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed. If timely exceptions are filed, the Board shall hear oral argument upon the request of either party.

(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

JUDICIAL REVIEW

SEC. 111. (a) Any petitioner aggrieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section.

(b) In the case of any order of the Board modifying or revoking any order of detention issued by the Attorney General, or granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in the United States court of appeals for the circuit wherein the petitioner is detained or resides, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if sup-

ported by substantial evidence, shall be conclusive.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

(f) Any order of the Board shall become final—

(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals, and no petition for certiorari has been duly filed; or

(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

CRIMINAL PROVISIONS

SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

SEC. 113. Whoever knowingly—

(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sabotage; or

(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section,

shall be fined not more $10,000, or imprisoned not more than 10 years, or both.

SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

REVIEW BY CONGRESS

SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

DEFINITION

SEC. 116. For the purposes of this title, the term "espionage" means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this Act, and the term "sabotage" means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

SEC. 117. (a) Chapter 73 of title 18, United States Code, is amended by inserting, immediately following section 1506 of such chapter, a new section, to be designated as section 1507, and to read as follows:

"§ 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

(b) The analysis of such chapter is amended by inserting immediately after and underneath item 1506, as contained in such analysis, the following new item:

"1507. Picketing or parading."

SEPARABILITY OF PROVISIONS

SEC. 118. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

TERMINATION

SEC. 119. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occurring prior to such date of termination.

Amend the title so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. KILGORE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the senior Senator from Ohio [Mr. TAFT]. If he were permitted to vote, vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland. If present and voting, the Senator from Florida would vote "yea."

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

The Senator from Pennsylvania [Mr. MYERS] is paired on this vote with the Senator from South Carolina [Mr. JOHNSTON]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

I announce further that, if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS] and the Senator from Utah [Mr. THOMAS] would vote "nay."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN] is absent by leave of the Senate and is paired with the Senator from New Hampshire [Mr. BRIDGES], who is absent on official business. If present and voting, the Senator from Vermont would vote "yea" and the Senator from New Hampshire would vote "nay."

The Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Michigan [Mr. VANDENBERG] would each vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary

Union. If present and voting, the Senator from Maine and the Senator from New Jersey would each vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent and his pair with the Senator from Arkansas [Mr. FULBRIGHT] has been announced previously.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Indiana [Mr. CAPEHART] is detained on official business, and if present, would vote "nay."

The result was announced—yeas 23, nays 50, as follows:

YEAS—23

Anderson	Kefauver	Magnuson
Benton	Kilgore	Morse
Chavez	Langer	Murray
Douglas	Leahy	Neely
Graham	Lehman	O'Mahoney
Green	Lucas	Smith, Maine
Humphrey	McFarland	Taylor
Hunt	McMahon	

NAYS—50

Bricker	Hickenlooper	Martin
Butler	Hill	Millikin
Byrd	Hoey	Mundt
Cain	Holland	O'Conor
Chapman	Ives	Robertson
Connally	Jenner	Russell
Cordon	Johnson, Tex.	Schoeppel
Darby	Kem	Sparkman
Dworshak	Kerr	Thomas, Okla.
Ecton	Knowland	Thye
Ellender	Lodge	Tydings
Ferguson	Long	Watkins
Frear	McCarran	Wherry
George	McCarthy	Wiley
Gillette	McClellan	Williams
Gurney	McKellar	Young
Hendrickson	Malone	

NOT VOTING—23

Aiken	Fulbright	Smith, N. J.
Brewster	Hayden	Stennis
Bridges	Johnson, Colo.	Taft
Capehart	Johnston, S. C.	Thomas, Utah
Donnell	Maybank	Tobey
Downey	Myers	Vandenberg
Eastland	Pepper	Withers
Flanders	Saltonstall	

So Mr. KILGORE's amendment, as amended, in the nature of a substitute offered by Mr. KILGORE for himself and other Senators, was rejected.

Mr. WHERRY. Mr. President, I now call up amendment lettered "A," offered by me on behalf of myself, the Senator from Missouri [Mr. KEM], the Senator from Nevada [Mr. MALONE], and the Senator from Virginia [Mr. BYRD].

The VICE PRESIDENT. The Clerk will state the amendment.

The LEGISLATIVE CLERK. At the proper place in the bill, it is proposed to insert the following:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no economic or financial assistance shall be provided, out of any funds appropriated to carry out the purposes of the Economic Cooperation Act of 1948, as amended, or any other act to provide economic or financial assistance (other than military assistance) to foreign countries, to any country which exports or knowingly permits the exportation of, to the Union of Soviet Socialist Republics or any of its satellite countries (including Communist China and Communist North Korea), any article or commodity which the Secretary of Defense shall have certified to the Administrator of the Economic Cooperation Administration may be usable by, or may be used in the manufacture of any article or commodity which may be useful to, the armed forces of the Union of Soviet Socialist Republics or such satellite countries for military purposes; and the Secretary of Defense is hereby authorized and directed to so certify to the Administrator of the Economic Cooperation Administration any article or commodity having possible strategic value to the armed forces of the Union of Soviet Socialist Republics or such satellite countries which he finds to be of the nature or class described.

The VICE PRESIDENT. The junior Senator from Nebraska is recognized for 7½ minutes.

Mr. WHERRY. Mr. President, this is a modified amendment offered in behalf of the junior Senator from Missouri [Mr. KEM], the junior Senator from Nevada [Mr. MALONE], the senior Senator from Virginia [Mr. BYRD], and the junior Senator from Nebraska. The amendment has been thoroughly explained by the junior Senator from Missouri and the junior Senator from Nebraska prior to the vote to be taken on it today. It also was thoroughly debated on two or three other occasions in the Senate this year. From time to time, as the debate has gone on, the sponsors of the amendment have so modified it as, I think, in an administrative way to take care of all the difficulties and to meet the opposition that has been raised to the amendment. The amendment which was offered to the tax bill and then withdrawn with the statement that it would be offered to the internal security bill provided, in the first four lines thereof, as follows:

During any period in which the Armed Forces of the United States are actively engaged in hostilities while carrying out any decision of the Security Council of the United Nations, no part of the funds appropriated to carry out the purposes of the Economic Cooperative Act, as amended, or to provide economic or financial assistance, other than military assistance, to foreign countries, shall be used—

And so forth. It was contended that that was a flat prohibition, that it would stop ECA's administration in any of the participating countries. So at the suggestion of the chairman of the Committee on the Judiciary, we have amended this portion of it to enable the ECA Administration to continue to operate. The only thing that is terminated is the assistance, until the various countries conform to a definition of what is a strategic material by the Secretary of Defense.

Primarily it is the purpose of the modification to assure that ECA will not be blocked off completely and will continue to carry on; but that no economic or financial assistance may be given a country if it violates the provisions of the amendment; that is, if the country continues to sell to other countries materials which are useful to the armed services of the satellite countries or to Soviet Russia.

There is one more modification. The original amendment contained the flat provision that no strategic material could be exported, either from any of the beneficiary countries to a satellite country or to Soviet Russia. Later the amendment was so modified as to make it the duty of the Secretary of Defense to determine what is a strategic material. We then heard complaint that the provision would be too broad in scope, and that all that was necessary was for the Secretary of Defense to make a finding of what material he considered to be in the nature of strategic material.

So the amendment has now been modified. All that is required of the Secretary of Defense is that he make a finding of what is a material which is useful to military forces. Therefore he does not have to certify to every kind of material one can think of that might be sold either at home or abroad.

So, Mr. President, with that explanation of what the amendment which is now before the Senate provides—and it is the only amendment before the Senate of this nature—I hope the Senate will adopt it and make it a part of the internal security bill, because if we are to provide for internal security we must legislate not only with respect to Communist activities within the United States, but also with respect to Communists who violate the license provisions of the law and sell goods to a country which in turn will sell them to Russia. It is just as necessary to make provision against such procedure as it is to provide anything else.

I hope the amendment will be adopted. Mr. President, how much time do I have left?

The VICE PRESIDENT. Two minutes.

Mr. WHERRY. Mr. President, I will reserve that time and award it to my colleague, in the event he wants the time.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ANDERSON. Is it permissible for me to make a point of order at this time?

The VICE PRESIDENT. It is permissible.

Mr. ANDERSON. I make a point of order against the amendment, that it is not germane to the bill. This is a bill relating to the internal security of the United States, not to the characteristics of countries outside the United States assisted by ECA.

Mr. WHERRY. Mr. President, the point of order is debatable, is it not?

The VICE PRESIDENT. The point of order is debatable, but, the Chair would think, within the limitation of 7½ minutes. It is always in the discretion of the Chair anyway, since he has to pass on points of order. The unanimous-consent agreement seems to cover all motions, appeals, and everything else, under the limitation of debate.

Mr. WHERRY. I do not at the moment see in the unanimous-consent agreement the word "appeals."

The VICE PRESIDENT. Yes; it is contained in the agreement.

Mr. WHERRY. Very well, Mr. President, I shall have no objection. There will be 7½ minutes to argue the point made by the Senator from New Mexico, and then if an appeal is taken from the ruling of the Chair, another 7½ minutes will be allowed.

The VICE PRESIDENT. That is correct.

Mr. WHERRY. Mr. President, I deeply regret that the Senator from New Mexico has seen fit to make a point of order against the amendment. I could have provided in the unanimous-consent

request, that exception be made as to the amendment. It was offered in good faith. It was previously offered to the tax bill. I was told then that the place where the amendment should be offered was on the internal-security bill. I complied with the request made by those having the tax bill in charge. I said to them, "Very well, I shall be glad to comply with your request." I made the announcement then that I would offer the amendment to the internal-security bill. So I offered it to this bill. The amendment has been thoroughly debated. Everyone knew that it was to be offered to the bill. In connection with a unanimous-consent request, unless provision is made therein for an exception to the contrary, the objection with respect to germaneness applies to amendments which are offered after the unanimous-consent agreement has been entered into.

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

Mr. WHERRY. Mr. President, I have only 7½ minutes. I shall be glad to yield in a short time.

Mr. President, I am not contending that the Senator from New Mexico does not have the right to make a point of order. A point of order can be raised against almost anything. The reason there was not an exception made on the point or germaneness, when the unanimous-consent agreement was entered into—and I helped to draw the agreement—is that the amendment was offered before the agreement was made. Provision with respect to germaneness is placed in all such agreements. I think all Senators, including the Senator from New Mexico, know the reason why that is done.

If the amendment had been offered after the unanimous-consent agreement had been entered into I would have no reason for complaint at all. But when the agreement was entered into the amendment had already been submitted. It was submitted 3 or 4 days before the unanimous-consent agreement was entered into.

For that reason I think the Senator from New Mexico should allow us to have a vote on the amendment. It was offered in good faith. In the interest of fair play and sportsmanship, I wish the Senator from New Mexico would withdraw his point of order. I do not say he does not have the right to make it. He certainly does have that right. If the Senator felt that the amendment was not germane before the unanimous-consent agreement was entered into, he should have raised the point before the agreement was entered into. We have made special provision for similar amendments heretofore, when entering into unanimous-consent agreements. I did not make provision for the amendment in the agreement, because I felt the amendment was germane to the bill.

Mr. President, I will tell the Senator why I think it is germane to the bill. The title of the bill is:

To protect the internal security of the United States, and for other purposes.

The language of the bill begins as follows:

Be it enacted, etc., That this act may be cited as the "Internal Security Act of 1950."

Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect.

SEC. 2. As a result of evidence adduced before various committees of the Senate and House of Representatives, Congress hereby finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage—

And so forth. As a member of the Small Business Committee, I say to the Senator from New Mexico that we discovered that a Mrs. Bentley, a woman who said she was a Communist, obtained licenses to export materials from this country. She helped to export materials to other countries where they were used for the benefit of the black market throughout the world. I say to the distinguished Senator from New Mexico that, according to my view, a Communist who obtains a license to export materials from this country or a Communist who sends from the United States money which the taxpayers of the United States provide, and uses that money abroad in order to obtain for a foreign country the benefit of goods which are produced in the United States, is doing something which, in my opinion, certainly is opposed to the national security and the national defense of the United States and certainly is opposed to the internal security of the United States. I do not see how such action could be interpreted otherwise. Certainly, so far as saboteurs are concerned, we have a right to consider what they are doing not only in respect to exporting goods from the United States but also in respect to sending money abroad, to be used there to purchase such goods, because both cases affect the internal security of the United States. Certainly that is true in cases in which improper means are used to obtain licenses to export materials from this country, and certainly it also is true in cases in which funds are sent from this country to a foreign country, to be used for the same purpose in the foreign country.

Certainly all appropriations for the Military Establishment and all appropriations for the mutual-aid program or the mutual-assistance program are in the interest of the national defense of the United States. So is this amendment. Certainly it relates to materials which will be defined by the Secretary of Defense as involving the internal security of the United States, particularly when such materials are exported. The fact that members of Communist groups help to obtain such export licenses—as occurred in the Bentley case—is evidence that in the interest of the security of our country we not only should have the Secretary of Defense define what are strategic materials and what materials of that sort can be exported, but we also must instruct the Department of Defense to prevent such exports, and likewise there must be such protection in regard to the shipment of funds abroad, because, in my judgment, both matters have a definite effect on the internal security of the United States. Certainly that is the case when money obtained from the United States is used to purchase machine tools which eventually go to Russia. Certainly if a nation associated with us is engaging in such activity, that activity jeopardizes the defense of the United States.

So, Mr. President, I think this language is broad enough to include within its provisions the question of internal security, as raised by the junior Senator from Missouri [Mr. KEM], the senior Senator from Virginia [Mr. BYRD], the junior Senator from Nevada [Mr. MALONE], and the junior Senator from Nebraska.

Because of the observations which now have been made, I hope the distinguished junior Senator from New Mexico [Mr. ANDERSON], who always is fair and always is willing to permit everyone to have his day in court, will withdraw the point of order, so that we shall be permitted to vote on the amendment.

Mr. President, if I have any time remaining, I shall yield to the distinguished majority leader.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. ANDERSON. Mr. President, I desire to be heard on this question.

The VICE PRESIDENT. The Senator from New Mexico is recognized.

Mr. ANDERSON. Mr. President, at the very beginning I wish to say that if it were merely a matter of accommodating the junior Senator from Nebraska, it would be very simple to do so, and I would gladly withdraw the point of order.

However, I wish to do everything I can to make it possible for ECA to succeed. I think the amendment strikes drastically at the ECA. Therefore, I do not see how I can live up to my commitments in regard to ECA and not insist upon the point of order.

As to any agreement with the managers or those in charge of the tax bill——

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

Mr. ANDERSON. I yield.

Mr. WHERRY. I had no agreement with them. I merely understood that this is the bill to which the amendment should be offered.

Mr. ANDERSON. I appreciate the Senator's statement.

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

Mr. ANDERSON. I yield.

Mr. LUCAS. Is the Senator from New Mexico aware that this amendment is the same one which was rejected by the Senate in the course of its consideration of the ECA bill?

Mr. ANDERSON. That is correct.

Mr. WHERRY. Mr. President, will the Senator state what the vote on that question was?

Mr. LUCAS. I do not have that vote in mind at the moment.

Mr. WHERRY. Then let me say that the vote was 39 to 33.

Mr. ANDERSON. I realize that the vote was close, and I appreciate the excellent assistance of those who stood

with us in endeavoring to defeat the amendment then.

I think it proper to reject the amendment, because it relates to countries whose policies may be different from ours, countries whose policies may permit the exportation of goods to Russia. Among the nations with which we maintain relations are some which have contracts calling for shipments to Russia.

I think it is unfortunate that on the question of the internal security of the United States, we become involved in such foreign questions. By means of this amendment, we are now trying to deal with foreign matters, although we have not had these questions properly handled by the Foreign Relations Committee.

Mr. President, I think there is a difference between national defense and internal security. Of course, it is entirely proper to deal with matters of national defense in the case of certain bills; but when Senators say that the movement of goods from one country to another country is a matter affecting the internal security of the United States, I do not believe that is a proper interpretation.

I simply point out that because of the great importance of this matter to the ECA program, particularly at a time when we are doing everything we possibly can to build up allies in Europe, and when the distinguished Senator from Massachusetts [Mr. LODGE] has called our attention—and he did so very strongly and very eloquently—to the necessity for having additional troops in various parts of Europe, it seems to me that he has raised the strongest possible kind of evidence against an amendment of this type being added to this bill.

I do not know how the distinguished Senator from Massachusetts feels about this amendment. I wish I might have the benefit of his point of view in regard to whether the adoption of an amendment of this nature is desirable at this particular time, when not only are we trying to have the good will of the participating nations, but also many thoughtful persons in this country are suggesting that we should extend what we are now doing in that respect.

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

Mr. ANDERSON. First, I should like to yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I should like to make a brief statement, for 1 or 2 minutes' duration, in presenting my views.

Mr. ANDERSON. Mr. President, I do not wish to prevent the Senator from California from obtaining recognition, but I should like to yield the remainder of my time to the Senator from Massachusetts, if I may do so.

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. LODGE. Mr. President, I dislike to disagree with the Senator from Nebraska; but it so happens that this is a matter which I have carefully studied. I am very much in sympathy with the idea that we must not repeat the experience of World War II, when we permitted large amounts of scrap iron to go from the United States to Japan, and later had that material returned against us in the form of bullets. But, I do not think the situation we confront today is similar to that one.

I believe this amendment not only will not achieve its stated purpose, but actually will tend to defeat that purpose, because it would make us think we had accomplished something, when actually we had not.

This amendment does not go at all to the question of countries such as Switzerland and Sweden, for example, which are not included in ECA, and without which it will be utterly impossible even to think of an effective control of east-west trade.

This amendment does not take into account the fact that in all these international relations, persuasion and conviction and agreement by people who believe in what they are agreeing to is always a great deal more effective than any attempt to use a club, because whenever one attempts to use a club, the result is either to break up the alliance, or whatever amicable relationship may exist, or to bring about evasion.

It seems to me that this amendment has an undertone of indifference as to whether the alliance is broken up, and that the amendment has an undertone of indifference as to whether ECA continues.

I think a problem actually does exist, and I think the Senator from Nebraska is to be commended for the persistence of his effort and the interest he has manifested in this problem. When legislation extending ECA comes up again, I think perhaps we can work out some language which will actually promote the objective which he has in mind.

But, Mr. President, with all due respect, I submit that this amendment will not promote that objective, but, on the contrary, will actually retard its realization.

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

Mr. LODGE. I yield.

Mr. KNOWLAND. First, I should like to ask unanimous consent to have printed at this point in the RECORD an editorial from the London Daily Telegraph and an editorial from the Edinburgh Scotsman, in both of which it is pointed out that machine tools for the building of tanks are being exported at this time from Great Britain to the Soviet Union. Probably they are being used by the Soviet Union to supply the tanks which are firing on American troops in Korea.

That information was brought out by Winston Churchill, in the course of the debate in the British Parliament.

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

[From the London Daily Telegraph of September 5, 1950]

TOOLS FOR RUSSIA CALLED "CRAZY" POLICY—FIRM'S REPLY TO MR. ATTLEE—EXPORT CONTROL INEFFECTIVE

Mr. J. R. Greenwood, chairman of Craven Bros., yesterday replied to the Prime Minister's references to the firm and the export of machine tools to Russia. The references were made in Saturday's broadcast.

Mr. Greenwood described as "utter nonsense" the Premier's claim that the Government's order of April 8, 1949, effectively prevented the export of strategically important machines.

Of Russian visits to British factories he declared that we were allowing "a possible enemy to see the extent of our resources." This, in the company's view, was "plain lunacy."

Mr. Greenwood said: "Mr. Attlee's claim that these exports have not affected injuriously our home or other export requirements is merely to confess that he does not know the extent of the present demand for machine tools and other engineering equipment either at home or from friendly countries.

"Nor does he realize the amount of time which purchasers have to wait for the supply of urgently required plant, or the amount of business Britain is losing in friendly countries and the Commonwealth due to the long deliveries manufacturing engineers are compelled to quote."

FREEING LABOR

The delay was being caused to a large degree by the enormous amount of labor and material which the nation was using to produce the great amount of engineering equipment being sent behind the iron curtain.

"Labor, particularly skilled labor, and material is in short supply. If these exports were suspended until there is a great improvement in our relations with the U. S. S. R., the labor which would be freed would be of immense help in producing the material we urgently require at home.

"Craven Bros. have done a substantial volume of profitable business with U. S. S. R. during the past 20 years. Under satisfactory conditions, the company would like to continue this business and to maintain the extremely cordial relations which have existed between the firm and the U. S. S. R. during those years.

"At the time our present orders were negotiated there were no restrictions or indications that it was not in the highest degree desirable that we should enter into these contracts.

"Indeed, the Government have always done everything possible to encourage exports to the U. S. S. R.

"The conditions now are very different. For 2 years the company has made strong representations to the Government urging the view that the continued supply by Britain of machine tools and other war potential to the U. S. S. R. and its satellites is in fact crazy."

DIRECT LEAD WANTED

"We have pressed in the strongest terms the opinion that it is the urgent responsibility of the Government to give manufacturers a direct lead or precise instructions as to their duties."

For Mr. Attlee and other Government spokesmen to say that an order which came into operation on April 8, 1949, effectively prevented the export of strategically important machines was utter nonsense.

"When this order was made we directed attention to what we considered was the mistake of including in the free list center lathes, planing machines, horizontal boring machines, etc., up to the largest sizes.

"We can see no virtue in restricting the export of a vertical boring mill whilst leaving suppliers free to negotiate the export of center lathes. We emphasise our view that there is no greater strategic war potential than a center lathe.

"On August 4 the Government announced that we could not rearm without American help and said early deliveries of machine tools, raw materials and other items from

United States sources are essential to the execution of the Government program.

"Apparently we plan to continue to export our urgently required machine tools to the U. S. S. R. and get what we require from the United States."

Referring to Mr. Attlee's comments that inspections of factories were carried out under conditions which prevented any disclosure of secrets, Mr. Greenwood said it was a misleading statement.

"On August 2 I attended a meeting of the Ministry of Supply and the Board of Trade. The meeting had been arranged to give me the opportunity of making further representations on this question of machine tools for Russia.

"I emphasized many things, including the dangers of inspection and stressed the impossibility of keeping inspectors away from a site of important and secret work.

"The note of the meeting compiled by the Ministry confirms that I was asked to insure that certain development work which we are handling for the Government was regarded as highly confidential and that no unauthorized persons, including Russians, should be allowed in that part of the works where the contract was being carried out.

"I had previously pointed out that the size of the equipment we are handling made it impossible to contain it in some separate part of the works where no other work is being performed.

"It has to go through the usual machine shop routine and visiting inspectors, who are usually highly competent engineers, can usually see much more than their own goods when they are visiting British factories.

"The plain truth is that we are allowing a possible enemy to see the extent of our resources, which, in the company's opinion, is plain lunacy, and the only way completely to safeguard the position is to refuse to have inspectors in the factory."

"AWAITING INFORMATION"

Mr. Greenwood said later that he was awaiting certain information from somebody, and he might have to hold up the machine tools until he got some guidance; "I am not prepared to break my neck about shipping them," he declared.

[From the Scotsman, Edinburgh, Scotland, of September 5, 1950]

MACHINE TOOLS FOR U. S. S. R.—MR. ATTLEE'S STATEMENT DENIED BY CRAVEN BROS.

Mr. J. R. Greenwood, chairman of Craven Bros., Ltd., near Stockport, Lancashire, commented yesterday on the Prime Minister's references in his broadcast last Saturday to the firm and the export of machine tools to Russia.

"Mr. Attlee's claim that these exports have not affected injuriously either our home or other export requirements," he said, "is merely to confess that he does not know the extent of the present demand for machine tools and other engineering equipment either at home or from friendly countries.

"Nor does he realize the amount of time which purchasers have to wait for the supply of urgently required plant, or the amount of business Britain is losing in friendly countries and the Commonwealth due to the long deliveries manufacturing engineers are compelled to quote."

Mr. Greenwood said the delay was being caused to a large degree by the enormous amount of labor and material which the nation was using to produce the great amount of engineering equipment being sent behind the iron curtain.

"Labor, particularly skilled labor and material, is in short supply, and if these exports were suspended until there is a great improvement in our relations with the U. S. S. R., the labor, which would be freed, would be of immense help in producing the material we urgently require at home."

REPRESENTATIONS TO GOVERNMENT

"Craven Bros. have done a very substantial volume of profitable business with the U. S. S. R. during the past 20 years, and under satisfactory conditions the company would like to continue this business and to maintain the extremely cordial relations which have existed between the firm and the U. S. S. R. during those years.

"At the time our present orders were negotiated," said Mr. Greenwood, "there were no restrictions or indications that it was not in the highest degree desirable that we should enter into these contracts.

"Indeed, the Government has always done everything possible to encourage exports to the U. S. S. R.

"The conditions now are very different, and for 2 years the company has made strong representations to the Government, urging the view that the continued supply by Britain of machine tools and other war potential to the U. S. S. R. and its satellites is in fact crazy.

"We have pressed in the strongest terms the opinion that it is the urgent responsibility of the Government to give manufacturers a direct lead or precise instructions as to their duties," he stated.

Mr. Greenwood said that for Attlee, and other Government spokesmen, to say that an order which came into operation on April 8, 1949, effectively prevented the export of strategically important machines was "utter nonsense."

"When this order was made we directed attention to what we considered was the mistake of including in the free list center lathes, planing machines, horizontal boring machines, etc., up to the largest sizes. We can see no virtue in restricting the export of a vertical boring mill whilst leaving suppliers free to negotiate the export of center lathes.

"We emphasize our view that there is no greater strategic war potential than a center lathe.

"We claim that the export to the U. S. S. R. of any machine tools or other engineering equipment which can be used at present at home or in any friendly country immediately is doing essential damage to our defense needs.

"It is interesting to note that on August 4 the Government announced that we could not rearm without American help, and said early deliveries of machine tools, raw materials, and other items from United States sources are essential to the execution of the Government program.

"Apparently we plan to continue to export our urgently required machine tools to the U. S. S. R., and get what we require from the United States of America."

Referring to Mr. Attlee's comments that inspections of factories were carried out under conditions which prevented any disclosure of secrets, Mr. Greenwood said that it was a misleading statement.

DANGER OF INSPECTION

"On August 2 I attended a meeting of the Ministry of Supply and the board of trade. The meeting had been arranged to give me the opportunity of making further representations on this question of machine tools for Russia.

"I emphasized many things, including the dangers of inspection, and stressed the impossibility of keeping inspectors away from a site of important and secret work.

"The note of the meeting, compiled by the ministry, confirms that I was asked to insure that certain development work which we are handling for His Majesty's Government was regarded as highly confidential, and that no unauthorized persons, including Russians, should be allowed in that part of the works where the contract was being carried out.

"I had previously pointed out that the size of the equipment we are handling made it impossible to contain it in some separate part of the works, where no other work is being performed.

"It has to go through the usual machine-shop routine and visiting inspectors, who are usually highly competent engineers, can usually see much more than their own goods when they are visiting British factories.

"The plain truth is," Mr. Greenwood said, "we are allowing a possible enemy to see the extent of our resources, which, in the company's opinion, is plain lunacy, and the only way to completely safeguard the position is to refuse to have inspectors in the factory."

"I'LL WATCH THEM," SAYS MR. EDE

The home secretary, Mr. Chuter Ede, speaking at Hexham, Northumberland, last night, said: "I am being continually asked to prevent people from coming into the country. We have nothing to hide. My belief is that the more who come the better, as long as I know where they are and what they are doing.

"I'll watch them. You'd be astonished at what I know about what those inspectors do.

"I believe that the more people in the world can see one another, the more likely are we to have peace.

"I could only wish that the same principles applied throughout Europe today so that there could be an exchange between the nations of those ideas that will enable people jointly to work out the salvation of this generation."

Mr. LODGE. Mr. President, when the statement is made baldly that such shipments are occurring, it can receive nothing but condemnation from me and from every other Senator. If I thought this amendment, if adopted, would result in stopping such shipments, that would be one thing. We recently saw by newspaper reports that British gasoline was being sent to the Chinese Communists, and then representations were made and persuasion was used, and the thing was stopped.

I think perhaps the most effective way to stop the trade to which the Senator from California refers is by persuasion and conviction. Any other method I think would be bound to lead to bootlegging and evasion, and I do not think it would be effective. I do not know what is being obtained from the Soviet Union in exchange. I placed in the RECORD some correspondence 2 or 3 weeks ago from Mr. Foster, the Acting ECA Administrator, in which he listed some of the valuable articles which were coming into the Western World in exchange for some of the goods that were being sent to satellite countries. It may be that, for the sending of a few machine tools, we can get back something of much greater value; that, I do not know. I would unhesitatingly say to the Senator from California no one deplores more than I do any situation in which weapons are being made with our help, directly or indirectly, which will be harmful to our troops. What I am looking for is an effective method of dealing with it.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

The question on the point of order, of course, does not go to the merits of the amendment. The Chair does not think that the fact that the amendment was

submitted and printed prior to the unanimous-consent agreement has any bearing on the point of order itself, because amendments are not offered until they are offered. Frequently amendments are printed and lie on the table which are never offered. The presentation of an amendment and its lying on the table and its being printed do not mean that it will be offered. So that the unanimous-consent agreement seems to the Chair to have had relation to the actual offering of amendments to be voted upon and discussed.

The Chair does not think that the title of the bill necessarily gives a clue to the germaneness of amendments. It is a bill "to protect the internal security of the United States, and for other purposes." It then goes on to say how that is to be done, namely, by requiring registration of certain individuals and organizations, their punishment if they do not register, and so forth.

The Chair does not see that there is anything in the bill dealing with trade, even with internal trade, or in any way referring to the ECA Act which was passed by the Congress. This is, in effect, an amendment of that act by withholding the funds from any foreign country that permits the shipment of articles to Soviet Russia or her satellites, who are described. This bill deals with people within the United States, with offenses committed within the United States, and with requirements affecting people in the United States, whether citizens or otherwise. It does not and could not go to the conduct of people in foreign countries. The Chair therefore feels that the amendment is not germane to the bill to which it is offered, and sustains the point of order.

Mr. WHERRY. Mr. President, I respectfully appeal from the decision of the Chair. How many minutes do I have?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. WHERRY. Mr. President, I submit that the pending bill, which, according to line 3 of the bill, may be cited as the "Internal Security Act of 1950," involves more than the registration of Communists. It involves the internal security of the United States in any form. That is what the title of the bill says. It is true that when we get into the provisions of the bill, we come to the question of registering Communists as one thing which can be done. But certainly anything that can be done to promote the internal security of the United States of America is something which should be done by the Members of the Senate; and here is one thing we can do.

Internal security is not confined to acts committed here at home. That is the point I am making, and it is an important point. Certainly that is true. One does not have to be within the confines of the United States to commit an act which may affect the internal security. One may be outside the United States and yet commit an act which affects the internal security of the country. Dr. Fuchs was outside the United States. Alger Hiss was outside the United States, at Yalta, where he was a party to provisions which mightily affected the internal security of the United States.

To say that merely because this proposed legislation hinges upon the registration of Communists, the amendment is therefore not germane, seems to me certainly to be beside the point.

I deeply appreciate the observations made by the distinguished Senator from Massachusetts about the necessity for such a provision as this. I regret that he is not present at the moment. I know that at the time this question was discussed by the junior Senator from Nebraska and the Senator from Missouri there were but a handful of Senators on the floor. But the Senator from Massachusetts has just said that if this amendment would prevent the making of tanks and their shipment to Russia, he would favor the amendment. I should like to say that if any Senator can draft an amendment which will accomplish the purpose better than the amendment offered by me I shall support it. But this amendment would accomplish the purpose which is sought, and that is why it is offered.

Why should we continue to support the countries which are beneficiaries of ECA, when Great Britain, for example, manufactures and sells to Russia $2,000,000 worth of machine tools a month for one solid year. Is the Senate of the United States to do nothing about it? All of us will recall the very vivid argument made by the Senator from Vermont [Mr. FLANDERS], who cited the capacity of machine tools to reproduce themselves. Machine tools can reproduce machine tools, which can be used to build tanks.

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

Mr. WHERRY. I will yield in a moment.

I have all kinds of editorials, including editorials discussing in particular the statement made by Winston Churchill. I hope Senators will read his statement. Winston Churchill, himself, condemned his own Government for permitting the sale to satellite countries, and to Russia herself, of the very machine tools the sale of which we are endeavoring to legislate against by this amendment. That is the attitude of Winston Churchill, of Great Britain. I quoted from the London Times a statement showing that we furnished not only steel, iron wire, iron plates, but also fuel oil—the very things that must be had in order to prosecute a war. What did we receive in return? We received caviar, a few furs, a little meat, and a few pets, in return. That is what I mean. We did not receive in return manganese, chrome, or copper.

All one needs to do in order to learn about the urgency of this matter is to read the editorials and the news releases of the press of this country. The American people are demanding that something be done to prevent the importation to Soviet Russia and her satellites of strategic materials which are being processed by the machine tools mentioned for the production of bullets, gasoline, planes, and so forth, which are being used against our men in Korea today. If I have any time left, Mr. President, I yield to the Senator from Idaho.

Mr. DWORSHAK. I should like to ask the Senator whether, in his opinion, the use of Russian tanks in Korea during the current "police action" does not vitally affect the internal security of the United States?

Mr. WHERRY. It certainly does. I humbly submit that all of these acts done outside the United States by Communists are things which affect the internal security, and that if ever there was a germane amendment, it is this amendment to the pending bill and it comes within the title of the bill. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are requested. The Chair has not yet submitted the question. He will do so as soon as the argument is concluded.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. How much time do I have?

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. LUCAS. I shall not discuss the question of germaneness. I agree with the Senator from New Mexico that the amendment is not germane, but, in view of the fact that the merits have been discussed, I shall take this time, if I may, to read into the RECORD a letter which has been submitted by Paul Hoffman, the ECA Administrator. It reads as follows:

In 1949 trade between the western European countries and eastern Europe totaled approximately $2,600,000,000.

I should like the Senator from Nebraska [Mr. WHERRY] to note this.

Among the items Western Europe imported from Eastern Europe were many items of strategic importance, including copper, nickel, lead, zinc, chrome, ferromanganese, bauxite, iron ore, crude oil, benzol, gasoline, pig iron, sheet iron, iron and steel plate, steel ingots, seamless tubes, machine tools, tank cars, locomotives, as well as coal, timber, food, and feed.

In this crucial period when speed is of the essence, any effort by the United States to unilaterally interpose controls would slow down this normal trade to a trickle. The United States could supply the coal, timber, and food by increasing the amount of foreign aid, with a resulting increase in cost to the American taxpayer; but with respect to many other items, such as copper, bauxite, ferromanganese, iron and steel, the limiting factor is not dollars but available supply. Without such supply, the military defense program as well as the recovery program for western Europe may well go by the boards.

Representatives of the United States and the North Atlantic Pact countries have reached substantial accord on a list of items having sufficient strategic military importance to warrant the placing of an embargo on their export to the Soviet bloc. The degree of accord on this list has reached a point where it can be said that most of the items contained on our embargo list are also contained on the individual lists of the North Atlantic Pact countries. In general, variations in these lists can often be explained by the fact that the military value of many of such items is a question of judgment on which military technicians often differ.

The embargoed items upon which the United States and the other North Atlantic Pact countries have reached substantial

accord are entirely strategic items. Therein lies the fundamental difference between the present method of control and that proposed under the amendment. The latter would require the embargo of all items having any direct or indirect military value and would not be restricted to strategic items. In the interest of furthering the military defense program of Western Europe through the continuation of east-west trade, it is felt desirable to restrict the embargo to items of strategic military value.

Under the proposed amendment, the list of items "usable by" the armed forces of the Soviet bloc as prepared by the Secretary of Defense might differ substantially from the embargo list prepared by the Secretary of Commerce after consultation with eight other agencies. These agencies are, in addition to Defense, State, Agriculture, Interior, ECA, Atomic Energy Commission, Central Intelligence Agency, and the National Security Resources Board. In the event the lists differed, a situation would arise whereby Marshall-plan countries, to continue to receive aid, would be forced to embargo the shipment of items which the United States, under the export-control system now directed by the Department of Commerce, may ship to Eastern Europe.

Direct trade in items embargoed by the United States is, as stated above, not particularly troublesome because the North Atlantic Pact nations embargo all but a small percentage of the items which the United States embargoes. Details cannot be disclosed publicly because the information is classified.

Transit trade, involving all of the free ports of the world, is a major problem, but the amendment, dealing as it does with direct trade, has no effect upon transit trade wherein the port of first destination is a port in a friendly country in Europe, Asia, Africa, or South America. This problem can only be solved by willing cooperation between nations having a mutual interest. During the past few months serious attention has been given by several nations to finding a solution to this problem.

Unless there is complete accord among all the free nations of Western Europe on the goods to be embargoed, an embargo will not be meaningful. The assumption that a complete accord can be achieved by the use of threats or coercive action is utterly unsound. Certain of the nations which were among the largest suppliers of goods of a military nature either receive no assistance or so little that the threat of a withdrawal of assistance will obviously have no effect on the trade of such countries with Eastern Europe. In the field of trade control willing partners will be of great value. Unwilling partners will be worthless. The amendment should be rejected.

Mr. President, in conclusion, let me say that this is no amendment to place upon an internal security bill.

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

Mr. LUCAS. I yield.

Mr. RUSSELL. I may say, if the Senator will permit, that I am for the amendment. I voted for it when it was offered in connection with other legislation, but, in my judgment, it is not germane to this bill, and if the rule of germaneness is to be strictly adhered to, I think the Senate should be very careful about attaching amendments of this nature to pending legislation. If the rule of germaneness in unanimous-consent requests is to be sustained, in my judgment, it is well for the Senate to resolve any doubt that the ruling of the Chair is correct.

Mr. LUCAS. I wholeheartedly agree with the Senator. If we are not going to live up to the rule of germaneness, if we can overrule the Chair at will, the rules will go by the wayside, so to speak.

I have placed this letter in the RECORD because it contains facts which are a refutation of some of the statements which have been made with respect to this very important question. I repeat, that if we are interested in an internal security bill, we had better leave the proposed amendment out of it.

I sincerely hope that the ruling of the Chair will be sustained.

Mr. WHERRY. Mr. President, inasmuch as the yeas and nays were not ordered, and there has been no further action taken, may the Senator from Nebraska withdraw the amendment?

The VICE PRESIDENT. The Chair thinks the Senator can withdraw it.

Mr. WHERRY. I withdraw it, but I shall offer the amendment as a limitation on the appropriation bill.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment D.

The VICE PRESIDENT. The Secretary advises the Chair that he has two amendments marked "D."

Mr. KEFAUVER. I refer to my amendment marked "9–5–50–D."

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 10, line 19, it is proposed to strike out section 4.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 7½ minutes.

Mr. KEFAUVER. Mr. President, section 4 of the bill has given many Members of the Senate a great deal of trouble. It is also the subject matter of considerable comment as to its constitutionality. From time to time such eminent lawyers as Mr. John W. Davis, Mr. Charles Evans Hughes, Jr., former Attorney General Tom Clark, and Mr. Seth Richardson have expressed opinions that various versions of section 4 were unconstitutional. It is, I think, the worst section of the bill, and, in my opinion, the bill would be greatly improved if that section were stricken from it.

If Senators will turn to section 4, it will be seen that section 4 (a) would make it a criminal offense for a Member of the United States Senate to agree with a civilian for the purpose of presenting a constitutional amendment for the purpose of what might be termed setting up a totalitarian dictatorship. A totalitarian dictatorship is defined as being a one-party system where opposition is suppressed by force. That is a loose definition under which persons might be prosecuted for doing something which they had a legal right to do. Of course, under the Constitution anyone can offer a constitutional amendment to accomplish anything he wants to accomplish, and anyone can support such a constitutional amendment without running afoul of any law.

Furthermore, in section 4 of the usual constitutional provision with respect to force and violence is not present. It covers any act which might include speaking, writing a letter, a conversation, or anything else. The usual requirement as to force and violence is missing.

It should also be pointed out that it does not mean that a person has to commit an act with a view to setting up a totalitarian dictatorship in lieu of the Government of the United States. In its wide application it applies to municipalities, to any township, to any county, or to any small community that might contain only 10 persons. So it is a section which could be used for prosecution and persecution of people by thought control.

Subsection (b) on page 11 provides that any employee of the Government, and so forth, who passes any confidential information to any representative of a foreign country shall be guilty. I should like to point out that this subsection means that one need not actually see the confidential document. Someone may tell someone else, and the person involved may get it fifth-hand. However, if he told it to Mr. Winston Churchill when he was here, and it turned out that the information was confidential or restricted, that person would be guilty of a violation of this section of the proposed act, even though he may have had no intention to harm the Government of the United States. That is another instance where persons could be prosecuted right and left for offenses which they did not know they were committing, and without any intention to harm the Government of the United States.

Subsection (c) provides that any representative of a foreign government who asks for or seeks to obtain such confidential information shall be guilty. It would place a representative of a foreign country in the position of being guilty of violating a law of the United States if he asked anyone for any information about our defenses, the number of tanks, and questions along that line, at the very time when under the Atlantic Pact we have joined with foreign governments for the purpose of uniting our defense efforts in the Atlantic Pact.

Mr. President, this section in the hands of an energetic and unwise prosecutor could be used to control thought, to keep people from expressing their opinions and from doing things which they have a right to do under the Constitution. I think the bill would be greatly improved if the section were deleted.

I yield back the remainder of my time.

Mr. McCARRAN. Mr. President, the amendment offered by the Senator from Tennessee provides that on page 10, line 19, there be stricken out section 4. The amendment is not acceptable to us for the reason that it would remove section 4 in its entirety. Section 4 makes it unlawful for any person knowingly to combine, conspire, or agree, and so forth, to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship under the control of a foreign government. It also makes it unlawful for officers or employees of the

United States to communicate classified information to foreign agents, and for such foreign agents to receive such information. I believe such a provision is necessary in the bill if we are to meet the subversive problem on all fronts. I yield 5 minutes to the Senator from Michigan, if he desires to speak on the amendment.

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

Mr. McCARRAN. Certainly.

Mr. KEFAUVER. Does not the Senator think that in some way or other a differentiation should be made between a friendly foreign agent and an unfriendly foreign agent? Certainly we do not want to place this kind of restriction on friendly people who come here representing a friendly government.

Mr. McCARRAN. Mr. President, the Senator might have asked that question of a certain nation 7 or 8 years ago. Today the answer would be in the negative. Seven or eight years ago we knew a friendly nation, which was supposed to be our ally. Today, how about it? For anyone to transmit classified information, and for anyone to receive it, should be prohibited by law.

Mr. KEFAUVER. I may say that it does not speak well of the Atlantic Pact and our participation in it if we put representatives of our friends, democratic countries, under restrictions which do not permit them to ask the simplest kind of questions without violating the law of the United States.

Mr. McCARRAN. If I have any time remaining, let me say to the Senator that this is a time when I believe the United States of America must look out for itself. We are very happy to be in the Atlantic Pact, and we hope to go along with it. We hope to be able to assist in the success of the Atlantic Pact. However, the internal security of the United States and our continuation under a democratic form of government is uppermost in my mind, now and at all times.

Mr. FERGUSON. Mr. President, does any time remain for debate on this amendment?

The VICE PRESIDENT. The Senator from Nevada has approximately 3 minutes left.

Mr. McCARRAN. I yield 3 minutes to the Senator from Michigan.

Mr. FERGUSON. I hope the Senate will not strike out section 4 of this bill. Section 4 is a criminal section in the bill and makes it unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

Mr. President, the purpose is not to make it a crime to propose an amendment to the Constitution. Everything in the Constitution is the law of the land. The bill does not propose to violate or change any section of the Constitution. Therefore, so far as any constitutional provision is concerned, anyone may propose a constitutional amendment, and under this bill he would not be conspiring to perform an act which would substantially contribute to the establishment of a totalitarian government.

As I see it, certain things cannot be written into the Constitution, because we have a sovereignty, possessed of certain inalienable rights; we have a representative form of government, we have divisions of government; and we have a scheme of government which is absolutely opposed to totalitarianism. Therefore, if we were to change our Government as is stated in section 4, it would be by revolution. Revolution cannot be accomplished by revision, only by revocation.

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

Mr. FERGUSON. I have so little time left, that I cannot yield at this time. I should like to say something with reference to giving secrets to friendly powers. The Atlantic Pact contains an agreement entered into between our high officials and the British Government and some other governments. We have drafted this section. In compliance with that agreement, because the President of the United States or the head of a particular agency may authorize the giving of certain secrets to other nations. It was the thought of the Committee on the Judiciary that anything else should not be given to any foreign power, because it is impossible to say with certainty who is a friend and who is a foe, except as the President might be able to do it under treaty.

I want to say something, too, about transmitting second- or third-hand information. The section is specifically limited in its application to persons knowing or having reason to know the classified nature of the information.

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

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not correct to say that if the amendment offered by the Senator from Tennessee prevails we would be actually striking out of the bill the provision which makes it illegal to perform an act which under the Kilgore substitute they would make it permissible to put a man in a concentration camp merely for thinking about performing the act?

Mr. FERGUSON. That is exactly correct.

Mr. KEFAUVER. The Senator knows that during the time of a national emergency the Government has a right to do many things which it cannot do in times of peace. That is the distinction between the Kilgore substitute and the provision in the bill referred to. This is proposed legislation for all time, not merely during the time of an emergency.

Mr. MUNDT. The proposed legislation requires an act to be performed, not merely having the Attorney General think that a man is thinking of performing it. The man must actually perform the act.

Mr. KEFAUVER. No; the section provides for agreeing to perform an act. It is not necessary to perform it.

Mr. MUNDT. He must combine or conspire with someone.

Mr. KEFAUVER. Combine, conspire, or agree.

Mr. FERGUSON. There are other ways of overthrowing a government than by force and violence. We learned that in Czechoslovakia. The force and violence comes afterwards, in order to consolidate and expand power and control acquired by other means. In other words, we are trying to do something about the kind of subversive acts that are really dangerous. I hope the Senate of the United States will not weaken the bill by taking out of it section 4.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER and other Senators requested the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. KEFAUVER]. [Putting the question.] The "noes" appear to have it.

Mr. KEFAUVER. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. KEFAUVER. Mr. President, I have another amendment, lettered "F," which I offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 10, line 21, after the word "act", it is proposed to insert "by force and violence."

On page 11, line 2, to strike out the period, to insert a colon, and the following: *"Provided, however,* That this section shall not apply to any act in connection with the sponsorship of a constitutional amendment."

Mr. KEFAUVER. Mr. President——

The VICE PRESIDENT. The Senator has 7½ minutes.

Mr. KEFAUVER. Mr. President, this amendment is a sincere effort to improve the bill, hoping that on final passage it will contain certain amendments so that I can vote for it. I voted a little while ago for the Kilgore substitute for the bill. If that had been agreed to, and some things were done to remove some of the objections which I have and which I think others have, I would expect to vote for the bill in the hope that in conference a bill might be agreed to which would even be acceptable to the President, so that we could end this session with some legislation on this subject enacted.

This amendment is to section 4 (a), and would require that an agreement to perform some act must be carried out by force and violence. Otherwise, if a Member of the Senate agrees to propose a constitutional amendment, to have certain things happen in the Government of the United States, and someone on the outside agrees, if he offers such an amendment, which he has a perfect constitutional right to do, and he makes a speech or speaks to his neighbor about it, then he would be guilty under the section as it is now written. It would open the way to the promiscuous prosecution of people for acts which are accompanied by no force or violence, but merely on the word of somebody else. There would

be at least justiciable issues under which people could be haled into court.

Mr. McCARRAN. Mr. President, will the Senator yield for the suggestion of an amendment to his amendment?

Mr. KEFAUVER. I have an amendment, and I wish to give my explanation of it.

All the attorneys who have considered this proposed legislation have raised some question as to the legality of or the constitutionality of section 4 (a) unless the act is carried out by force and violence. I think it should also be written into the bill that this provision should not apply to any act in connection with the sponsorship of a constitutional amendment.

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

Mr. KEFAUVER. I yield to the Senator.

Mr. McCARRAN. I wish to make the suggestion to the Senator that, so far as I am personally concerned, I would have no objection if the amendment read like this, "That this section shall not apply to the proposal of a constitutional amendment."

Mr. KEFAUVER. That is only half of the amendment. The other half is as to any act requiring force and violence.

Mr. McCARRAN. There is nothing in this amendment about that.

Mr. KEFAUVER. Yes; it proposes that on page 10, line 21, after the word "act" there be inserted the words "by force and violence."

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

Mr. KEFAUVER. I yield.

Mr. MUNDT. I was thinking of speaking along the same line suggested by the Senator from Nevada. It seems to me the amendment of the Senator from Tennessee is altogether too broad in line 5 to carry out the purpose he has in mind as indicated by his remarks. Certainly we must not make the section inapplicable to any act, because there could be a great many illegal acts, conspiratorial acts, acts of violence. It seems to me that if the Senator would insert before the word "acts" some such modifier as "constitutional" or "legal" in connection with the constitutional amendment, he would carry out what he has in mind.

Mr. KEFAUVER. How about the provision relating to force and violence? The Senator and I have the same thing in mind as to the constitutional amendment provision, and that could be worked out in conference. The language proposed by the Senator from Nevada as to the second part of the amendment sounds all right to me, but that does not take care of the other objection, as to requiring that an agreement be accompanied by force and violence.

Mr. MUNDT. That is correct, but I think an altogether different element enters into the consideration of that part of the amendment, because the Communist line changes from time to time from force and violence over to espionage, infiltration, and subversion, and a great many other techniques and devices which are not accompanied by force and violence. So I think we would cripple the administrator if we limited the provision to acts accompanied by force and violence.

I have no objection to the second part, if it is modified as I have suggested. I think the first part of the amendment goes too far, because it would prohibit the administrator from changing his tactics to keep up with the constantly changing line of the Communists, which does not always entail force and violence.

Mr. KEFAUVER. In my opinion, unless the words "force and violence" are used in relation to some act which may be committed, it is not constitutional. I shall be glad to accept the language of the Senator from Nevada as to the constitutional amendment feature, but unless the rest of it is going to be accepted, I do not see that there is much to be accomplished.

Mr. LONG. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield to the Senator from Louisiana.

Mr. LONG. What the Senator from Tennessee has in mind is to preserve the right of an American to advocate peaceful change of government by constitutional, legal processes.

Mr. KEFAUVER. That is correct.

Mr. LONG. On the other hand, he is perfectly willing to outlaw the advocacy of forcible overthrow of our Government by anyone.

Mr. KEFAUVER. That is correct. That is exactly my position.

Mr. FULBRIGHT. Mr. President, would it not be more difficult to prove foreign domination under the amendment than under the Smith Act, which did not require the proof of foreign domination?

Mr. KEFAUVER. I say frankly that "with force and violence" written into the amendment, the amendment does not differ greatly from the provisions of the Smith Act. I think the language "combine, conspire, or agree" is a little broader than the Smith Act.

Mr. FULBRIGHT. My point is that under the proposal now made it would be more difficult to prove foreign domination than under the Smith Act. It is not so effective, is it?

Mr. KEFAUVER. Under the bill, without the amendment, anything could be proved on anybody. It would be one man's word against another. It would be said that two people were getting together and saying they were going to set up a dictatorship in some small town. There would have to be a trial to determine whether they had tried to create a dictatorship in some small town, and Jim Jones, who might be an unnaturalized alien, who might be the boss of the town——

The VICE PRESIDENT. The time of the Senator from Tennessee has expired.

Mr. McCARRAN. Mr. President, this amendment would rather effectively emasculate section 4 (a) of the bill.

This is the section which provides that "it shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the dominion or control of, any foreign government, foreign organization, or foreign individual."

This proposed amendment would, first, limit the category of acts, conspiracy to perform which is made unlawful, to acts "by force and violence."

Secondly, this amendment would add a proviso stating that this section shall not apply to any act in connection with the sponsorship of a constitutional amendment.

That phrase "in connection with" is extremely broad; and it appears that if this language should be adopted, any person who had sponsored a constitutional amendment would thereafter be able to indulge in any form of conspiracy without worrying about the provisions of this section; for the bare fact that he was the sponsor of a constitutional amendment presumably would protect him.

Possibly what the Senator from Tennessee means to suggest is a proviso making the section inapplicable to acts in furtherance of the adoption of a constitutional amendment; but that is not what his amendment says.

Mr. President, I do not believe this amendment should be adopted, or that it will be adopted; nevertheless, I feel it should be amended before it is voted upon.

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

Mr. McCARRAN. I yield.

Mr. KEFAUVER. I accept the Senator's suggestion as to the language in the second part of the amendment.

Mr. McCARRAN. Will the Senator modify his amendment to that extent?

Mr. KEFAUVER. If the Senator will yield, I shall ask unanimous consent, Mr. President——

The VICE PRESIDENT. The Senator can modify his amendment in any way he pleases.

Mr. KEFAUVER. Mr. President, I modify the amendment so as to strike out the words "any act in connection with," and the word "sponsorship," and insert in place of "sponsorship" the word "proposal."

The VICE PRESIDENT. The clerk will read the amendment as it is now offered.

Mr. KEFAUVER. Yes, I wish the clerk would do so.

The CHIEF CLERK. On page 11, line 2, it is proposed to strike out the period, insert a colon, and the following: "*Provided, however,* That this section shall not apply to the proposal of a constitutional amendment."

Mr. McCARRAN. Does the Senator modify the other part of his amendment?

Mr. KEFAUVER. No, Mr. President; I do not.

Mr. McCARRAN. Of course, I cannot accept it unless the Senator does.

Possibly what the Senator from Tennessee means to suggest is a proviso making the section inapplicable to acts in furtherance of the adoption of a constitutional amendment; but that is not what his amendment says.

Mr. President, I do not believe the amendment should be adopted or that it will be adopted; nevertheless I feel that

it should be amended before it is voted upon. Therefore, Mr. President, I move to amend the amendment offered by the Senator from Tennessee [Mr. KEFAUVER] so as to make it read:

On page 11, line 2, change the period to a comma and insert the following: "*Provided, however,* That the provisions of this subsection shall not render unlawful any act done in furtherance of the adoption of a proposed constitutional amendment."

The Senator has already accepted that modification, but as to the first part of his amendment, he has not made any modification.

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. Would not that allow a conspiracy to overthrow the Government and to do acts in furtherance of such conspiracy, even to the use of force and violence? What is the modification made by the Senator from Tennessee?

Mr. McCARRAN. The second part of the amendment has been modified.

Mr. FERGUSON. Will the Senator read the modification?

Mr. McCARRAN. Yes. On page 11, line 2, it is proposed to strike out the period, insert a colon, and the following: "*Provided, however,* That this section shall not apply to the proposal of a constitutional amendment."

Mr. FERGUSON. That covers only the proposal of a constitutional amendment.

Mr. MUNDT. Mr. President, reserving the right to object——

Mr. McCARRAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Will it be proper at this time to ask for a division of the amendment?

The VICE PRESIDENT. Certainly. They are practically two separate amendments anyway.

Mr. McCARRAN. I ask for a division of the amendment so we may deal with that part which has been agreed upon by the Senator first.

The VICE PRESIDENT. Is there objection to the adoption——

Mr. KEFAUVER. I should like to have the whole amendment voted on first, Mr. President.

The VICE PRESIDENT. The Chair thinks a request for a division is legitimate, and the Chair orders that there be a division of the amendment.

Mr. KEFAUVER. Very well.

The VICE PRESIDENT. And that there be a vote separately on each. If there is no objection to agreeing to that part of the amendment in which the language has been modified, it will be adopted. The Chair hears none and that branch of the amendment is agreed to.

Mr. FERGUSON. Mr. President, is there any time left?

Mr. McCARRAN. I yield whatever time I have left, to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I should like to say a few words as to the other part of the amendment. It proposes to insert the words "by force and violence."

The VICE PRESIDENT. The Chair wishes to say that there are 1½ minutes remaining.

Mr. FERGUSON. The main reason for not using the words "force and violence" was the testimony of Mr. Gates and Mr. Foster of the Communist Party before the Committee on the Judiciary. They said that they had now eliminated from their teachings and so forth the words "force and violence." They have altered their techniques, in other words. Partly they have done so because teaching or advocating overthrow by force and violence is prohibited under the Smith Act.

Anyone who has studied communism knows of their alternate techniques. That technique is to gain control in some way by conspiracy and infiltration, and by the blotting out of those who had been in power; then afterward to use force and violence to retain the power they have obtained.

In view of that switch in technique, we propose to make it a crime to overthrow the Government, to build and create a totalitarian government here, by acts which are short of force and violence. I hope the Senate will not change the language of the bill by adopting the amendment, because that would bring us back to the Smith Act, and we are trying to do something entirely different here than was done by the Smith Act.

The VICE PRESIDENT. Time has expired.

Mr. KEFAUVER. Is there any time remaining?

The VICE PRESIDENT. There is no time remaining.

The question is on the first branch of the Senator's amendment.

Mr. KEFAUVER. Is that the "force and violence" part?

The VICE PRESIDENT. The "force and violence" part; yes.

Mr. KEFAUVER. I ask for the yeas and nays on that part of my amendment.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The "noes" seem to have it.

Mr. KEFAUVER. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. KEFAUVER. May we now have a vote taken on the second part of the amendment dealing with proposal of a constitutional amendment?

The VICE PRESIDENT. That part of the amendment was agreed to by unanimous consent.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. I was under the impression that the Senate had agreed only to the suggested change in the language of the amendment, but if the amendment, as modified, has been agreed to, it is quite all right. I am in favor of that portion of the amendment.

Mr. KEFAUVER. Mr. President, I call up my amendment dated 9–11–50–E.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. On page 11, line 4, after the word "thereof", it is proposed to insert the following: "(but this subsection shall not apply to employees of private corporations in which the Reconstruction Finance Corporation has ownership of a part of said stock as a result of the financing or refinancing of said corporation by the Reconstruction Finance Corporation)."

On page 11, line 7, after the word "means," it is proposed to insert "with intent to harm the United States."

Mr. KEFAUVER. Mr. President, this section is principally intended to apply to Government employees who, by virtue of their employment with the Government, have access to certain information which they may pass on to a representative of a foreign country. As it now stands, if some employee who might hear second or third hand about something—and of course this does not apply to anybody outside the executive branch of the Government—should meet a representative of a friendly government and should tell him something he, the employee, had heard, even though there was no intention to harm the Government of the United States—as a matter of fact it might be something that was being discussed in the interest of helping the Government of the United States, by the representative of a foreign military mission of a friendly country—then the Government employee would be guilty of a violation of this section. When our employees are acting in good faith, without any intent to harm the Government of the United States, I do not believe they ought to be considered guilty of something of which the average citzen would not be guilty.

The second point is that the amendment would include as employees of the United States the employees of any corporation in which the Reconstruction Finance Corporation owned a major part, I believe, of the stock of the company. The employees might not even know that they are working for a corporation in which the major part of the stock is owned by the Reconstruction Finance Corporation.

There have been many newspapers whose stock was owned in major part by the Reconstruction Finance Corporation. In such case, a reporter for one of those newspapers might inadvertently, even though he should know better, pass out some information which might be confidential. In that case, he would be guilty under the provisions of this measure, even though he might not know that the newspaper was partly owned by the Reconstruction Finance Corporation.

The other day the Senator from Michigan [Mr. FERGUSON] said that if the du Pont Corp. were to have contracts for the manufacture of the H-bomb, the employees of that corporation should be placed under a restriction which would forbid their giving out information regarding the H-bomb. I think probably that should be done. However, I do not believe such a case would be covered by this amendment, because, as I understand, none of the stock of the du Pont Corp. is owned by the Reconstruction Finance Corporation.

I do not see why the employees of corporations whose stock is owned in part by the RFC should be treated differently from the employees of corporations whose stock is not owned by the RFC. After all, stock ownership is simply a matter of financing.

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

Mr. KEFAUVER. I yield.

Mr. CHAVEZ. Is it the purpose of the Senator from Tennessee to exempt employees who might be connected with any corporation in which the RFC has an interest?

Mr. KEFAUVER. That is correct.

Mr. CHAVEZ. That is the purpose; is it?

Mr. KEFAUVER. Yes.

Mr. CHAVEZ. What difference would it make whether a person who commits a crime which is intended to be covered by the provisions of this bill, actually works for the Government or does not work for the Government?

Mr. KEFAUVER. My point is that everyone, regardless of the concern for which he works, should be covered in that connection. However, I take the position that without my amendment, the employees of the Kaiser-Frazer Corp., for instance, would be covered, but the employees of General Motors Corp. would not be covered. It seems to me that either all employees should be covered or else the provision should be limited to Government employees.

Mr. CHAVEZ. I wish to say to the Senator from Tennessee that I understand that his amendment will do so. I think all employees should be covered.

Mr. KEFAUVER. No; the amendment does not cover all of them. We are endeavoring to leave out——

Mr. CHAVEZ. Let me say that I cannot see any reason why certain exceptions should be made, so that if A commits a certain act, it will be held to be a crime because he works for corporation B, but if C commits a similar act, he will not be held to have committed a crime, because he works for the Government.

Mr. KEFAUVER. Of course I think there is a distinction, in this case, between a Government employee and a private citizen. I think the employees of a corporation in which the RFC happens to own some stock are private citizens; and if they are to be covered by this measure, then, in my opinion, all private citizens should be covered by it.

Mr. CHAVEZ. That is my point. I do not think there should be any exceptions. After all, a crime is a crime. If in any particular set of circumstances a certain law applies, it should be applied to everyone.

Mr. KEFAUVER. Mr. President, I yield back the remainder of the time allotted to me.

Mr. FERGUSON. Mr. President, will the Senator from Nevada yield some time to me?

Mr. McCARRAN. I yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I wish to present a brief analysis of the amendment.

First, we must know what we are trying to prevent. The purpose of this part of the bill is to prevent Government employees and those working for Government agencies and those who are serving in capacities in which they are likely to receive very vital information which has been classified by the President as being security information, from knowingly and willfully giving such information to foreign agents or to persons who belong to Communist organizations.

Mr. KEFAUVER. Mr. President, this provision is not limited to Communists. It would include Winston Churchill or anyone else who happened to belong to a foreign government.

Mr. FERGUSON. Of course, Mr. President, any of us can be imaginative and can get away up into the clouds in connection with the consideration of these provisions; but it seems to me that we must deal with people who keep their feet on the ground, and certainly the Communists do that. They know where they are going. The purpose of this provision is to prevent the giving out of Government secrets to persons who are known to be Communists.

If any person who owns stock in a Government corporation receives secrets from the Government of the United States—and in such case the fact of his ownership of stock in that corporation would be the basis of his receipt of such secret information—such person should not be permitted to divulge those secrets to Communists.

Mr. KEFAUVER. But on page 11 of the bill, in lines 9 and 10, we find the words "has reason to believe to be an agent or representative of any foreign government."

The bill does not say "Communists" at that point.

Mr. FERGUSON. Mr. President, let me return to what we said in regard to the previous amendment, namely, if a man is an agent of a foreign government, and if he comes to the United States and obtains from an American citizen or from a United States Government agency a secret to which he has no right, that man is an espionage agent. That is the sort of situation we are trying to reach by this measure. There are ample provisions through proper channels to waive this section in the case of representatives of foreign governments who may be entitled to the information.

The only persons who are entitled to receive such secret information are those whom the President of the United States or the heads of the departments allow to have such information. That is as it should be. Should Winston Churchill or anyone else come to the United States and go to certain Government employees and obtain our secrets from them? No; they should go through the channel that is provided for such purposes, namely, the State Department; or they should go to the President of the United States. He has the power to give them those secrets. If he does not, I say such persons should not get the secrets.

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

Mr. FERGUSON. I yield.

Mr. KEFAUVER. The Senator from Michigan knows that in all the departments, practically all documents are marked "confidential" or "restricted." Under such circumstances, it would be impossible for anyone to have a full appreciation of what might be marked "restricted."

This measure does not mean that anyone who might be so charged would have to have seen what was so marked. On the contrary, if such a person should pass on such information third hand, and if subsequently it should turn out to have been marked "restricted," that person would be guilty, because the amendment does not provide that the person passing on the information must have seen it.

Mr. FERGUSON. Mr. President, that is not a fact. The amendment provides that such a person must know that the material is restricted or must have reason to believe that it is restricted. How would that situation develop? It would develop in this way: If certain information is classified by the President or by the head of any Department or agency, with the approval of the President, then if any person knows that a certain paper or certain information has been classified by the President or, on his authority, by someone else as affecting the security of the United States, such person should not give the information to any foreign agent or any foreign government; it should be a crime for anyone to do so.

So we come back to the second part of the amendment, and I think we should have separate votes on the two parts of this issue. The amendment proposes that in order to come within the provisions of this measure, a person who gives to a known Communist or a known foreign agent such secrets belonging to the United States, which have been classified by the President or have been classified under his authorty, must be proved to have an intent to harm the United States.

The Attorney General of the United States came before the committee in regard to the other bill, when it was before us in another form. He does not want that language in the law any longer, because if that language is included—namely, the word "with intent to harm the United States"—it will be found that in almost all cases it is impossible to prove such intent.

After all, what did the defendants in the Coplon case say? They said they never intended to harm the United States. However, it was necessary to prove a specific intent to harm the United States.

So why should it not be made a crime for anyone to give to such person this kind of secret information, regardless of whether they specifically intend to harm the United States. Otherwise, why have classified data? After all, the giving of such information could very easily harm the United States. That is why we should not include these words in this measure, and thus compel the Government to prove beyond a reasonable doubt that when such persons give away such material, they intend to harm the United States.

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

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not true that in the Hiss case, in the Coplon case, and in

all the other cases of that sort, the defendants always said they had no intention of harming the United States?

Mr. FERGUSON. That is correct.

Mr. MUNDT. And it was virtually impossible to prove that they did intend to harm the United States.

Mr. FERGUSON. Of course.

Mr. KEFAUVER. Mr. President, will the Senator cite a case in which it has not been possible to prove intent? If a good, decent, American citizen gives information to a representative of a foreign government, is that American to be put in jail merely because he passes on the information? Should it be possible for such an American to be put in jail unless there is a showing that in talking with the representative of the foreign nation or foreign government, that American citizen intended to harm the Government of the United States? It is unthinkable that such a thing should be provided, Mr. President.

Mr. FERGUSON. Mr. President, I say to the people of all friendly nations as I say to the citizens of America who may go into other friendly nations, the place to obtain information is at the top, not to snoop around and try to get information here and there from people who are not authorized to give information. Suppose this amendment were to apply, and someone asked, "Why should not a man down the line somewhere give information concerning atomic energy secrets?" It ought to be a crime for him to do that, whether he intends to harm the United States or not.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. FERGUSON. I yield.

Mr. KEFAUVER. I have been on missions with Members of the Senate, when I was in the House—even with the distinguished Senator from Michigan. I recently heard the Senator from Washington make a report. Had we gone to a friendly country and had we been confronted with the restrictions such as are contained in this proposed legislation, we would all have returned home very wrought up about it. We would have said, "We cannot get those fellows to tell us anything. They have to run up and see the director of the division. They would not even talk with us." In his recent report, the Senator from Washington told about the vast amount of information which he received and the friendly manner in which he was received by the officials. Had they had in their own country a restriction such as this, the Senator from Washington would have returned home without any information, and he would have favored kicking them all out of the Atlantic Pact, I am afraid.

Mr. FERGUSON. Mr. President, I again say that the agent of any friendly nation who comes to the United States wanting information which is secret, and is classified by the President, should go to the President or to the agency head and obtain clearance, in order that he might receive it.

The PRESIDING OFFICER. (Mr. HOEY in the chair). The Senator's time has expired.

Mr. FERGUSON. I hope that both of these amendments will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

Mr. KEFAUVER. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. KEFAUVER. Mr. President, I have one more amendment which I desire to offer. It is my amendment of September 11, 1950, lettered "D."

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 11, line 23, after the word "indirectly", it is proposed to insert "with intent to harm the United States."

Mr. KEFAUVER. Mr. President, paraphrasing the provision of the bill, it says that any agent or representative of a foreign government, whether it be friendly or unfriendly, who comes to the United States and seeks to obtain, or attempts to obtain, directly or indirectly, from any officer or employee of the Government, information which turns out to have been classified or confidential, or who attempts to obtain from any corporation the stock of which in whole or in part may be owned by the Government, would then be guilty. The burden would be placed upon a visitor from a friendly nation to this country of ascertaining whether the person with whom he conversed had the authority of the President to impart to him the information desired.

Furthermore, he would have to ascertain whether a corporation from whom he was seeking information had an RFC loan; otherwise he might be getting information which would come within the prohibition of this bill. I think it would completely put an end to communication and exchange of information between the military officials of this country and other countries. For example, it is impractical to expect General Montgomery or some Canadian general who may come here for the purpose of conferring with the military leaders of the United States to ascertain whether, when he is talking with a colonel or with someone connected with the National Resources Board, trying to effect arrangements involving the defense of this country as well as his own country, to be placed in a position of having violated the law unless he first goes to the trouble of finding out what the law is, and, second, finding out whether the person with whom he is talking has been designated by the President or by the agency head as a proper person to impart to him the information sought.

I yield the remainder of my time.

Mr. FERGUSON. Mr. President, I should like to say merely a few words regarding this amendment. It is identically the same as the amendment the Senate voted on before, except that it comes under the "(c)" section regarding the receiving or the attempt to receive information. We should not change the section. The argument which we made regarding the other amendment is also applicable to this. The Attorney General says it is practically impossible to prove intent to harm the United States.

Mr. KEFAUVER. Mr. President, if the Senator will yield, can he cite one case in which the proof of intent broke down?

Mr. FERGUSON. I cannot cite cases, now.

Mr. KEFAUVER. The Senator says it is impossible to prove the intent to harm the United States, yet he is unable to cite any case in support of that contention, I take it.

Mr. FERGUSON. I say it is practically impossible, in view of the fact that the intent must be proved beyond a reasonable doubt.

Mr. KEFAUVER. Will the Senator name one case in which it has not been proved?

Mr. FERGUSON. There have been very few indictments under sections of this kind, and it is therefore impossible to cite cases. The Attorney General says that the inability to prove specific intent is the reason that more indictments have not been returned. That was the situation in the Alger Hiss case. That was the reason assigned for not prosecuting him originally. It was feared that the intent to harm the United States could not be proved.

Referring to the illustration given by the Senator of a supposed visit to this country by General Montgomery, does the Senator think that if he came here for information he would be talking indiscriminately to everyone within the department concerned? No; he would be talking to the head of the department who had been authorized to talk with him. If the head of the department had not been authorized to talk with him, then he should not give him the information requested. There may even be secrets which the President of the United States does not want to have imparted to anyone, and, if he so classifies certain information and does not thereafter declassify it and authorize that it be given to the head of a foreign government, or to a Communist, or to an officer of the Communist Party, then the information should not be imparted.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield for a question.

Mr. O'CONOR. In the event of a duly accredited representative of a foreign government coming to the United States in order to work in conjunction with our own authorities, would it not be possible to have any information which ought to be given to him, given with the approval of the President or head of the department?

Mr. FERGUSON. That is correct, and it will be given to him because he will be contacting the head of the department, and he will be receiving the information which will have been declassified so far as he is concerned.

Mr. KEFAUVER. Mr. President, will the Senator yield to permit me to ask the Senator from Maryland a question?

Mr. FERGUSON. I ask unanimous consent that I may yield for that purpose without losing the floor.

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

Mr. KEFAUVER. The question by the Senator from Maryland brings up the very objection I have to this provision.

The Senator from Maryland supposed a case in which the representative of a friendly foreign government comes to the United States and contacts the officials in a certain department. That person ought to have the right to ask the people he is contacting in the Government, who supposedly have been designated for the purpose of giving him certain information, and they ought to be cleared by the President to talk with him. But are we to place upon that representative of a friendly country the burden of ascertaining whether someone in uniform with whom he talks, who apparently has the right to impart to him the desired information, when he goes to the proper place to get the information—are we to require him to insult our country and the people with whom he is talking by asking them, "Have you been cleared by the President to talk with me? I cannot listen to you because I do not know whether you have authority to give me this information."

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. KEFAUVER. I yield.

Mr. FERGUSON. The Senator from Tennessee does not have the floor, but I am glad to yield.

Mr. KEFAUVER. I am sorry.

Mr. KNOWLAND. Let us take for example an atomic scientist who comes to the United States, who perhaps has had full access to our information, and who talks with someone in this Government. Should he not be required to know that the person he talks to is authorized to divulge information of the kind he is seeking. The person, though wearing a uniform, may have no authority, and perhaps should have no authority, to reveal secrets, and it would be a violation of security if he did so. The mere fact that a man wears a uniform of the Army does not entitle the visitor to accept from him information of a secret nature. Anyone who served in the recent war would know that there are various classifications. People were cleared to receive certain types of information. The fact that a man wore a uniform did not of itself entitle him to receive or to impart secret information.

Mr. KEFAUVER. The Senator from California brings up another inequity. This foreign agent might talk with a representative of the du Pont Co. who might be manufacturing a secret weapon. He might talk with complete impunity. But if he talked with some major or colonel who has not been specifically cleared, he would be guilty. A great burden would be placed upon a friendly foreign representative who comes to this country.

Mr. FERGUSON. Mr. President, what we are trying to do is to catch espionage agents who are trying to secure secrets which have been classified by the President of the United States for the safety of America. I hope the Senate will leave the section as it was drawn in the Judiciary Committee, where we spent hours and days trying to make the bill comply with what the Attorney General felt he needed in order to catch espionage agents, so that he would not have to prove beyond a reasonable doubt that they were harming the United States.

I hope the Senate will vote down the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee. [Putting the question.] The "noes" seem to have it.

Mr. KEFAUVER. Mr. President, I ask for a division

On a division, the amendment was rejected.

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

Mr. FULBRIGHT. Mr. President, I wish to call up on amendment which was submitted by the Senator from Texas [Mr. CONNALLY].

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Arkansas for the Senator from Texas.

The LEGISLATIVE CLERK. On page 78, beginning with line 21, it is proposed to strike out section 31, including all of page 79 and through line 20 on page 80.

Mr. FULBRIGHT. Mr. President, this is a very important amendment. The Senator from Texas [Mr. CONNALLY] chairman of the Foreign Relations Committee, offered the amendment. He stepped out of the room and I did not anticipate that we would arrive at the point of the third reading of the bill before his return. I have sent for the Senator.

Mr. President, this amendment has to do with the reorganization of an important part of the Department of State. There is a great deal more involved than the simple act of refusing or granting a visa, which I think the Committee on the Judiciary had in mind when they included this provision in the bill. I do not think it is strictly germane to the subject. It may be germane, but it goes further than that which was contemplated in the main part of the proposed legislation.

No hearings were held on this particular matter. The Department of State was never asked to give its views on this particular part of the bill.

I am chairman of a subcommittee of the Committee on Foreign Relations having to do with reorganization of the State Department. Neither that subcommittee nor the full committee had any notice of this provision being included in the bill.

Approximately 2 weeks ago I was notified of a bill on the calendar which, in substance, is the same as this provision of the bill. At the request of the Department of State I objected to it, on the call of the calendar. Since that time, I have looked into the question. Hearings on the general subject of the matter of granting visas were held, but no bill providing for the creation of an autonomous bureau within the Department of State was under consideration at that time. Mrs. Shipley, who is head of the Passport Division, was not requested to appear in connection with the matter. I am informed that she is violently opposed to the provision.

Those are the main considerations, Mr. President. I think it would be hasty and ill advised for the Senate to accept this particular provision without having had hearings on it and without representatives of the Department of State having an opportunity to testify. Only one or two minor officials, including the head of the visa department, were called to testify on the general subject. The bill would create an autonomous bureau and give it a separate status within the Department of State to deal with visas, but the part which is overlooked is that there is a very important political question involved in the granting of visas. Members of the staff were asked hypothetical questions about the admission of a person who might have been engaged in revolutionary activities of a terroristic nature. Presented in that bald fashion, it might be suggested that they should be included. There are grave political questions involved. I think this particular provision was intended to interfere with the exercise of full responsibility by the Secretary of State in this field.

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

Mr. FULBRIGHT. I yield.

Mr. LODGE. I should like to say that the Senator from Arkansas, the Senator from Rhode Island [Mr. GREEN], and I are members of a Subcommittee on the Reorganization of the State Department who looked into this matter. During the time the Tydings committee was in existence the Senator from Rhode Island and I made a special study of the question in the State Department. We felt that the higher-ups in the hierarchy in the State Department should have the responsibility for security, but we found that it was fixed four or five echelons down. It was not high enough up.

So, without sorely condemning the provision in the bill, I should like to have it go to the Foreign Relations Committee so that it can be coordinated and correlated with the very thorough study which was made by the subcommittee, so the responsibility can be fixed for security at the very highest possible level.

That is the thought which comes to me in my study of the bill.

Mr. FULBRIGHT. I thank the Senator from Massachusetts. I think it would be a grave mistake to adopt this provision of the bill without a study of it by the Committee on Foreign Relations.

I shall give only a few illustrations of what was considered in the hearings in connection with another bill. I think we should not hastily include this particular provision.

According to the testimony of Mr. Peurifoy, which was given in a letter, this is not a very important matter. There have been only 10 cases in the past 3 years in which the question would have been decided other than the way in which it would be decided under existing law. I quote one paragraph from a letter which Mr. Peurifoy submitted:

> The Visa Division states that it does not recall more than approximately 10 cases in which this original recommendation that visas be refused on security grounds have not been accepted by the superior officers of the Department within the last 3 years.

So I would say, Mr. President, that even though there is a problem which

needs solution, it certainly is not of major proportions. To solve it at this time would require hasty action without the Committee on Foreign Relations having had an opportunity to examine it. There is no evidence in the hearings themselves that this is a question which is critical and which requires immediate action without a hearing.

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

Mr. FULBRIGHT. I yield.

Mr. HILL. I notice that the director of the new agency having to do with passports and visas must be a native-born citizen of the United States, with not less than 10 years' experience in the Foreign Service of the United States, and shall have been at least class I in the Foreign Service.

The head of the present agency, which is the over-all Office of Consular Affairs, happens to be Mr. Samuel D. Boykin, who is a relative of my colleague in the House from the First Alabama District. He could not qualify under this requirement. He is not a class I Foreign Service officer. He came to Washington with Mr. Stettinius when he was head of the Lend-Lease Administration. He left a profitable position in a bank to come with Mr. Stettinius. When Mr. Stettinius went to the State Department, he took Mr. Boykin with him. We know Mr. Boykin as the head of the Consular Service Office. He was Mr. Peurifoy's right-hand man in the matter of security. We know what a fine job Mr. Peurifoy has done. We went so far as to put a special provision in the appropriation bill to raise Mr. Peurifoy's salary, in appreciation of what he had done. Mr. Boykin has done a fine job too. Yet we would legislate Mr. Boykin out of his job.

The VICE PRESIDENT. The Senator's time has expired.

Mr. McCARRAN. Mr. President, the very matter referred to by the Senator from Alabama has been discussed. Mr. Boykin is in the Control Division and is not in the Visa Division at all. It would not affect him at all.

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

Mr. McCARRAN. I yield for a question.

Mr. HILL. Mr. Boykin is the over-all head. What is intended to be done under the bill is to——

Mr. McCARRAN. Mr. President, I have yielded for a question only.

Mr. HILL. I will ask the Senator a question. Under this bill most of what is now under Mr. Boykin's control would be taken away from him.

Mr. McCARRAN. We are not doing anything of the kind. We are setting up a chair in the State Department where visas would be issued out of the State Department, and placing the responsibility where it should belong. It would have contact with all the security agencies of the United States. Today it does not have that contact. It does not have the contact with the security agencies of the United States.

Going back to the remarks made by the able Senator from Arkansas [Mr. FULBRIGHT], he said there were only 10 cases in a number of years.

Question. In how many cases in the course of the last 5 years has a visa been withheld from a person applying as an affiliate of a foreign international organization or foreign government in which the Department of State had received reports, confirmed or unconfirmed, indicating that such person may have engaged in subversive activity prior to the filing of the application for the visa? The term "subversive" when used in this question denotes activity of a subversive nature, often membership in the Communist Party. If it is impracticable for you to transmit to me the specific number of such cases, I should be obliged if you will transmit the best available estimate of the number of cases.

Under date of July 11, 1949, I received a response from Mr. Peurifoy, as follows:

Answer. The Department has no recollection of any case in the course of the last 5 years where a visa has been withheld from a person applying as an affiliate of an international organization or as an affiliate of a foreign government upon the basis of subversive activities of any nature referred to in your letter.

In other words, the record shows that there has not been a case turned down by the State Department however subversive may have been the record of the applicant for a visa. We are creating nothing new. As a matter of fact, the Hoover Commission recommended that the Visa Division be taken out of the State Department and put into the Department of Justice. We are not doing that. We are putting it under a head in the State Department where opportunity will be afforded for contact with all the security agencies of the Government, particularly the FBI and the CIA.

All I have to say with respect to this subject is that there is no more vital part of the bill than this section. If we are to enact a law which will catch these fellows, we ought to catch them in the higher echelons as well as in the lower. The high echelon of Communists today is in the agencies and international organizations who send their representatives into the country under diplomatic immunity. They come here under diplomatic immunity and set up their cells in the diplomatic centers. That was testified to day after day, in volume after volume. The witnesses who gave the testimony before the Judiciary Committee knew what they were talking about. These agencies set up their cells in the diplomatic centers. They come here under diplomatic immunity. They are never turned down. The records show how active they have been in their activities in espionage, and sabotage in foreign countries.

Since 1938 approximately 160,000 visas have been issued to persons in diplomatic status and the testimony is that not a single applicant for a diplomatic visa has been refused a visa on security grounds.

The testimony of the Chief of the Visa Division is that in every case in which the Visa Division has disapproved a visa application involving an official of a foreign government or an affiliate of an international organization on security grounds the visa application has been approved by other divisions in the Department of State, and that such security cases are running at the rate of 8 to 10 a month.

That is what we are trying to head off; that is what we are trying to reach; that is what we are trying to do. There is no use in trying to get the little rat down below. It is the big fellow up above that we should get. We should get the big fellow as well as the little fellow. We have had the case of a subversive agent who has had a record of not one murder but literally of as many murders as he has hairs on his head, who came here under diplomatic immunity. He was turned down by the Visa Division, but when his application came to the political desk in the State Department he got his visa. That is what we are trying to stop. Does the Senate wish to put its stamp of approval on that kind of record? That is the testimony in volume after volume of the hearings.

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

Mr. McCARRAN. I yield.

Mr. FULBRIGHT. Was the Department of State requested to appear before the committee in connection with this bill?

Mr. McCARRAN. We had a representative of the State Department before us. He was Mr. L'Heureux.

Mr. FULBRIGHT. He is in the Visa Division?

Mr. McCARRAN. Yes.

Mr. FULBRIGHT. Was the Secretary of State ever requested to appear before the committee?

Mr. McCARRAN. Mr. L'Heureux knows more about the subject than the Secretary of State will know in the next 50 years. Mr. L'Heureux aided us by giving us information in the drafting of the bill.

Mr. FULBRIGHT. He gave information with respect to how visas were granted?

Mr. McCARRAN. Yes.

Mr. FULBRIGHT. Did he recommend a reduction in this Division?

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HILL. Mr. President, I offer a perfecting amendment, to strike out on page 79, line 4:

The Director shall be a native-born citizen of the United States with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service. He shall be appointed by the President by and with the advice and consent of the Senate.

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

Mr. HILL. Yes.

Mr. McCARRAN. Does not the Senator want a native-born American to hold the position?

Mr. HILL. I want a native-born American to hold the position, but I do not want to legislate a man out of a job by action of Congress, when no hearings have been held on the proposed legislation and no opportunity was given to Mr. Boykin to appear before the committee. We have in the State Department the Office of Consular Affairs.

That office has several divisions. One division is the Visa Division. Another division is the Passport Division. Another division is what is called the Division of Protective Services, which deals with the welfare of our American Foreign Service personnel. The fourth division is the Security Division of the State Department. They are all tied in together. They work together. They are coordinated as a unit. The Visa Division and the Passport Division should be tied in with the Security Division, because visas and passports many times go to the very question of security. This provision of the bill would take the Visa Division and the Passport Division from the Office of Consular Affairs and set them up as more or less separate or autonomous agencies. What we would be doing actually would be to legislate a good man, who is now the head of the Consular Services, out of a job. To say the least, it is taking the dog away and leaving perhaps the tail. It should not be done, certainly since there has been no real examination of the provision, no real hearings on it.

Mr. McCARRAN. The Senator is in error in that.

Mr. HILL. Was Mr. Boykin given an opportunity to appear?

Mr. McCARRAN. He is not affected. He is not in the least affected.

Mr. HILL. He is very definitely affected. He may be left something, but if he is, as I have said, it will be only the tail, with the dog all gone, in this independent, autonomous, new agency. The bill goes so far as to provide that this new agency shall have its own counsel, its own solicitor, its own legal adviser.

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

Mr. HILL. I yield.

Mr. McCARRAN. Would the Senator consider a change which would strike out the words on line 5, page 79, "with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service"?

Mr. HILL. Certainly. I would have no objection to requiring that this man, whoever he may be, shall be a native born citizen, but the language which the Senator suggests striking out is the language to which I very much object. As I understand the Senator, if I will modify my amendment, he is willing to accept it.

Mr. McCARRAN. I am willing to join with the Senator in striking out the words "with not less than 10 years' experience in the Foreign Service of the United States, and shall have attained at least class 1 in the Foreign Service."

Mr. HILL. Mr. President, in line with the suggestion of the distinguished chairman of the Committee on the Judiciary, I so modify my amendment.

The VICE PRESIDENT. The Senator modifies his amendment.

Mr. HILL. I had promised to yield to the senior Senator from Texas, and I yield him the remainder of my time.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. The Senator from Texas has 3 minutes.

Mr. CONNALLY. I very much hope the Senate will not agree to this provision of the bill. There were no hearings on this particular feature of the bill. The State Department never had an opportunity to appear before the committee and explain its opposition to it. The Secretary of State is very strongly against this provision. He has talked to me personally about it, and he thinks it will disrupt his organization.

In order that the Senator from Nevada may have his bill passed, it is not necessary for him to try to reorganize a department of the Government. He complains of the visas for higher officials of foreign governments. If the governments are recognized by the Government of the United States, and if we are doing business with them, we have to admit their official representatives, when they have passports, and come here accredited as the representatives of their governments. We cannot shut them out. That was done in the case of Spain, and the Senator from Nevada complained of it, and I complained of it. We have no right to discontinue diplomatic relations with governments with whom we are at peace, and which have been recognized by the United States.

Mr. President, section 31 sets up an independent agency within the Department of State over which the Secretary of State would have little if any authority or control. Do Senators believe in that? I do not believe in it. If there is a Secretary over any Department he ought to have control of the Department, and not have a lot of little puppets sitting around doing the bidding of somebody else.

Mr. President, my amendment strikes out the objectionable language, and leaves the Department of State with its Passport Division and with its Visa Division. If the right people are not in charge, let the Department select the right people. What assurance has the Senator from Nevada that if his bill goes through as it is there will be selected the people he wants selected? I do not know who they are, but he has no doubt some choices. He seems to "have it in" for many people in the Department of State. So have one or two other Senators who have been complaining of the Department of State.

Mr. President, if Senators want to disrupt this particular service and create chaos and confusion, let them vote against my amendment. If they want it to go on as it has always gone on, in an orderly, peaceful, well-organized way, let them vote for the amendment. That is what they ought to do. That is what the Secretary of State wants done. That is what those who have been administering these bureaus want done. They know what they are doing. They have experience. We cannot exclude from the United States the diplomatic staffs of foreign governments.

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

Mr. CONNALLY. I yield to the Senator from Illinois.

Mr. LUCAS. Would not the proposed action cause retaliation by all countries of the world, so far as our own diplomats are concerned?

Mr. CONNALLY. Of course; at least, if they have any spirit they will say, "You don't admit our people to the United States; we will not admit your people to our countries."

We do not send ambassadors and representatives to foreign countries for their benefit. We send them there for our benefit. We want to know what is going on in those countries. They are our missionaries, and I protest against a policy which would isolate us, cutting us off from the rest of the world, a policy which would engender recrimination and the following out of a similar policy in other countries.

Mr. President, we are engaged in considering a bill for domestic peace and security.

The VICE PRESIDENT. The Senator's time has expired.

Mr. CONNALLY. Very well. I thank the Senate.

Mr. McCARRAN. Mr. President, I regret exceedingly that the Senator from Texas has indulged in erroneous statements as to what is provided. The bill specifically provides that the head of the Visa Division shall perform his duties under the general direction of the Secretary of State. He is one of the Secretary's subordinates, and under his direction, appointed by the President and confirmed by the Senate.

Mr. President, under the Constitution, ambassadors, ministers and consuls are received by the President of the United States. He may make his own regulations for receiving them. But those who come under that category come to and receive their entree from the State Department. When they come here they get their visas from the State Department. The State Department issues the visas. There is no other department which issues them. The pending bill does not require that any other department shall issue them. It was recommended by the Hoover Commission that the whole visa section be transferred to the Department of Justice. We do not go along with that. We keep it in the State Department, where it has been, and where it will be.

What we do is to place the power and responsibility as to visas in one individual in the State Department, who would be appointed by the Secretary of State, with the approval of the President, and confirmed by the Senate. We say to him, "You shall have the advice and counsel of the FBI and every other security agency of the Government." That is denied today to those who grant visas.

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

Mr. McCARRAN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Does the Senator say that the FBI's information is denied to the Visa Division today, that they cannot correspond or get advice from them?

Mr. McCARRAN. The record shows that the reports are filtered through other divisions, and they never come to those who grant the visas.

Mr. FULBRIGHT. I read the hearings last night, and they are not filtered through. They come through the Security Division as a matter of routine. That is in order to make them available to the State Department.

Mr. McCARRAN. The Senator has read something entirely wrong, because he is in error. The provision we are discussing was drafted after the testimony had been taken and studied and worked out. And who helped us do it? The Visa Division, the officials of the Visa Division, Mr. L'Heureux, and those under him.

Mr. FULBRIGHT. I read the testimony last night, and it did not say the information was filtered through others. It said there was a routine channel through which the information was received from the FBI.

Mr. McCARRAN. What happens, assuming somebody gets an FBI report and the FBI report shows that a certain individual is a Communist or saboteur in a foreign country, and he is turned down by the FBI on that information? When it goes to another desk the turndown is revoked. That is the record.

Mr. FULBRIGHT. That relates only to diplomatic personages and to those connected within the United Nations. It does not relate to the ordinary individual. In this case, as the Senator from Texas clearly has pointed out, the question is a political one. It is a matter of policy whether we want to exclude the Ambassador from Russia. Of course, he is a Communist, and very likely he is a terrorist.

Mr. McCARRAN. Who will this provision stop? It will stop saboteurs and Communists of a dangerous nature. Those are the only ones it will stop. It will make one individual in the State Department responsible. Today if one went through the Department with a fine-tooth comb he could not find who is responsible.

Mr. FULBRIGHT. Is it the purpose to stop any Russian from coming to the United Nations or to stop anyone from an iron-curtain country from coming to the embassy of that country in the United States? If the Senator wants to do such a thing, this is the way to do it.

Mr. McCARRAN. I say, Mr. President, that this is one of the most vital parts of the bill. We can enact all kinds of legislation to stop all kinds of Communists from coming here, but if they can come here under diplomatic immunity and set themselves up here, and if the State Department, through one maneuver or another does not refuse to deny such persons visas, then what have we done?

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

Mr. McCARRAN. I yield.

Mr. CHAVEZ. I understand the purpose of the provision. But if, as it now reads, it were to become law, and it should be found that every member of the staff of the Russian Embassy, or every person in the Russian Embassy, from the Ambassador down, was a Communist, they would be deprived of entering the United States.

Mr. McCARRAN. No. Only saboteurs and those engaged in sabotage.

Mr. CHAVEZ. How are we to carry on diplomatic relations with a country with which we are not at war, notwithstanding we do not agree with what that country stands for?

Mr. McCARRAN. There is nothing in the bill which touches diplomatic representatives to this country.

Mr. CHAVEZ. But it is proposed to do something that will.

Mr. McCARRAN. If some persons connected with the Diplomatic Corps come here and our security agencies show that they have been engaged in sabotage abroad, and that they are coming here for the purpose of carrying on sabotage in this country, and they apply to the Department of State for visas, we say they should not be granted visas. Membership in the Communist Party does not mean anything. We are not trying to stop members of the Communist Party from coming here.

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

Mr. McCARRAN. I yield.

Mr. TYDINGS. If a representative of Russia, for example, coming into the United States, as an accredited representative of Russia, had against him no record of being a saboteur, but was an open and avowed Communist, could he or she enter the United States under the provision contained in the bill?

Mr. McCARRAN. Certainly.

Mr. TYDINGS. It is only in case the person's record establishes that he is a saboteur that he cannot come here?

Mr. McCARRAN. Yes.

Mr. TYDINGS. Must the record be a court record?

Mr. McCARRAN. The record must be established by the FBI or other security agencies. That is the best record we can secure under the circumstances.

Mr. TYDINGS. Would such a record against the person be established before he came into this country or after he came into this country?

Mr. McCARRAN. The record might be established and be here to greet him when he arrived. It might be that such a record was in the hands of the State Department before he arrived, or such a record might be established after he arrived.

Mr. TYDINGS. Is it possible for individuals to come here without their records having been investigated in advance?

Mr. McCARRAN. Yes; that is possible.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HILL. As I understand, the first vote will be on my amendment, as modified, and as agreed to by the distinguished Senator from Nevada [Mr. McCARRAN], the chairman of the Committee on the Judiciary.

The VICE PRESIDENT. The first vote will be on the amendment, as modified to the Connally amendment.

Mr. McCARRAN. Mr. President, I understand the Senator from Alabama has modified his amendment.

The VICE PRESIDENT. Yes; the Senator from Alabama has modified his amendment.

Mr. HILL. Yes; I modified my amendment in line with the suggestion of the Senator from Nevada.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama [Mr. HILL] as modified. [Putting the question.] The "ayes" seem to have it. The "ayes" have it, and the amendment, as modified, is agreed to.

Mr. McCARRAN. Mr. President, I ask for a division. I beg the Chair's pardon. I misunderstood the announcement made by the Chair.

The VICE PRESIDENT. The Chair held that the amendment of the Senator from Alabama, as modified, to the amendment was agreed to. The question now is on the amendment of the Senator from Texas, as amended.

Mr. McCARRAN. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCARRAN. Will the Chair kindly state the question as it now is being voted on?

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. CONNALLY] to strike out section 31, as amended by the amendment of the Senator from Alabama.

The yeas and nays having been ordered, the roll will be called.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Illinois [Mr. DOUGLAS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Oklahoma [Mr. THOMAS] are unavoidably detained on official business.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference, being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that if present and voting, the Senator from Illinois [Mr. DOUGLAS] would vote "yea."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "nay."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from Maine [Mr. BREWSTER] would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business and, if present, would vote "nay."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and, if present, would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The Senator from Wisconsin [Mr. MCCARTHY] is detained on official business.

The result was announced—yeas 40, nays 33, as follows:

YEAS—40

Anderson	Holland	McClellan
Benton	Humphrey	McFarland
Chapman	Hunt	McKellar
Chavez	Ives	McMahon
Connally	Johnson, Tex.	Morse
Ellender	Kefauver	Murray
Frear	Kerr	Myers
Fulbright	Kilgore	Neely
Gillette	Langer	O'Conor
Graham	Leahy	Sparkman
Green	Lehman	Taylor
Hendrickson	Lodge	Tydings
Hill	Long	
Hoey	Lucas	

NAYS—33

Bricker	Gurney	Mundt
Butler	Hickenlooper	O'Mahoney
Byrd	Jenner	Robertson
Cain	Johnson, Colo.	Schoeppel
Capehart	Kem	Smith, Maine
Cordon	Knowland	Thye
Darby	McCarran	Watkins
Dworshak	Magnuson	Wherry
Ecton	Malone	Wiley
Ferguson	Martin	Williams
George	Millikin	Young

NOT VOTING—23

Aiken	Hayden	Stennis
Brewster	Johnston, S. C.	Taft
Bridges	McCarthy	Thomas, Okla.
Donnell	Maybank	Thomas, Utah
Douglas	Pepper	Tobey
Downey	Russell	Vandenberg
Eastland	Saltonstall	Withers
Flanders	Smith, N. J.	

So Mr. CONNALLY'S amendment was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate take up the motion entered earlier in the afternoon to reconsider the vote by which the Lucas detention camp amendment was rejected. I should like to address myself to that matter for 7½ minutes.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. FERGUSON. Mr. President, I move to lay on the table the motion to reconsider.

Mr. TYDINGS. Mr. President, I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Maryland has moved that the Senate reconsider the vote on the Lucas detention camp amendment and the Senator requests recognition for a limited time. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, the chief damage or harm or danger to our country from saboteurs and Communists will occur, if it does occur, chiefly in time of war. It will occur if our country is invaded. Certainly if our country is invaded or if our country is at war, that will be the time, above all others, to make sure that persons who are bent on poisoning water systems or on dynamiting the bridges or on doing other acts which could seriously cripple our national defense, shall not be permitted to roam at large over the United States.

I have read in the press, and I believe the report to be accurate, although I cannot authenticate it, that Mr. J. Edgar Hoover has stated that there are a certain number of Communists in the United States, and that of that number a certain percentage are classified as dangerous persons, and that if we were to have war, they would be arrested immediately. I do not know what authority would be to arrest them, unless we provide such authority in this bill. That is the purpose of the amendment to which I refer.

I venture to say now that at the very moment when the United States became engaged in war, at the very moment when the United States was invaded, Congress would adopt an amendment of this sort. Let us make no mistake about it, Mr. President: the American people will demand the enactment of such a law.

This amendment is the most important one in this entire bill, because the registration of such persons in peacetime will not prevent their going abroad and carrying on their work surreptitiously. We wish to prevent them from doing such things in time of war, when our boys are engaging in battle and are dying in battle. That is the purpose of the amendment.

The amendment provides that in the event of invasion of the territory of the United States or its possessions, or a declaration of war by Congress, or an insurrection in the United States in aid of a foreign enemy, such persons can be arrested.

A certain procedure would be prescribed. First of all, such persons would have to be arrested on a sworn warrant stating certain reasons why they were not desirable citizens. Then they would be put in a camp; and within 48 hours they would be given a preliminary hearing. Then a board would be set up to hear them further, in the event they were not released as the result of the preliminary hearing. That board would scan all the evidence. Then there would be the right of appeal to the courts. So a procedure would be provided for the release of innocent persons.

However, in the meantime we are living in an age of total warfare, an age of disease germs, an age of atomic weapons; we are living in a time when we shall need to be able to rely upon the communication systems to remove the populations of great cities to places of safety, secure from destruction by atomic bombs or attack by other means.

I think this amendment would be the strongest possible provision of that sort. If my country goes to war, I want those who are known to be saboteurs, those whom the able Senator from Nevada has just said should not be admitted into the United States, although some of them are actually here, not to be allowed to roam at will throughout our country, while our Nation is at war and while our boys are fighting on the battlefields and, in many cases, are dying there. While our Nation and our boys are in that situation, I do not want such persons free to roam at will over the United States, able to poison our water systems or to blow up our bridges. If we are going to permit that, then, so far as I am concerned, all the rest of this bill is merely conversation. We have marched up the hill, and when we get within sight of the top we stop. The real goal is to put saboteurs out of circulation in time of real emergency, when we are actually at war, when we are threatened with an actual invasion. To say we cannot arrest them and put them away, at least until they can prove that they deserve to be liberated, to me is to expose this country to the greatest of all dangers. I am not so much worried in time of peace.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. JOHNSON of Colorado. I understand the provisions for putting these people into camps, and I consider them to be very good. But, when the war is over, will the people automatically be released from the concentration camps, or what will happen?

Mr. TYDINGS. There are sections in the bill providing for their release under certain conditions. The President can authorize it under certain conditions. It can be done. They are not to be kept there forever, when the war is over. But I may say to the able Senator from Colorado, they ought not to be released until it is safe to release them, and until the situation is such that they cannot do damage. We are dealing with the lives of millions of people in the United States. Never again will a war be fought between great powers, with the fighting confined to the men who wear uniforms. Future wars involving this country will be fought by the people of Washington, Boston, Baltimore, and Chicago. We have got to protect this country against that emergency.

Mr. JOHNSON of Colorado. Mr. President, if the Senator will yield further, it occurs to me that the subversives ought to be confined during the period of war, but that, when the Nation moves out of a state of war, we ought not to have concentration camps.

Mr. TYDINGS. I agree with the Senator. I think there are provisions in the bill to declare that situation exactly as the Senator wants it. But what I am concerned with is that here we have been all afternoon debating a bill to make this country safe in peacetime, and have not put teeth into the bill to make it safe in wartime.

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

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. TYDINGS. I am sorry. I should have liked to yield.

Mr. MCCARRAN. I yield to the Senator from Michigan [Mr. FERGUSON].

The VICE PRESIDENT. Does the Senator from Nevada yield his entire time to the Senator from Michigan?

Mr. McCARRAN. I do.

Mr. FERGUSON. Mr. President, I recognize the position of the Senator from Maryland. He is a lawyer, and I am sure that he wants to follow the Constitution of the United States. There are many Senators who feel that we should have a real weapon against the Communists, because we are firmly of opinion that they are prospective saboteurs, espionage agents, and doers of evil to the American way of life, and that in case of war with Russia we might anticipate grave danger from them.

The question is, How can we do this constitutionally? No one wants to adopt the very system which we are fighting. So long as we can proceed in this effort constitutionally, we should try to proceed in that way.

This proposal was never brought to the attention of the Judiciary Committee. It is one of those "death-bed confessions" which come in at the last moment, without an opportunity for the Judiciary Committee really to consider it and to safeguard its constitutionality. If we could put in the bill, say at the end of section 117, the separability section, a provision which would show that the Senate did not intend to do anything unconstitutional but intended to keep within the realm of the Constitution to act as firmly as possible under the Constitution, we would then be rendering a service. So, if we could add something like this:

Nothing contained in this title—

That is the title pertaining to the concentration camp—

Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution.

The conferees could then work out a provision which would be constitutional and which would comply with the fifth and sixth amendments of the Constitution. But, Mr. President, there is no doubt that, in its present form, the amendment is not constitutional. I know how difficult it is. While we want to control Communists, we do not want to do that which could be even worse, and that is, to pass unconstitutional legislation. So if we were to indicate to all, and particularly to the conference committee, that it is the intention of the Senate to comply with constitutional provisions, in case of war or insurrection, as the amendment has now been changed, I believe that we could do something with it in the conference.

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

Mr. FERGUSON. I am glad to yield.

Mr. LUCAS. As I understand, there is nothing to prevent the conferees from writing that provision into the bill, after studying it in conference, if they want to do so. There is a question in my mind as to whether we ought to accept it at this time. But, if we adopt this amendment and then, in conference, it is found unsatisfactory to the conferees, they can write in a provision and bring it back to the two Houses.

Mr. FERGUSON. Mr. President, will the Senator from Illinois accept, for example, a provision which says to the conferees that we want it redrafted, or we want to have it framed in such language as will not abridge any right under the amendments to the Constitution? I am sure the Senator from Illinois, being a lawyer, does not want to violate any of the constitutional provisions.

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

Mr. FERGUSON. I yield for a question.

Mr. ROBERTSON. I am in total sympathy with the position the Senator has announced. That is, we want to tighten this bill. We must have this added power in time of war or of insurrection. But we do not want to become totalitarian, ourselves, in order to do it. We do not want to write into this bill something that is entirely unconstitutional, thus inviting a veto, which might be sustained.

What I want to know is, what is the practical approach? Will the sponsors accept this suggestion? If so, how shall we vote? That is what is confronting us. How can we attain this objective?

Mr. FERGUSON. If the chairman of the Judiciary Committee accepts this amendment and asks the Senate to adopt it, we might, in conference, arrive at a proper provision.

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

Mr. FERGUSON. I yield.

Mr. LUCAS. The amendment suggested by the Senator from Michigan says:

Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution.

All we are doing, it seems to me, is to add a few words. It makes no difference whether we put this in the bill or not, since we cannot abridge by legislation rights guaranteed by the Constitution. If the Supreme Court finally determines that we have violated the fifth or sixth amendment by this legislation, this would make no difference whatever. However, in order to get along with the bill, I am willing to accept it as a modification to the amendment, if it will help the Senator from Michigan any.

Mr. FERGUSON. It will certainly be of assistance.

Mr. LUCAS. I do not think it means a single thing, but I will accept it as a modification.

Mr. MUNDT. Mr. President, will the Senator yield long enough for me to answer the question of the Senator from Virginia [Mr. ROBERTSON]? I think it is a very pertinent and practical question.

Mr. FERGUSON. I yield, if I may have unanimous consent that in so doing I do not lose the floor.

Mr. MUNDT. It seems to me, now that we have reached an agreement for working out a legal and constitutional amendment, the way for us to proceed is for the Senate to approve the motion made by the Senator from Maryland to reconsider the defeated language, and then since everyone has agreed on how to change it, to move that the rewriten provision be added to the bill in the new language which will carry out the desires of all of us as just expressed by the Senator from Michigan.

The VICE PRESIDENT. That is the only way by which the amendment can be amended, namely, by reconsidering the vote by which it was agreed to.

Mr. FERGUSON. That is correct. I am proposing the amendment I have suggested, and I should like to hear from the Senator from Nevada.

Mr. McCARRAN. We have not reached that point as yet. We are only on the question of whether we shall reconsider the vote. When reconsideration has been determined upon, I shall then offer a substitute for the amendment offered by the Senator from Illinois, which will eliminate from his provision everything that is unconstitutional and will guarantee also the rights which the Senator from Michigan has suggested. It is now too early for that.

Mr. FERGUSON. May I ask the Senator this question: When his amendment comes up for a vote, will he accept this proposed amendment?

Mr. McCARRAN. I certainly will, because it should be in the bill.

The VICE PRESIDENT. The Senator's time has expired. All time of the Senator from Maryland [Mr. TYDINGS] has expired. The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Illinois was rejected.

Mr. LUCAS and other Senators requested the yeas and nays.

The VICE PRESIDENT. The question is on the motion to consider the motion to reconsider; it is not on the motion itself. [Putting the question.] The "ayes" have it, and the motion is agreed to.

The question now recurs on the motion to reconsider the vote by which the amendment of the Senator from Illinois was rejected.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. When will the Senator from Nevada [Mr. McCARRAN] have an opportunity to explain the amendment about which he has been speaking? Will it be in connection with the motion to reconsider?

The VICE PRESIDENT. The Senator will have that opportunity after the motion to reconsider is disposed of.

Mr. WHERRY. If it is agreed to, we shall be back where we started from?

The VICE PRESIDENT. That is correct. If it is not agreed to, we are through.

The question is on agreeing to the motion to reconsider the vote by which the amendment offered by the Senator from Illinois was rejected.

The motion was agreed to.

The VICE PRESIDENT. The amendment of the Senator from Illinois is now before the Senate.

Mr. McCARRAN. Mr. President, I send forward a substitute for the amendment offered by the Senator from Illinois.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. On this substitute will there be 15 minutes allowed, 7½ minutes for the Senator offering the amendment and 7½ minutes for the opponents?

The VICE PRESIDENT. That is correct.

Mr. WHERRY. After that is done, will there still be 15 minutes left on the so-called Lucas amendment, or has that time been consumed?

The VICE PRESIDENT. The Chair is of the opinion that it has been consumed.

Mr. WHERRY. So there is only 15 minutes time left on this particular substitute?

The VICE PRESIDENT. That is correct.

The Senator from Nevada has offered a long amendment, which will take 15 or 20 minutes to read. Does the Senator want it read at this time?

Mr. McCARRAN. I do not care about having it read, Mr. President. It is the amendment offered by the Senator from Illinois with certain provisions stricken out which we regard as being unconstitutional.

The VICE PRESIDENT. Without objection, the amendment will not be read.

The Senator from Nevada is recognized for 7½ minutes.

Mr. McCARRAN. Mr. President, I have sent to the desk an amendment. This amendment consists of the text of the bill S. 4130, altered to the extent necessary, in the opinion of the Senator from Nevada, to make it constitutional. I offer this amendment in order to give my colleagues a chance to vote on the question of detaining Communists, in the event of war or invasion, without having to vote on an unconstitutional provision.

Mr. President, this amendment I have proposed retains the spirit of the amendment offered by the Senator from Illinois, which was defeated here today by a very close vote. This amendment would permit the Attorney General to issue warrants for the apprehension of likely saboteurs or espionage agents and orders for their detention. But it would not permit apprehension without a warrant, or detention without an order.

This amendment retains the machinery of a board of appeals, but makes it a bipartisan board.

This amendment provides for real preliminary hearings, by real hearing officers, with the constitutional rights of the detainee fully preserved with respect to every feature of the hearing.

This amendment eliminates the provision permitting the prosecuting authority to appeal from a verdict of acquittal.

This amendment eliminates the provision for star-chamber sessions, while still protecting the right of the Attorney General to protect security information. But under this bill, Mr. President, if the Attorney General wanted to keep secret the evidence against a detainee, he would have to let the detainee loose. Unless the Attorney General could produce enough evidence to satisfy the board that the detainee is in fact dangerous to national security, then the detainee may have his freedom. Any different provision would be un-American.

Mr. President this amendment would permit the state of "internal security emergency" to be declared only in case of invasion, declaration of war, or insurrection within the United States in aid of a foreign enemy. Those are contingencies which would justify suspension of the writ of habeas corpus, is required for the national safety.

This amendment specifically protects the right of habeas corpus, subject only to the power of the President to suspend the writ as provided in the Constitution.

This amendment eliminates the technical definition of the phrase "Attorney General," under which it meant any person designated by the President, and leaves the administration of the whole detention program where it belongs, in the hands of the Attorney General. This amendment also eliminates the inspector of detention, as such. The Attorney General may have assistants, of course, but a specific provision for appointment of an official to head up a system of concentration camps does not appear in this amendment.

This amendment contains authority for appropriations to pay for the cost of administering the law, if it is put into effect. The bill offered by the Senator from West Virginia was lacking in this respect.

This amendment guarantees detainees speedy hearings, and speedy appeals. It contains all other safeguards of due process, and of the traditional Anglo-American system of justice, which it has been possible to write into it in the brief time available.

Undoubtedly a better job of rewriting could be done, Mr. President, but I am willing to leave that job to the conferees. Here is an amendment which contains the principal of detaining Communists and others who would be a threat to our national security in time of emergency; but an amendment from which all the major constitutional objections, which I have previously voiced to S. 4130, have been removed.

I ask that the amendment which I have offered be offered in the names of the Senator from Michigan [Mr. FERGUSON], the Senator from South Dakota [Mr. MUNDT], and myself.

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

The amendment will be printed at this point in the RECORD.

The amendment offered by Mr. McCARRAN for himself and other Senators is as follows:

At the end of the bill insert a new title, as follows:

"TITLE II—EMERGENCY DETENTION

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Emergency Detention Act of 1950.'

"FINDINGS OF FACT AND DECLARATION OF PURPOSE

"SEC. 101. The Congress hereby finds that—

"(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a worldwide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide Communist political organization.

"(2) The establishment of a totalitarian dictatorship in any country results in the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

"(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by an identity between such party and its policies and the government and governmental policies of the country in which it exists, such identity being so close that the party and the government itself are for all practical purposes indistinguishable.

"(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

"(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, including the United States, political organizations which are acknowledged by such Communist dictatorship as being constituent elements of the world Communist movement; and such political organizations are not free and independent organizations, but are mere sections of a single world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

"(6) The political organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist political organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

"(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

"(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the traditional Communist methods referred to above, and

in accordance with carefully conceived plans, already caused the establishment in numerous foreign countries, against the will of the people of those countries, of ruthless Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

"(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

"(10) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

"(11) The experience of many countries in World War II and thereafter with so-called fifth columns which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

"(12) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, imminent invasion, war, insurrection in aid of a foreign enemy or other extreme emergency, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

"(13) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

"(14) The detention of persons who there is reasonable ground to believe may commit or conspire with others to commit espionage or sabotage is, in such a time of emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

"(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional rights and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect, and defend the Constitution, the Government, and the people of the United States.

"DECLARATION OF 'INTERNAL SECURITY EMERGENCY'

"SEC. 102. (a) In the event of any one of the following:

"(1) invasion of the territory of the United States or its possessions,

"(2) declaration of war by Congress, or

"(3) insurrection within the United States in aid of a foreign enemy,

and if, in addition to one or more of the above, the President shall find that the proclamation of such an emergency is essential to the preservation, protection, and defense of the Constitution, and to the common defense and safety of the territory and people of the United States, the President is authorized to make public proclamation of the existence of an 'internal security emergency.'

"(b) A state of 'internal security emergency' (hereinafter referred to as the 'emergency') so declared shall continue in existence until terminated by proclamation of the President or by concurrent resolution of the Congress.

"DETENTION DURING EMERGENCY

"SEC. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to warrants or orders issued under section 104, each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or of sabotage.

"(b) Any person detained hereunder (hereinafter referred to as 'the detainee') shall be released from such emergency detention upon—

"(1) the termination of such emergency by proclamation of the President or by concurrent resolution of the Congress;

"(2) an order of release issued by the Attorney General;

"(3) a final order of release after hearing by the Board of Detention Review, hereinafter established;

"(4) a final order of release by a United States court after review of the action of the Board of Detention Review, or upon a writ of habeas corpus.

"PROCEDURE FOR APPREHENSION AND DETENTION

"SEC. 104. (a) The Attorney General, or such officer or officers of the Department of Justice as he may from time to time designate, are authorized during such emergency to execute in writing and to issue—

"(1) a warrant for the apprehension of each person as to whom there is reasonable ground to believe that such person may engage in, or may conspire with others to engage in, acts of espionage or sabotage; and

"(2) an order for the detention of such person for the duration of such emergency. Each such warrant shall issue only upon probable cause, supported by oath or affirmation, and shall particularly describe the person to be apprehended or detained.

"(b) Warrants for the apprehension of persons ordered detained under this title shall be served, apprehension of such persons shall be made, and orders for the detention of such persons shall be executed only by such duly authorized officers of the Department of Justice as the Attorney General may designate. A copy of the warrant for apprehension and a copy of the order for detention shall be furnished to any person apprehended under this title at the request of such person.

"(c) Persons apprehended under this title shall be confined in such places of detention as may be prescribed by the Attorney General. The Attorney General shall provide for all detainees such transportation, food, shelter, and other accommodation and supervision as in his judgment may be necessary to accomplish the purpose of this title.

"(d) Within 48 hours after apprehension, or as soon thereafter as provision for it may be made, each detainee shall be accorded a preliminary hearing before a preliminary hearing officer appointed pursuant to the applicable provisions of the Administrative Procedure Act. At such hearing the detainee shall have the right to be advised of his legal rights and of the identity of his accuser or the informant against him, if any, and of the grounds on which his detention was ordered; and to question or cross-question any witnesses against him. The hearing officer shall record any information offered or objections made by such detainee, shall receive any additional written evidence or representations such detainee may wish to file with the Attorney General within 7 days after the preliminary hearing, and shall prepare and transmit to the Attorney General, or such other officer as may be designated by him, and serve on the detainee a report which shall set forth the result of such preliminary hearing, together with his recommendations with respect to the question whether the order for the detention of such person shall be continued in effect or revoked. Preliminary hearings officers may be appointed at such places and in such numbers as the Attorney General deems necessary for the expeditious consideration of detainees' cases.

"(e) The Attorney General, or such other officers of the Department of Justice as he may designate, shall upon request of any detainee from time to time receive such additional information bearing upon the grounds for the detention as the detainee or any other person may present in writing. If on the basis of such additional information received by the Attorney General or transmitted to him by such officers, he shall find there is no longer reasonable ground to believe that the detainee may engage in, or may conspire with others to engage in, acts of espionage or sabotage if released, the Attorney General is authorized to issue an order revoking the initial order or any final Board or court order of detention and to release such detainee. The Attorney General is also authorized to modify the order under which any detainee is detained and apply to such detainee such lesser restrictions in movement and activity as the Attorney General shall determine will serve the purposes of this title.

"(f) In case of Board or court review of any detention order, the Attorney General, or such review officers as he may designate, shall present to the Board, the court and the detainee to the fullest extent possible consistent with national security the evidence supporting his finding of reasonable ground in respect to the detainee, but he shall not be required to offer or present evidence of any agents or officers of the Government the revelation of which in his judgment would be dangerous to the security and safety of the United States.

"(g) The Attorney General is authorized to prescribe such regulations, not inconsistent with the provisions of this title, as he shall deem necessary to promote the effective administration of this title.

"(h) Whenever there shall be in existence an emergency within the meaning of this title, the Attorney General shall transmit bimonthly to the President and to the Congress a report of all action taken pursuant to the powers granted in this act.

"DETENTION REVIEW BOARD

"SEC. 105. (a) The President is hereby authorized to establish a Detention Review Board (referred to in this title as the 'Board') which shall consist of nine members, not more than five of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate. Of the original members of the Board, three shall be appointed for terms of 1 year each, three for terms of 2 years each, and three for terms of 3 years each, but their successors shall be appointed for terms of 3 years each, subject to termination of the term upon expiration of this act, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as

Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or for malfeasance in office, but for no other cause.

"(b) The Board is authorized to establish divisions thereof, each of which shall consist of not less than three of the members of the Board. Each such division may be delegated any or all of the powers which the Board may exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and five members of the Board shall at all times constitute a quorum of the Board, except that two members shall constitute a quorum of any division established pursuant to this subsection. The Board shall have an official seal which shall be judicially noticed.

"(c) At the close of each fiscal year the Board shall make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) In the event of a proclamation by the President or a concurrent resolution of the Congress terminating the existence of a state of emergency, and after the release of all detainees and the conclusion of all pending matters before the Board and of all pending appeals in the courts from orders of the Board, the President shall dissolve and terminate the Board and all of its authority, powers, functions, and duties. Such termination shall not preclude the subsequent establishment by the President, pursuant to this title, of another Board with all of the rights, authority, and duties prescribed by this title, in the event that he shall proclaim another emergency or shall determine that the proclamation of such an emergency may soon be essential to the national security.

"SEC. 106. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, regional examiners, and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be paid out of appropriations made therefor, and there are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for that purpose.

"SEC. 107. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may conduct any hearing necessary to its functions in any part of the United States.

"SEC. 108. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act. All procedures of the Board shall be subject to the applicable provisions of the Administrative Procedure Act.

"SEC. 109. (a) Any Board created under this title is empowered—

"(1) to review upon petition of any detainee any order of detention issued by the Attorney General;

"(2) to determine whether there is reasonable ground to believe that such detainee might engage in, or conspire with others to engage in, espionage or sabotage;

"(3) to issue orders confirming, modifying, or revoking any such order of detention; and

"(4) to hear and determine any claim made by any detainee pursuant to this paragraph for indemnification for loss of income by such detainee resulting from detention pursuant to this title without reasonable grounds, as shown by the issuance of a final order of the Board or of a court revoking such detention order. Upon the issuance of any final order for indemnification pursuant to this paragraph, the Attorney General is authorized and directed to make payment of such indemnity to the person entitled thereto from such funds as may be appropriated to him for such purpose.

"(b) Whenever a petition for review of an order for detention issued by the Attorney General or for indemnification pursuant to the preceding subsection shall have been filed with the Board by any detainee or any person who has been a detainee, in accordance with such regulations as may be prescribed by the Board, the Board shall provide for an appropriate hearing upon due notice to the detainee and the Attorney General at a place therein fixed, not less than 15 days after the serving of said notice and not more than 45 days after the filing of such petition.

"(c) In any case arising from a petition for review of an order for detention issued by the Attorney General, the Board shall require the Attorney General to inform such detainee of grounds on which his detention was instituted, and to furnish to him as full particulars of the evidence as possible, including the identity of informants, subject to the limitation that the Attorney General may not be required to furnish information the revelation of which would disclose the identity or first-person evidence of Government agents or officers which he believes it would be dangerous to national safety and security to divulge.

"(d) (1) Any member of the Board shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the matter under review before the Board, or any hearing examiner of the Board conducting any hearing authorized by this title. Any hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or its hearing examiner, there to produce evidence if so ordered, or there to give testimony touching the matter under review; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(e) (1) Notices, orders and other process and papers of the Board, or any hearing examiner thereof, shall be served upon the detainee personally and upon his attorney or designated representative. Such process and papers may be served upon the Attorney General or such other officers as may be designated by him for such purpose, and upon any other interested persons either personally or by registered mail, or by telegraph of by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, or any hearing examiner thereof shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(2) All process of any court to which application may be made under this title may be served in the judicial district wherein the person required to be served resides or may be found.

"(3) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify and present witnesses on his behalf.

"(g) In any proceeding before the Board under this title the Board and its hearing examiners are authorized to consider under regulations designed to protect the national security any evidence of Government agents and officers the full text or content of which cannot be publicly revealed for reasons of national security, but which the Attorney General in his discretion offers to present in a closed session of the Board. The testimony taken by such hearing examiners or before the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument.

"(h) In deciding the question of the existence of reasonable ground to believe a person might engage in or conspire with others to engage in espionage or sabotage, the Attorney General and the Board of Detention Review are authorized to consider evidence of the following:

"(1) That the detainee or possible detainee has knowledge of or has received or given instruction or assignment in the espionage, counterespionage, or sabotage service or procedures of a government or political party of a foreign country, or in the espionage, counterespionage, or sabotage service or procedures of the Communist Party of the United States or of any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its subdivisions and to substitute therefor a totalitarian dictatorship controlled by a foreign government, unless such knowledge, instruction, or assignment has been acquired or given by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party, or unless, by reason of employment at any time by the Department of Justice or the Central Intelligence Agency, such person has made full written disclosure of such knowledge or instruction to officials within those agencies, such disclosure has been made a matter of record in the files of the agency concerned;

"(2) Any past act or acts of espionage or sabotage committed by such person against the United States, any agency or instrumentality thereof, or any public or private national defense facility within the

United States, and any investigations made of such person in the past which serve to indicate probable complicity of such person in any such acts of espionage or sabotage;

"(3) Activity in the espionage or sabotage operations of, or the holding at any time after January 1, 1949, of membership in, the Communist Party of the United States or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States or of any of its political subdivisions and the substitution therefor of a totalitarian dictatorship controlled by a foreign government; and

"(4) Any other evidence of conduct of the same degree of gravity as that set forth in paragraphs (1) through (3) of this subsection demonstrating reasonable grounds to conclude that such person may engage in, or conspire with others to engage in, espionage or sabotage.

"(i) In any proceeding involving a claim for the payment of any indemnity pursuant to the provisions of this title, the Board and its hearing examiners may receive evidence having probative value concerning the nature and extent of the income lost by the claimant as a result of his detention.

"ORDERS OF THE BOARD

"SEC. 110. (a) If upon all the testimony taken in any proceeding for the review of any order of detention issued by the Attorney General under this title, the Board shall determine that there is not reasonable ground to believe that the detainee in question might engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order revoking his order for detention of the detainee concerned and requiring the Attorney General, and any officer designated by him for the supervision or control of the detention of such person, to release such detainee from custody; and shall forthwith serve a copy of such order upon the detainee.

"(b) If upon all the testimony taken in any proceeding for the review of any such order for detention involving a claim for indemnity pursuant to this title, or in any other proceeding brought before the Board for the assertion of a claim to such indemnity, the Board shall determine that the claimant is entitled to receive such indemnity, the Board shall state its findings of fact and shall issue and serve upon the Attorney General an order requiring him to pay to such claimant the amount of such indemnity; and shall forthwith serve a copy of such order upon the detainee.

"(c) If upon all the testimony taken in any proceeding for the review of any such order for detention, the Board shall determine that there is reasonable ground to believe that the detainee may engage in, or conspire with others to engage in, espionage or sabotage, the Board shall state its findings of fact and shall issue and serve upon the detainee an order dismissing the petition and confirming the order of detention.

"(d) In case the evidence is presented before a hearing examiner such examiner shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(e) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may, at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"JUDICIAL REVIEW

"SEC. 111. (a) Any petitioner aggieved by an order of the Board denying in whole or in part the relief sought by him, or by the failure or refusal of the Attorney General to obey such order, shall be entitled to the judicial review or judicial enforcement, provided hereinafter in this section, in addition to the relief to which he may be entitled under the Administrative Procedure Act.

"(b) In the case of any order of the Board granting any indemnity to any petitioner, the Attorney General shall be entitled to the judicial review of such order provided hereinafter in this section.

"(c) Any party entitled to judicial review or enforcement under subsection (a) or (b) of this section shall be entitled to receive such review in any United States court of appeals for the circuit wherein the petitioner is detained or resides, by filing in such court within 60 days from the date of service upon the aggrieved party of such order of the Board a written petition praying that such order be modified or set aside or enforced, except that in the case of a petition for the enforcement of a Board order, the petitioner shall have a further period of 60 days after the Board order has become final within which to file the petition herein required. A copy of such petition by any petitioner other than the Attorney General shall be forthwith served upon the Attorney General and upon the Board, and a copy of any such petition filed by the Attorney General shall be forthwith served upon the person with respect to whom relief is sought and upon the Board. The Board shall thereupon file in the court a duly certified transcript of the entire record of the proceedings before the Board with respect to the matter concerning which judicial review is sought, including all evidence upon which the order complained of was entered (except for evidence received in closed session, as authorized by this title), the findings and order of the Board. In the case of a petition for enforcement, under subsection (a) of this section, the petitioner shall file with his petition a statement under oath setting forth in full the facts and circumstances upon which he relies to show the failure or refusal of the Attorney General to obey the order of the Board. Thereupon the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board. The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by evidence on the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"(e) The commencement of proceedings by the Attorney General for judicial review under this section shall, if he so requests, operate as a stay of the Board's order.

"(f) Any order of the Board shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review or enforcement, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States Court of Appeals, and no petition for certiorari has been duly filed; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review or enforcement dismissed by a United States court of appeals; or

"(4) upon the expiration of 10 days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or that the petition for review or enforcement be dismissed.

"CRIMINAL PROVISIONS

"SEC. 112. Whoever, being named in a warrant or order of detention as one as to whom there is reasonable ground to believe that he may engage in, or conspire with others to engage in, espionage or sabotage, or being under detention pursuant to this title, shall resist or knowingly disregard or evade apprehension pursuant to this title or shall escape, attempt to escape, or conspire with others to escape from detention ordered and instituted pursuant to this title, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"SEC. 113. Whoever knowingly—

"(a) advises, aids, assists, or procures the resistance, disregard, or evasion of apprehension pursuant to this title by any person named in a warrant or order of detention as one as to whom there is reasonable ground to believe that such person may engage in, or conspire with others to engage in espionage or sabotage; or

"(b) advises, aids, assists, or procures the escape from detention pursuant to this title of any person so named; or

"(c) aids, relieves, transports, harbors, conceals, shelters, protects, or otherwise assists any person so named for the purpose of the evasion of such apprehension by such person or the escape of such person from such detention; or

"(d) attempts to commit or conspires with any other person to commit any act punishable under subsections (a), (b), or (c) of this section.

shall be fined not more than $10,000, or imprisoned not more than 10 years, or both.

"SEC. 114. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"REVIEW BY CONGRESS

"SEC. 115. The chairmen of the Judiciary Committees of the Senate and of the House of Representatives shall establish subcommittees of their respective committees to carry out in respect to the operation of this title the duties imposed on their committees by the Legislative Reorganization Act of 1946.

"DEFINITION

"SEC. 116. For the purposes of this title, the term 'espionage' means any violation of sections 791 through 797 of title 18 of the United States Code, as amended by this act, and the term 'sabotage' means any violation of sections 2151 through 2156 of title 18 of the United States Code, as amended by this act.

"SEPARABILITY OF PROVISIONS

"SEC. 117. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TERMINATION

"SEC. 118. Unless continued in effect longer by joint resolution of the Congress, the provisions of this title shall cease to be effective on a date 3 years after the date of enactment of this title, but the termination of this title shall not affect any criminal prosecution theretofore instituted or any conviction theretofore obtained on the basis of any act or omission occuring prior to such date of termination."

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. Will the Senator accept the amendment, which I now read:

At the end of section 117, pertaining to separability, insert the following new sentence:

"Nothing contained in this title shall abridge any right or privilege of any citizen of the United States guaranteed to him by the fifth or sixth amendment to the Constitution of the United States, or the right of any such citizen to petition for and to receive a writ of habeas corpus unless such right has been duly suspended in conformity with the provisions of the Constitution."

Mr. McCARRAN. I accept that amendment.

Mr. LUCAS. Mr. President——

The VICE PRESIDENT. The Senator from Illinois is entitled to 7½ minutes on the substitute.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. May the Senator from Illinois adopt the language of the amendment offered by the Senator from Nevada?

The VICE PRESIDENT. The Senator may modify his amendment according to the language of the amendment offered by the Senator from Nevada.

Mr. LUCAS. I so modify the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois, as modified.

The amendment, as modified, was agreed to.

Mr. McCARRAN. Mr. President, if I may, I should like to say at this time to Senators present that I desire to bring up for consideration the President's veto message in connection with the extension of the Lucas Act, after we have disposed of the pending bill.

The VICE PRESIDENT. The bill is open to further amendment.

If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. Under the unanimous-consent agreement entered into, in the event the Senate bill is passed, without further legislative procedure the House bill (H. R. 9490), to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, will be considered, and the language of the Senate bill will be substituted for the language of the House bill. The final vote will be on the House bill, and the Senate bill will be indefinitely postponed.

The question now is, Shall the bill pass?

Mr. LEHMAN. Mr. President, I believe under the unanimous consent agreement, time is allotted to the opponents of the McCarran bill.

The VICE PRESIDENT. Seven and a half minutes is allotted to each side.

The Senate will be in order. Senators will please be seated. In the crowded condition of the Chamber it is easy to create confusion, and the Chair asks Senators and employees to cooperate with the Chair in seeking to obtain order.

Mr. LEHMAN. Mr. President, I shall detain the Senate only briefly in explaining the vote I am about to cast. In the past week we have heard the McCarran bill, including the Mundt-Ferguson provisions, analyzed and debated in great detail. I have told the Senate and the country in two separate speeches. what I thought about those provisions. I feel that this legislation is unwise, unworkable, and indefensible. It will not prevent subversive activities by Communists, but will, instead, increase the strength of the underground Communist movement. This legislation will aim what the New York Times in its editorial this morning called a blunderbuss straight at the precious liberties of all the American people. I and some other Senators submitted a substitute bill today—a bill which would have struck right at the heart of the Communist menace, and which would have truly safeguarded the security of our Nation. That substitute was defeated. We will regret that defeat.

There are many citizens of my State and elsewhere who mistakenly understand—they have been so told—that the McCarran bill is an anti-Communist bill. Because of this misunderstanding, some of my colleagues, whom I highly respect, will vote for the McCarran bill. The time will come when they will regret that.

As for me, Mr. President, I will not compromise with my conscience. I will not betray the people of my State in order to cater to the mistaken impression which some of them hold. I shall try to clarify the issue and not to confuse it. I am going to vote against this tragic, this unfortunate, this ill-conceived legislation. My conscience will be easier, though I realize my political prospects may be more difficult. I shall cast my vote to protect the liberties of our people.

Mr. MUNDT. Mr. President, I shall not use the full 7½ minutes allotted to the proponents of the bill nor shall I comment upon the statements just made by the Senator from New York. Now that we are about to vote on the final passage of the bill, however, I wish to say something with respect to the legislation which confronts us. We now have before us for a vote the full text of the Mundt-Ferguson bill (S. 2311) unchanged, unmodified, and unamended. Nothing in that text has been changed or deleted. There have been added most of the sections recommended by Senator McCARRAN and what I think is a salutary and worth-while amendment adopted through the combined efforts of the Senator from Nevada [Mr. McCARRAN], the Senator from Illinois [Mr. LUCAS], the Senator from Michigan [Mr. FERGUSON], and myself, who are joint authors at this late date of an amendment which in time of war or rebellion would provide an expeditious method for arresting and placing under detention, in a legal and constitutional manner, people engaged in espionage and sabotage. This adds one additional Communist-control device to S. 2311. I am happy that in the deliberative method of the Senate we did not act too hastily on that provision, thereby shortcutting the Constitution, as it would have been done in the first instance, or thereby creating a purely political board, as it would have been under the language of the amendment as first introduced. As the language was finally phrased by the Senator from Nevada, by Senator FERGUSON, and by the junior Senator from South Dakota there would be established a bipartisan board, consisting of five members of the majority party and four members of the minority party, and constitutional safeguards and the due processes of law have been added. Thus the earlier objections to the detention proposals have been obviated.

I feel that today, at long last, we are able to present to the White House, after conference with the House, a piece of legislation of which the United States Senate and the House can be proud. Certainly I hope and believe that the President of the United States will sign it, because it carries with it an important amendment of which the majority leader of the Senate is at least a joint author. This is legislation which has been before us since March 21, I think we can look forward now to its ultimate passage and to its approval by the President so that at long last we shall have a bill to protect America against internal Communist conspiracy. Should the President veto the measure, I believe the final vote will show strength enough to override it. For the first time in our national history this will give us legislation with which to deal effectively with communism here at home.

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

Mr. MUNDT. Yes.

Mr. CAPEHART. I ask unanimous consent to have printed in the body of the RECORD a statement which I have prepared.

There being no objection, Mr. CAPEHART'S statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CAPEHART

Mr. President, the Senate of the United States is about to vote on a measure designed to flush out, identify, and control enemies of our Nation who operate within our land.

It seems apparent in these closing hours of debate that the Senate will approve such a bill, that its managers and the managers for the House will then meet and reconcile the actions of these two bodies.

Then, Mr. President, this bill will go to the President of the United States who must give his consent before this action of Congress can become the law of the land. The President of the United States has declared his intention to nullify the action we are

about to take here by using his power of veto.

It would seem then, Mr. President, that the action we are about to take has no value, is the forceless motion of so many shadows flickering dimly in the twilight. But I think it is well that we consider the significance of our action in these closing minutes of debate, notwithstanding that certain veto.

We are the duly elected representatives of the peoples of the States. Through us, they speak. Through us, they will have indicated their will that the menace of communism within our borders be controlled, consistent with the guaranties of their Constitution. So, Mr. President, it is not futile action that we take here today. For, no matter what action by the President of the United States, we will have kept faith with the millions of Americans represented in these Halls.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. WHERRY and Mr. McCARRAN requested the yeas and nays.

The VICE PRESIDENT. Final passage will be on the House bill. Therefore, the Chair suggests that it is not necessary to have a roll call on the Senate bill, because the language will be identical, and final passage will be on the House bill.

The question is, Shall the bill pass?

The bill (S. 4037) was passed.

The VICE PRESIDENT. Under the unanimous-consent agreement, House bill 9490, to protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes, is before the Senate, all after the enacting clause is stricken, the text of Senate bill 4037, to protect the internal security of the United States, and for other purposes, as amended, is inserted, the amendment is ordered to be engrossed, and the House bill read the third time.

The bill was read the third time.

The VICE PRESIDENT. The question is on the final passage of the bill.

Mr. WHERRY, Mr. McCARRAN, and other Senators requested the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Mississippi [Mr. STENNIS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate on official business as an adviser to the Secretary of the Treasury in connection with the fifth annual meeting of the Board of Directors of the International Bank for Reconstruction and Development and the International Monetary Fund, which is being held in Paris.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on official business, having been appointed a member of the American group at the Interparliamentary Conference being held in Dublin, Ireland.

The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate.

The Senator from Kentucky [Mr. WITHERS] is absent on official business.

I announce further that, if present and voting, the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], the Senator from Arizona [Mr. HAYDEN], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], and the Senator from Utah [Mr. THOMAS] would vote "yea."

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Missouri [Mr. DONNELL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from Vermont, the Senator from New Hampshire, and the Senator from Michigan would each vote "yea."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate Governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from Maine and the Senator from New Jersey would each vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business, and if present would vote "yea."

The Senator from Ohio [Mr. TAFT] is necessarily absent, and if present would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent because of illness.

The result was announced—yeas 70, nays 7, as follows:

YEAS—70

Anderson	Hill	Malone
Benton	Hoey	Martin
Bricker	Holland	Millikin
Butler	Humphrey	Morse
Byrd	Hunt	Mundt
Cain	Ives	Myers
Capehart	Jenner	Neely
Chapman	Johnson, Colo.	O'Conor
Chavez	Johnson, Tex.	O'Mahoney
Connally	Kem	Robertson
Cordon	Kerr	Russell
Darby	Kilgore	Schoeppel
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Sparkman
Ecton	Lodge	Thomas, Okla.
Ellender	Long	Thye
Ferguson	Lucas	Tydings
Frear	McCarran	Watkins
Fulbright	McCarthy	Wherry
George	McClellan	Wiley
Gillette	McFarland	Williams
Gurney	McKellar	Young
Hendrickson	McMahon	
Hickenlooper	Magnuson	

NAYS—7

Graham	Leahy	Taylor
Green	Lehman	
Kefauver	Murray	

NOT VOTING—19

Aiken	Hayden	Taft
Brewster	Johnston, S. C.	Thomas, Utah
Bridges	Maybank	Tobey
Donnell	Pepper	Vandenberg
Downey	Saltonstall	Withers
Eastland	Smith, N. J.	
Flanders	Stennis	

So the bill (H. R. 9490) was passed.

The VICE PRESIDENT. The proceedings with regard to the Senate bill will be vacated and the bill will be indefinitely postponed, and the title of the House bill will be changed in accordance with the Senate action.

The title was amended so as to read: "A bill to protect the internal security of the United States, to provide for the detention in time of emergency of persons who may commit acts of espionage or sabotage, and for other purposes."

Mr. McCARRAN. Mr. President, I ask unanimous consent that the bill be printed with the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCARRAN. Mr. President, I move that the Senate insist on its amendment, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McCARRAN, Mr. EASTLAND, Mr. O'CONOR, Mr. WILEY, and Mr. FERGUSON conferees on the part of the Senate.

APPOINTMENT OF SENATOR BRICKER AS A MEMBER OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Ohio [Mr. BRICKER] as a member of the Migratory Bird Conservation Commission.

Mr. BRICKER. Mr. President, I thank the Chair. I appreciate the appointment coming at this time, just before the hunting season opens.

The VICE PRESIDENT. The Chair appreciates the opportunity of appointing the distinguished Senator from Ohio, and he might suggest that birds of a feather flock together.

Mr. BRICKER. I think the Senator from Virginia [Mr. ROBERTSON] is the majority member of the Commission.

The VICE PRESIDENT. That is correct.

FIVE-STAR RANK FOR GEN. OMAR N. BRADLEY

Mr. GURNEY. Mr. President, it is my purpose to ask permission to bring up at this time a bill reported unanimously from the Senate Committee on Armed Services, giving the rank of General of the Army to Omar N. Bradley.

The VICE PRESIDENT. Is the Senator making that request?

Mr. GURNEY. I make that request now. It is Calendar No. 2536, Senate bill 4135.

The VICE PRESIDENT. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army.

Mr. GURNEY. Mr. President, it is my belief that no one in the Senate needs an explanation as to why the Committee on Armed Services has reported this bill unanimously. I wish to say, however, that the committee felt strongly that the past services of General Bradley, and the work he has now to do, warrant the committee recommending to the Senate that the bill be passed.

The committee took into consideration the fact that we do not want a single Chief of Staff, and therefore confined the language of the bill so that it is absolutely what we report it to be, a Gen. Omar N. Bradley bill, because we

do not in any way desire to create the impression that this would be a precedent so that each chairman of the Joint Chiefs of Staff will hereafter be entitled to the five-star rank of General of the Army.

General Bradley has the respect, admiration, and love of the entire United States. We are depending on him now more than any other uniformed man for the important work to be done in Korea, and in the world in general.

With this brief statement, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAVEZ. Mr. President, I have no objection to the purposes of the bill; I have no objection whatever to all the respect and all the honor that can be given to General Bradley; I agree completely with what the Senator from South Dakota says; but since we are to have a call of the calendar tomorrow, what is the reason for bringing the bill up at this time?

Mr. GURNEY. The committee, and I am sure the Senate, would not want to make this merely a gesture. The number of days this session will continue is certainly numbered, and we want to give the House time to act. If we can pass the bill today, it will give the committee of the House and the House time to consider the bill, and therefore will make it more likely that the bill will be finally passed at this session. It will save 1 day.

Mr. CHAVEZ. Mr. President, I feel toward General Bradley exactly as does any other Member of the Senate, including those who are members of the committee. But we have to have a country of law and not of men. I, for one, would like to carry out the procedure we must follow in an orderly way. This bill is on the calendar, is it not?

Mr. GURNEY. It was put on the calendar last week.

Mr. CHAVEZ. Very well. With all respect to General Bradley, the highest respect, and with all my desire to honor General Bradley, or any other general of the United States Army, I still love law, and I do not think there should be an exception for any American under the law. I object.

Mr. GURNEY. Mr. President, I defer to the Senator from New Mexico, but I feel so strongly about the bill, that I move that the Senate proceed to its consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from South Dakota that the Senate proceed to the consideration of the bill.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 4135) to authorize the President to appoint Gen. Omar N. Bradley to the permanent grade of General of the Army, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That because of the many distinguished services which Gen. Omar N. Bradley, United States Army, has rendered to his country (but not because of the position he holds as Chairman of the Joint Chiefs of Staff), the President is authorized to appoint the said Gen. Omar N. Bradley, United States Army, to the permanent grade of General of the Army, with all the rights, privileges, benefits, pay, and allowances provided by law for officers appointed to such permanent grade pursuant to the act of March 23, 1946 (60 Sat. 59).

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, let me make just one or two announcements. The distinguished Senator from Nevada made the announcement a short time ago that he was going to ask that there be taken up this evening the veto message of the President on the so-called Lucas bill.

Since that time, however, we have discussed the question, and I think it is agreeable to the Senator from Nevada that we take the matter up tomorrow. The Senate will recess in a short while until noon tomorrow and the veto message will be the first thing to be considered. Following that we will call the calendar from the beginning. We may be here for some time tomorrow on the call of the calendar. In other words, we will probably have another night session, because we are going to call the calendar from the beginning to its end.

INTERPRETATION OF LAWS RELATING TO TUITION COSTS FOR EDUCATION AND TRAINING OF VETERANS (REPT. NO. 2558)

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Florida [Mr. PEPPER], the Senator from Illinois [Mr. DOUGLAS], the Senator from Ohio [Mr. TAFT], the Senator from Oregon [Mr. MORSE], and myself, I submit for appropriate reference a concurrent resolution interpreting laws relating to tuition costs for education and training of veterans.

The concurrent resolution (S. Con. Res. 107) was referred to the Committee on Labor and Public Welfare, as follows:

Whereas the intent of Congress as set forth in Public Law 266, Eighty-first Congress, the Independent Offices Appropriation Act, 1950, approved August 24, 1949, pertaining to the manner in which funds available thereunder could be spent for education and training of veterans was to some extent misinterpreted or misconstrued in carrying out the terms of Public Law 266; and

Whereas the Congress, in order to remove any ambiguity which might have existed with respect to the language contained in Public Law 266, revised and enlarged upon the original language contained therein by enacting remedial legislation in the form of Public Law 610, Eighty-first Congress, approved July 13, 1950; and

Whereas there has apparently been some misunderstanding of the congressional intent as expressed in Public Law 610 and as set forth in the statement of the House managers in explanation of the action agreed upon and recommended in the conference report on such legislation: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the terms of Public Law 610, Eighty-first Congress, approved July 13, 1950, it is hereby declared that—

1. The provisions of section 2 of Public Law 610, which amended paragraph 11, part VIII of Veterans Regulation No. 1 (a), as amended, relating to the customary cost of tuition and to other charges required by educational institutions for the training of veterans under that act were and are intended to apply to all courses of training covered by contract or other agreement, without respect to the calendar duration established or the weekly hours of attendance required for such courses.

2. By enacting the provisions of section 2 of Public Law 610, it was and is intended that a contract including tuition, fees, or other charges for a course shall be considered as an entity in determining the rate or rates to be paid to the institution for such course.

3. Section 3 of Public Law 610, which amended paragraph 5 of part VIII of Veterans Regulation No. 1 (a), as amended, was and is intended to provide that any institution (and not only institutions of higher learning) shall be regarded as a nonprofit institution for the purpose of applying the governing statutes and applicable regulations of the Veterans' Administration respecting the payment of tuition and other charges, in the case of nonprofit institutions, if it is exempt from taxation under paragraph (6), section 101, of the Internal Revenue Code, whether it was certified as such by the Bureau of Internal Revenue before or subsequent to June 22, 1944.

4. It was and is the congressional intent by enacting Public Law 610, that any educational or training institution which has entered into one or more contracts in two successive years, the rate established by the most recent contract shall be considered the customary cost of tuition.

Mr. HUMPHREY. Mr. President, the Senate Committee on Labor and Public Welfare will meet in executive session this evening to consider the concurrent resolution I have just submitted. It is quite likely that the committee will vote to report the resolution to the Senate.

Mr. President, I therefore ask unanimous consent that the committee be given leave to file such report, and that calendar and report numbers be reserved for such resolution and report in order that the resolution may be considered at the next call of the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY subsequently reported the foregoing concurrent resolution (S. Con. Res. 107), without amendment.

SHANKS VILLAGE VETERANS' TEMPORARY-HOUSING PROJECT—REPORT OF A COMMITTEE

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, without amendment, the bill (H. R. 8458) authorizing the Housing and Home Finance Administrator to release the trustees of Columbia University, in the city of New York, and the Citizens' Veterans Homes Association of Rockland County, Inc., from obligations under their contracts for operation of veterans' temporary housing project, NY–V–30212, and I submit a report (No. 2557) thereon.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar.

Mr. LEHMAN. Mr. President, in connection with H. R. 8458, which has just been reported by the Senator from Alabama, I ask unanimous consent to have inserted in the RECORD a brief statement by me explaining the necessity for enactment of this bill.

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

STATEMENT BY SENATOR LEHMAN

The veterans' temporary housing project, NY–V–30212, known as Shanks Village, in Rockland County, N. Y., consists of 1,500 dwelling units of various size built under title V of the Lanham Act to house veterans of World War II. Columbia University and the Citizens Veterans Homes Association of Rockland County are the obligors and guarantors under the contracts negotiated between them and PHA at the time the dwelling units were constructed.

It was agreed that the project would be operated by the Public Housing Administration in behalf of the two guarantors, the two organizations I have just named, and that these organizations would furnish the tenants for the program, which they have done to date. It was further agreed that the two guarantors would be responsible for any deficits resulting from the operation of the project.

In view of the alleged diminishing need for housing units by student veterans and also to prevent any deficits from the operation of the project, Columbia University is now planning to liquidate its interest in the project. When a student completes his studies and becomes ineligible for continued occupancy, the university, through PHA's New York field office, requests the tenant to vacate the premises so that it may either house an eligible student or proceed with plans for the demolition of the unit.

The university has indicated to PHA that it plans to liquidate its interest in the project in gradual stages so that by June 1, 1952, it will be possible to terminate its agreement with PHA. The university proposes to reduce the allocation for dwelling units by 100 units for the first quarter of the fiscal year which starts July 1, 1950, a further reduction of 50 units in the third quarter, and an additional 100 units in the fourth quarter, a total of 250 dwellings by June 30, 1951.

On March 27, 1950, the PHA reported that a recent survey of the physical condition of the property indicated that these buildings are still comfortably habitable and should not require extensive repairs in the immediate future.

The PHA stated that in its considered opinion, the structures could be maintained in a livable and safe condition for a minimum of three or more years without incurring major expense for replacements.

On May 11, 1950, I introduced for myself and Senator IVES S. 3574, a bill identical with H. R. 8458, which would release the trustees of Columbia University and the Citizens Veterans Homes Association of Rockland County, Inc., of their contracts with the Public Housing Administration. These contracts are those referred to above in connection with the operation of the veterans temporary housing project No. NY–V–30212, known as Shanks Village and located in Rockland County, N. Y.

If these contracts are voided as provided in this bill, the disposition and demolition of the Shanks Village project would be governed, as are other temporary housing projects, by section 604 of Public Law 475, Eighty-first Congress. This section provides that temporary housing projects remaining under the jurisdiction of the Administrator (HHFA) will not be demolished or removed prior to July 1, 1951 (or until July 1, 1952, under certain circumstances).

It is obvious that Columbia University, looking to its contract with PHA under which it might incur deficits in connection with operation of the Shanks Village project, is seeking to avoid these deficits by arranging to demolish certain parts of the project prior to the date which is applicable to most other projects of the same type. Thus, H. R. 8458, by releasing the trustees of Columbia University and the Citizens Veterans Homes Association of Rockland County, Inc., from further responsibility under their contracts, would relieve these obligors from the possibility of deficits which might be incurred through continued operation of the project. The bill would not provide any favored treatment for the Shanks Village project, but rather would place it on the same basis as all or most other temporary projects. To date no objection to this bill has been received from either Columbia University or the Citizens Veterans Homes Association.

Since the bill was introduced, the world situation has changed considerably, making its enactment more urgent. The President of the United States, in a letter dated July 18, 1950, requested the Housing and Home Finance Agency and its constituent agencies to restrict mortgage credit, to require substantial down payments, to limit the construction of public housing and to "take such further actions as in your judgment are or may become necessary and appropriate to curtail the use in residential construction of materials essential to national defense."

The Defense Production Act of 1950, recently passed by the Senate, also took cognizance of a possible shortage in materials and manpower and set up allocation powers to alleviate these shortages. In view of these actions to conserve housing materials and in view of PHA's statement that the Shanks Village structures could be maintained in a livable and safe condition for a minimum of 3 or more years without major repairs, it appears unwise to permit the demolition of this housing project when housing for civilians as well as military personnel and their dependents close to military posts may soon be a vital necessity.

HOUSING AT REACTIVATED MILITARY INSTALLATIONS

Mr. BENTON. Mr. President, on behalf of the Senator from Alabama [Mr. SPARKMAN], the Senator from Connecticut [Mr. MCMAHON], the Senator from Indiana [Mr. CAPEHART], and myself, I introduce a bill to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes.

Mr. President, I ask unanimous consent that I may be permitted to have 3 or 4 minutes to make a few remarks respecting the bill I have just introduced. I have discussed the matter with the majority leader and the minority leader and, at the conclusion of my remarks, I shall ask unanimous consent for immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 3 minutes.

Mr. BENTON. Mr. President, this bill will merely authorize the Housing and Home Finance Agency to use funds now on hand for the temporary war housing under its control, to erect on or near military installations, which are being reactivated since the outbreak of the Korean affair, livable housing of a prefabricated nature. This housing to be of a type which is mobile and demountable to the extent that when it is no longer needed at the site where it is first erected it can be economically removed and reerected elsewhere. It is estimated that approximately $20,000,000 is presently available for the program envisaged by this bill. Houses should be reserved for rent only to those near and dear to servicemen on duty in these reactivated camps, and should be rented at reasonable rates sufficient to amortize the cost of the housing over its life.

In other words, Mr. President, this bill calls for no appropriation, and in my judgment will not cost the housing agency money, if the emergency continues for even the reasonable length of time during which these houses can be amortized.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. BENTON. I yield.

Mr. WHERRY. The Senator says that the bill would not call for any appropriation. What agency has the money now in hand which can be used for the purpose for which the Senator is seeking the authorization?

Mr. BENTON. The Housing and Home Finance Agency has the $20,000,000 presently available on the passage of the bill.

Mr. WHERRY. How did that agency obtain the money? The Appropriations Committee was called upon to make provision for that agency. It now seems it has the money with which to go into some kind of construction that has not yet been authorized. I should like to know how the agency has the money.

Mr. BENTON. The agency would not have authority to use the money without the passage of the bill which I shall ask the Senate to consider tonight.

Mr. WHERRY. How did the agency obtain the money in the first place?

On what justification did they obtain it?

Mr. BENTON. Mr. President, on that question I yield to the distinguished Senator from Alabama [Mr. SPARKMAN], who is a cosponsor of the bill.

Mr. SPARKMAN. Mr. President, I should like to call the attention of the distinguished Senator from Nebraska to the fact that out of the last war there came a great deal of temporary housing. The Housing and Home Finance Agency is still administering a great deal of it. Some of it has been disposed of, and these funds have been derived from those operations.

Mr. WHERRY. Does the Senator mean to tell me now that from as far back as 1945, 1946, 1947, and 1948 this organization has remaining on hand $20,000,000, which it has not accounted for to the Treasury of the United States, and which it can now use, if a bill permitting its use is passed?

Mr. SPARKMAN. It is my understanding that about $20,000,000 is available.

Mr. BENTON. Do I understand that the Senator from Nebraska is congratulating me on finding this $20,000,000? I am not a member of the Appropriations Committee, but I have found this $20,000,000.

Mr. WHERRY. The Senator from Connecticut desires to have passed a bill which would authorize the construction of certain housing. The Senator asked me about it, and I told him I would not object to the immediate consideration of the bill. The Senator has worked very strenuously on the bill. The bill has not been printed, however. The Senator from Indiana [Mr. CAPEHART] has also worked hard on the bill. Perhaps the authorization is justified. At least

there is no objection to giving unanimous consent for the consideration of the bill. I do not object to the type of housing contemplated by the bill, as an emergency measure. I assume the purpose is a good one. However, the bill has not been sent to committee. So I asked, "If a bill is passed authorizing the construction of the housing, where will the funds be obtained?"

Now we are told that some agency has a sufficient amount of money for the purpose. That it has money on hand for which apparently it has not accounted. I do not mean to say that there is anything wrong about that, but apparently it has not been accounted for, and it has been found. I should like to know as much about that as I can find out, because certainly it is one thing to find the money, but it is another thing to have the Appropriations Committee appropriate money.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Has the bill been made the unfinished business?

The VICE PRESIDENT. No; it has not. The Senator from Connecticut is going to ask unanimous consent that it be considered at this time.

Mr. RUSSELL. I do not know anything about the bill. Do I understand that the bill has not been reported by a committee?

Mr. CAPEHART. Mr. President, will the Senator yield to me so I may make a statement?

Mr. BENTON. The emergency is a very sudden one. Young men are being taken from their homes this very week to go to various camps. The chairman of the committee, as Senators know, is in Europe. It is for that reason that I asked permission to speak for 3 or 4 minutes. I was then going to ask unanimous consent for immediate consideration of the bill.

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

Mr. BENTON. I yield.

Mr. CAPEHART. I have just returned from Indiana. Camp Atterbury is located in Indiana. It was constructed during World War II. Thousands of National Guard men are now being sent from the State of Pennsylvania to that camp. I was there yesterday. Columbus, Ind., and other towns surround the camp. The conditions are going to be very pathetic. There will be no place in which to live available to the men who are brought to the camp and their families. Something will have to be done. Whether we can improve upon the bill by holding hearings I cannot say. I do not think we can.

We are not asking for any appropriation to be made. All we are asking for is that the Housing and Home Finance Agency be permitted to use about $20,000,000 they now have on hand, for the purpose of erecting housing. About five camps are involved. There is a camp in Kentucky, there is one in Connecticut, there is the camp I mentioned in Indiana. Senators should try to imagine what it means to bring twenty or thirty thousand soldiers into these camps, which are surrounded by small towns in which there simply are no housing facilities. There is no place for these married men and their families to live. Whether we act tonight or tomorrow, action will have to be taken, in my humble opinion, because I think the conditions to which we bring the National Guard men are deplorable. What we do is unfair to them and to their families. They are brought to the camps as quickly as they can be sent there, and when they arrive they find no facilities available for themselves and their families.

Mr. BENTON. Mr. President, looking at the other side of the coin, which is the side I see in Connecticut; there we do not have the camps, but we have living there the families of the 5,300 men in the Forty-third Division who are being sent to Fort Pickett.

Mr. CAPEHART. It is not the purpose of the bill to build any permanent houses. It is the purpose to provide some temporary quarters, or perhaps to move housing from other spots in the United States to places near the camps. That is the purpose—not to have any temporary housing built, but to do whatever is necessary in order to take care, temporarily, of the families of the National Guard men who are called to active duty.

Mr. BENTON. Furthermore, the purpose is to rent the houses to the National Guard men at a price which will amortize the cost of the houses.

So the request is not one for funds, not even for funds for the benefit of the National Guard men or their families.

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

Mr. BENTON. I yield.

Mr. RUSSELL. Mr. President, I am not an expert on housing, and I have not served on the housing subcommittee. However, I heard the Senator from Connecticut speak of authorizing prefabricated housing. Would prefabricated housing be authorized to the exclusion of other housing?

Mr. BENTON. The bill contemplates the type of houses which can quickly be built and can quickly be taken down and can quickly be moved to other locations. I have no way of telling where the Defense Department may decide to locate these men.

In Connecticut the men now are at Camp Pickett. If later the Defense Department decides to send them to other places, it is my thought that such houses should be capable of being easily dismantled and moved.

Perhaps trailers would be the best type of houses to be provided under those circumstances.

Mr. CAPEHART. That would be determined by the Department of Defense, of course.

Mr. BENTON. Yes.

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

Mr. BENTON. I yield.

Mr. SPARKMAN. As I understand, such houses should be demountable, or portable, but not necessarily prefabricated.

Mr. BENTON. Yes; that is what I meant. If the word "prefabricated" is a trade term which is objectionable, I quickly withdraw that term. I mean to refer to houses which can easily be taken down and moved to other locations.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, I do not like to object. I am entirely in favor of the stated purposes of the bill. However, I do object to having such violent treatment given to the normal procedures of the Senate. It seems to me the bill should be printed first, so that Senators may have an opportunity to read it.

If the Senator from Connecticut will introduce the bill this afternoon, it can be printed tonight and can be on the calendar for consideration tomorrow.

The VICE PRESIDENT. Objection is heard.

Mr. RUSSELL. In my opinion, only the most dire emergency should justify an agreement by the leadership on both sides of the aisle in respect to the passage of a bill which has not even been printed.

Mr. BENTON. Mr. President, the bill comprises only two paragraphs. Certainly there is validity in the point of view just expressed by the Senator from Georgia, if the bill can be printed tonight.

Mr. RUSSELL. That can be done.

Mr. BENTON. If the bill can be taken up either before or after the call of the calendar tomorrow—that being a suggestion previously made to me by the minority leader, in the event we could not have the bill taken up tonight——

The VICE PRESIDENT. The Chair understands that the Senator from Connecticut now asks unanimous consent that the bill be printed and lie on the table.

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

The bill (S. 4145) to assist the national defense by authorizing the provision of housing at reactivated military installations, and for other purposes, was read twice by its title, and ordered to lie on the table.

RADIO BROADCAST PARTICIPATED IN BY SENATOR LONG

Mr. LONG. Mr. President, I should like to correct an impression which has appeared in the press as a result of a radio program in which I took part along with the distinguished Senator from California [Mr. KNOWLAND], the distinguished Senator from Pennsylvania [Mr. MARTIN], and Representative MAHON, of Texas.

On that occasion there was no written transcript of the broadcast. It was an informal broadcast. The impression was given, by article appearing subsequently in the press, that the junior Senator from Louisiana predicted that the United States would be at war within a year.

Mr. President, I believe that anyone who reads the remarks I made on that occasion will not arrive at that conclusion. As a matter of fact, what I said was that the United States should prepare for war as though a war would occur within 1 or 2 years. I do not believe

war is inevitable. I hope for peace just as much as does any other Member of this body.

I should also like to state that I do not have any information not generally available to the people of the United States.

It is my feeling that the leaders in the Congress, as well as the members of the congressional committees, would do well to see to it that the American public are well informed in regard to what could be expected in the event of an atomic war.

We should recognize the fact that it is entirely possible that war could occur within 1 year or even within a shorter period of time; and I believe we should recognize the facts that Russia undoubtedly has a substantial number of atomic bombs, and that Russia has the ability to deliver such bombs in the event such a war were to develop.

That is not to say that the United States is not well prepared to fight an atomic war or that the United States does not have the great preponderance of such weapons.

Nevertheless, I believe our people should be informed of what could happen in such a war, and I believe they should be informed that such a war could develop within a year or even within a shorter period of time.

Mr. President, in order to clarify the record in this connection, I ask unanimous consent that a transcript of the broadcast be printed at this point in the RECORD.

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

ANNOUNCER. Good evening, ladies and gentlemen, this is Blair Moody in Meet Your Congress reporting to you again from Washington. Congress is getting ready to go home and report to the people. Can it report that it has done its job in 1950? Everything it can do to carry the United States through this world crisis without war? Over at the Pentagon plans are marching forth for an increase in our armies and our armaments. Are they moving strongly enough, rapidly enough? Down at the White House and the State Department our diplomatic leadership is planning the momentous meeting of the North Atlantic foreign ministers this week in New York, to be followed by a meeting with the United Nations Assembly. Is our leadership there good? Is it right on preparedness—on spurring a new sense of urgency in western Europe? In far eastern policies and its broad approach to the Communist threat to our survival all over the world? This evening Meet Your Congress has invited to the studio four prominent, alert, and highly intelligent Members of Congress to discuss the question of leadership in Congress and in the executive branch. We have two of the Senate's most effective Republicans, Senator WILLIAM F. KNOWLAND, of California, a strong and influential member of the Committees on Armed Services and Atomic Energy and an expert on the Far East, and Senator EDWARD MARTIN, of Pennsylvania, former governor of his State, a retired major general of the United States Army, who formerly commanded the Twenty-eighth Division, and therefore is one of the Senate's leading authorities on military affairs. With them we have two of the ablest and most influential Democrats in Congress, Senator RUSSELL B. LONG, a young liberal from Louisiana who has made his mark with a bang in the Senate. As a member of the Senate Banking Committee, he has done much to shape the law for home-front mobilization that is now going into effect. With him, Representative GEORGE H. MAHON, of Texas, the chairman of the House Military Appropriations Committee, a very competent and able Member of the House, and I am sure no emphasis need be laid on the influential, responsible position he now holds. Now, Senator LONG, will you tell us, please, how you feel things are going? Has Congress done its job and are the President and his aides doing their jobs?

Senator LONG. Blair, by the time Congress recesses—I doubt that we are going to adjourn—I believe that the likelihood is stronger that we will simply recess in a few weeks until after the November elections, and be back here within about a week after that time. That is what I judge we should do, come back about the middle of November. I believe that within a week or so after Congress recesses the people are going to begin to see that Congress has done a lot more than they probably realize we have been doing. For one thing, we are going to begin to have price control and allocation of materials, which is going to be most difficult on a great number of our businessmen. If they find that they cannot get the materials necessary to carry on businesses not necessarily essential to our war effort, I fear that this will mean that quite a few small businesses will have to actually close their doors and many others will have to seriously curtail production. In addition to that, the people are going to feel the pinch of higher taxes. That, of course, is made necessary by this international crisis we are now facing. This Nation is $258,000,000,000, or about that, in debt, and we simply have to fight this present emergency on a pay-as-you-go basis. No one has any idea how long it will go, and so we have passed a new tax bill which will be in conference as soon as the House can appoint its conferees. It raises income tax on the individuals, reduces the exemptions, and also raises the income taxes on corporations. Now the people had better get set for it, because they have been demanding Congress do something and Congress has been doing more than a lot of people realize. When they see these new taxes and these new allocations of materials they are going to realize that we are going on to a war footing. Of course, it has been my feeling ever since this emergency began to shape up that we should be doing a lot more. No one can tell just when we might be facing another war. We have been going along on the basis that war might occur 6 or 8 or even 10 years from now. A lot of us today realize that we better lower our sights and expect that war might occur within the next year or within the next 2 years, probably more likely 1 than 2, with the result—it is my feeling, and I believe the feeling of the people generally in this Nation and the feeling of most Senators—we would do well now to up our production particularly with planes and tanks to the highest possible figure as rapidly as we can. Now, there is no use just throwing away the public's money, but as rapidly as we can have that money sensibly expended, it seems to me that we should go about making those appropriations. Now we have one final bill to act upon that is a must.

As far as providing the money to fight this war, that is the bill sent down to the White House for $16,000,000,000 additionally. Now that would more than double our entire national defense budget and I have no doubt but that we will act favorably upon that bill. Primarily, Congress' function in this type situation is to put up the money necessary to fight such a war as we are presently engaged in and to prepare for such a war that we fear we might have to fight. Congress is doing its share in putting up that money. Of course, a sideline of Congress' function is to hand out advice as to how this war should be fought and what should be done next. Congress is doing a little of that, and Congress is entitled to do more. I am inclined to feel that it is up to Congress, representing the elected officials of the States to represent them in Washington, to inform the people just how serious this present crisis is. I would like to say a little bit more about that later on, but I believe that when the people see what has been done, they are going to realize that we are beginning to foot the bill and beginning to make the home-front sacrifices necessary to fight this war.

ANNOUNCER. Thank you very much, Senator LONG. Now, Senator KNOWLAND.

Senator KNOWLAND. I agree with Senator LONG that we are in a situation where we can't go along on a business-as-usual basis. The seriousness of the situation in Korea cannot be underestimated. Taxes are going to be considerably higher than the bill just passed by Congress. In my judgment that is just the first bite of the situation. As a matter of fact, I think before the fiscal year is out, we will have at least another $10,000,000,000 in defense expenditures and perhaps a good deal more. The situation is such that we are going to have to increase the men in our Armed Services, the Army, the Navy, the Air Corps, the Marines, if we are to not only hold the situation in Korea, but to restore an independent republic in that country under United Nations sponsorship. I think that one of the great needs of our country is to treat the American people as adults and give them the full facts on the situation. One of the reasons so many Americans have had a great admiration for Mr. Winston Churchill was during the period of Britain's darkest hour, he didn't hesitate to give them the facts and the news, whether good or bad, and I think they responded well under the circumstances as a free people will always respond if they have faith in their government and their government has faith in them.

Now we have got to recognize the situation—this international picture has many fronts to it. One is Korea; the other is the entire Far East where trouble may break out at any time. It may break out in Iran or Turkey or western Germany, and the peace of the world is hanging in the balance at this very moment. Another front is at Lake Success. One of the problems which the General Assembly is going to face is this problem at the seating of the Communists' regime as representative of the people of China. I believe that for the free world to yield in this question will be an appeasement of the Munich character. I don't think it will give us peace, but ultimately it will assure world war III. Firstly, I think this Government's position in the matter is a very weak one. We have announced that we will vote against it, but yet we will not try to influence others to vote against the Communist regime in China, and we will not use our veto in the Security Council. The Soviet Union has used its veto 44 times. To permit them to use this as a weapon in the international situation and for us to put it aside voluntarily just does not make sense to me. But, after all, it is a problem affecting all of us as Americans and not as partisans. I think our major effort should be to win this struggle we are in, and to do it as rapidly as possible because the longer the delay, the more danger there is in the war spreading.

ANNOUNCER. Thank you very much, Senator KNOWLAND. Now Representative MAHON, will you please tell us how you feel about it?

Representative MAHON. Well, Blair, I think the two off-the-cuff statements just made are excellent. I have been working all year with military appropriations. The bill providing for about $16,000,000,000 additional for national defense has already passed the House.

ANNOUNCER. I think they called that the Mahon bill, didn't they?

Representative MAHON. Well, we worked on it at considerable length. Now since the war we have been spending about 6 percent of our national income for Army, Navy, and Air Force. If you include military assistance, and so forth, it might run up to around 8 or 9 percent of our national income. I am speaking not of revenue, tax revenue. In January, the President estimated that our revenue this year would be about $37,300,000,000. Well, we have already appropriated this year $36,000,000,000 for the Army, Navy, Air Force, Atomic Energy, ECA, Mutual Defense Assistance, and all of these things having to do with the war preparation, and, shall I say, for a program which is, we hope, a program of peace. Now when the Joint Chiefs of Staff and the Secretary of the Defense Establishment were before us a few days ago, I said, "Now, gentlemen, you are asking for $11,600,000,000, for the Army, Navy, and Air Force—do you need any more? The Communists are breathing down our necks in South Korea, and if you want any more money we can get it if you establish the need for it." They said—and there were no strings attached—"At this time, gentlemen, this is all the money we want. A little later on we are going to have to have additional funds, and I suggested on the House floor that probably about $10,000,000,000 more would be required at this session, but no additional funds would be requested in the near future, I am sure, but some will have to be forthcoming. You don't know just what turn this war is going to take. It is evident that our military planners do not believe that world war III is imminent or that we will have world war III in the next few months; they may be wrong. Otherwise, they would be in a perfectly untenable position because fighting an all-out world war is a $100,000,000,000 business, and we are not going into this thing that "big." We have gone along trying to preserve a balance between defense spending and trying to keep our economy in fine, healthy shape. And our economy is in fine, healthy shape. We have the greatest industrial potential of any nation or any combination of nations in the world with the greatest backlog of skilled labor, and if war comes, which God forbid, we are in a position to account well for the United States, as has always been the case in the past. That would by my off-the-cuff comment for the moment.

ANNOUNCER. Thank you very much, Mr. MAHON, and now, Senator MARTIN, will you tell me how you feel?

Senator MARTIN. Blair, I very much agree with my three colleagues who have already spoken. I feel that this Congress has done an enormous amount of work. I am on Finance. Our Finance Committee started hearings on January 15 of this year on social security and a new tax bill. We heard almost 300 witnesses, which was a cross-section of America, and I think we now have a pretty good idea of the financial and industrial condition of our country. I was very much impressed with what Senator KNOWLAND said—the American people have a right to know our present situation. It is our Government. We fight the wars. We pay for the wars. And there is another thing I would like to impress upon our people and upon the Congress. You can't win a war through buying it. Wars are won by the high morale of the people backing up a strong Navy, a strong Air Force, a strong Marine Corps, and a strong Ground Force. Fighting is not an easy thing to do. Men have to get down in the dirt, in the mud, and in the sand; men have to fly planes; men in the Navy have to run over mines and things of that kind. It is a hard job; for that reason, in order to keep up the morale of our American people, the criticism that I have is that we, the Congress, do not know the exact situation. It seems to me that we ought to have, and the American people are entitled to, a balance sheet. We ought to have on one side of the ledger the commitments we have made. Then, on the other side of the ledger, what do we have in the way of armed forces? I would like to close with this. I think we should have not only universal military training, but I think we should have universal military service. I think it will be necessary, of course, to have a powerful Navy, strong Air Force, marines, and ground troops for many years in the future. I think that will keep us out of total war and I agree with RUSSELL LONG, we must pay for this war as we go along.

ANNOUNCER. Thank you very much, Senator MARTIN. Now, Senator LONG.

Senator LONG. One of the things in line with the thinking of all those here that I think all the American people should know is how well we are prepared to fight a war with relation to what our enemy has today. I believe if the American people knew that, we could get the type of action we should expect from Congress. Now, Congressmen and Senators are regarded by their people as being leaders, but in many respects, the people do the leading. When the people want something, Congress is more inclined to go along with them. Last year, all in the world I heard about preparedness was simply, "Save money, economize, cut down, vote for these meat-ax cuts on the Federal budget." Then, when we see we are in danger of another war and we don't have enough to fight a war with, what do people say? Then, they say, "My goodness, why don't we have more planes, more tanks, more guns, more men?" Now it seems to me that if the American people knew in the beginning the danger we presently face, they would be the ones to insist that we have ourselves properly prepared. I am of the opinion that someone has failed to get the facts across to the American people. I think that primarily the obligation falls upon those who have the information to see that the people know about it. I believe that we have had security that has fooled no one but the American people. Take our security on atomic secrets. Those who will make a guess seem to think that Russia has about 40 atom bombs, maybe more. And those who know something about the military facts of life should know that Russia would be able to drop those 40 atom bombs on almost any target she chose to drop them on today with modern methods. I believe that the speed of attack is ahead of the speed of defense. I don't believe we have the planes we need to defend all the targets or to hold them. In my opinion, and I believe that the people should know whether or not this is true, that in the event we find ourselves at war with Russia, we can expect the 15 and maybe the 30 largest cities to have atom bombs dropped on them within the first 2 or 3 weeks. We know Russia has the bombers, that is a matter of official record. We know that she has the atom bomb, that is a matter of official record. We don't know how many, but we know she has them. It seems to me we should prepare the American people for what they could expect in terms of a world war III Pearl Harbor. It would not be in just one place as Pearl Harbor was; it would be in many. I fear that if we were to find ourselves in the midst of another war, we would find that our production of steel and motors or production of many essential materials will be almost completely stopped, let us say 90 percent cut off in the beginning. So we better prepare now and get the equipment ready while we have the chance.

ANNOUNCER. In other words, we are not going fast enough, is that right, Senator?

Senator KNOWLAND. I might comment on Senator LONG'S statement. First of all, I think that Congress, as far as the defense establishment is concerned, has not withheld the funds needed to build up the proper defense of this country. As a matter of fact, the able Congressman from Texas [Mr. MAHON], and his committee in the House has constantly urged, along with the Committee on Armed Services in both the House and the Senate that we proceed with the 70-group air program. Funds were provided for this. At the instance of the administration, funds were frozen that had been provided by the Congress and not used. I think that the Soviet Union would be far more impressed if an Air Force in being of 70 groups rather than they would one on prints. I feel that we have not had sufficient force in being in the Army and Navy. We put too many of our war ships in moth balls and are now having to take them out. I think the Soviet Union and their satellites would be far more impressed if we had four or five carrier task forces in the South Pacific, rather than the very weak forces we had there prior to the outbreak of the Korean hostilities. I personally would like to have seen four Marine Corps divisions in being, and if we couldn't have four, at least have those we did have up to full strength, rather than to very weakened strength, which was the fact. Now we have to face the realities of the situation. The Soviet Union has over 175 divisions in being, scattered in various areas of the world. The American people must recognize that fact without going into what the Western World may have. I think it is known to every school boy in the country, that it's just a fraction of what the Soviet Union has in being today. They have an Air Force that in many respects, certainly the number of planes, is equal or superior to what the Western World has so that in types there may be a difference as to whether they have some planes that are as good as ours. We do know that every month that passes, they are building up their atomic stockpile, regardless what number and how rapidly they may be doing it. I do not believe that time is running in our favor.

ANNOUNCER. Thank you, Senator KNOWLAND. Now, Mr. MAHON.

Representative MAHON. I would like to comment on the statements which have just been made. It is easy for us to indulge in wishful thinking. There is no thoughtful American who wouldn't like to have had over the past years unlimited funds for building up our national-defense program. * * * As for the Russian situation, the Russians have no planes of the B–36 type. They have probably 500 of the B–29 type. Of course, with those planes, they could reach our key cities and installations with an atomic attack. There is no doubt about that. Of course, if we would try to match the number of divisions, we would have to completely change our way of life and go into a very rigid police state, in a way, to maintain over a long period of years, if world war three is not just around the corner, such a huge military establishment as the Russians have. What we have done is concentrate on maintaining a strong position to mobilize in the event of war, and with industrial mobilization, scientific research and development, all of those things, we have tried to prepare for the future. We haven't gone into big scale on the hardware basis, but we are now stepping up moderately into the additional acquisition of hardware.

Senator KNOWLAND. Congressman MAHON, the situation is that if we had had the hardware out in the Far East, the 3.5 bazookas, when this situation happened and had we equipped the forces of the Republic of Korea with them, with the first on-rush of Soviet equipment which had been supplied to the North Koreans, is could have been slowed down much better than it was. I think that we have to get some of these things off the

blueprint stage and into delivering into the hands of the people.

Representative MAHON. I agree there, but of course, we could not have stopped this onslaught in Korea, but as you say we could have slowed it down. But, as you know, this bazooka is just now being perfected, and we haven't had an unlimited amount of that type of ammunition, but we are moving toward that end. I don't want to monopolize——

Senator MARTIN. I am enjoying this very much, and I think some very fine suggestions are being made. I want to close my end of this discussion with this—we must build up the material side of America. We must have plenty of trained soldiers. It is wrong to send a soldier into battle unless he is trained on all the arms he is to use, personal hygiene, and so forth. That costs money, but the unfortunate thing, the only argument Russia will accept is one of force. Then, in addition, we must have a spiritual awakening here in America. We have all got to go to church. We have got to do some praying and we have got to live up to our American ideals. A real American won't cheat; he won't go into the black market. If we will do those things, I think we can gradually get that out over the world, and then we can have peace, because that is what we are fighting for. If we don't have peace, we are going to be an armed camp just like Russia and there will be no opportunity for the cultural and spiritual development that Americans want. But we must go strong, and we must be—I think it most unfortunate that we didn't have some mobile troops that we could quickly send into Korea. Now, I feel this, that the transportation end as far as Korea is concerned has been magnificent. It shows what America can do. I wish our people in authority would give that story to the American people. It would increase their morale, but let us not forget, we must have soldiers and we must have trained soldiers. And you can't buy victory.

Representative MAHON. And we ought to warn the world and our people that there is no way to predict exactly the future because the Kremlin is going to make many of those determinations.

Announcer. Senator LONG?

Senator LONG. One thing we should keep in mind, and that is the kind of war we are fighting in Korea is not the kind we will fight if we have to fight Russia. We have been talking about men here. I am not so much interested in men as equipment. If we have to fight Russia, we can expect that to be primarily an air war between the United States and Russia in the beginning and not a war with divisions facing each other. Men are now out there, such as the Koreans, without even planes fighting; that is World War I type fighting. We can expect the war with Russia if it comes to be one of atomic attack. A war of one continent upon the other in the beginning, and it seems to me that we should get ready for that type war. Today we don't know how well we are prepared to fight that type war. We will find that we are better prepared than some expected and not as well as others expected, but it seems to me that we should undertake now to get ready for the kind of war that we would have to fight if we have to fight Russia. Everyone believes today that it is because we have a lot of atomic bombs and a strategic air force that we are not in world war III.

Senator KNOWLAND. I quite agree with Senator LONG in some of these statements, but that was one of the reasons Members of both the House and the Senate were urging that the recommendations of the President's Air Policy Board for a 70-group air program be carried out and when we supplied these funds, the President froze the funds himself.

Senator LONG. The sooner the people see this sort of thing, the sooner they will see why Congress should do more in the beginning, because it is going to be enormously expensive.

Senator MARTIN. Let us not forget, that for a thousand years we have talked about a push-button war, but each war is fought by men getting down into the mud and getting wounded and hurt and killed, and this war will be the same.

Mr. MAHON. Not only that, but if we are going to protect western Europe from being overrun, we must have a lot of land soldiers and a lot of tanks in the early stages of the war.

PROPOSED SALE OF GOVERNMENT DISTILLERY AT OMAHA, NEBR.

Mr. BUTLER. Mr. President, I should like to invite the attention of the Senate to a report which has been issued recently by the Preparedness Subcommittee of the Committee on Armed Services. It is Report No. 1 in reference to Senate Resolution 93.

In the report, on page 5, mention is made of the Omaha alcohol plant which performed a wonderful service in the defense of the United States during most of the Second World War, during which time that plant turned out seven tank car loads of grain alcohol, or a total of 70,000 gallons of grain alcohol, daily. That alcohol went, for the most part, through Seattle and across Siberia to those who then were our friends on the western front.

In the report the attention of the Government is called to the fact that the plant has been advertised for sale.

Under date of July 10 I sent to the regional director a telegram which I should like to read into the RECORD at this point:

JULY 10, 1950.

E. V. TURNEY,

Deputy Regional Director Liquidation Service, Real Property Disposal Division, General Services Administration, Troost Avenue at Bannister Road (Ninety-fifth Street), Kansas City, Mo.

My attention has been directed to a recent advertisement asking for bids on the Government Distillery at Omaha. I suggest it would be very unwise to dispose of this plant under present international conditions. This plant furnished seven tank-car-loads of alcohol daily during World War II and could do it again if necessary. Please advise.

HUGH BUTLER,
United States Senate, Nebraska.

Mr. President, I do not know just what is the status quo of the transaction at the moment, although I think the sale has not yet been confirmed.

I should like to invite the attention of the Members of the Senate to the report of the subcommittee, in which the subcommittee recommends that the Government continue ownership of the plant, perhaps leasing it for operation, as was done during the World War. I think that is a very wise suggestion.

RECENT PRICE TRENDS AFFECTING MILITARY PROCUREMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement in regard to recent price trends affecting military procurement.

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

RECENT PRICE TRENDS AFFECTING MILITARY PROCUREMENT

The past 5 months have been marked by steadily rising prices, accelerated since the conflict in Korea. The Bureau of Labor Statistics wholesale price index has risen from 152.9 in April to 167.5 on September 5, an average increase of 9.5 percent. Many basic raw materials have increased in price to an even greater extent than have finished products, including a number of key commodities used in the manufacture of items required by the armed services, as shown by the following table:

Commodity	Unit	April 1950 price	Current price	Percent increase	Commodity	Unit	April 1950 price	Current price	Percent increase
Burlap	Yard	$0.172	$0.242	40.7	Print cloth, cotton	Yard	$0.14	$0.21	50.0
Copper	Pound	.184	.234	27.2	Steel scrap (Philadelphia)	Ton	24.00	38.00	58.3
Cotton	do	.320	.407	27.2	Tin	Pound	.75	.99	32.0
Crude rubber	do	.21	.55	161.9	Wool tops	do	1.87	3.02	61.5
Hides	do	.242	.33	36.4	Zinc	do	.112	.182	62.5
Lead	do	.105	.16	52.4					

The price increases in basic commodities have not yet been fully reflected in the prices currently being paid for items procured by the armed services. This is partly due to the fact that outstanding fixed-price contracts cover current military requirements in a number of areas and in such cases the impact of increased raw materials prices has been felt by the contractors rather than by the armed services. As a result, many contractors are insisting on escalator clauses in contracts currently under negotiation, rather than accept fixed-price contracts.

Despite the existence of some fixed-price contracts, procurement costs have already risen significantly for many important items, with price rises becoming more widespread in recent weeks. The Korean conflict has resulted in a marked increase in requirements for aviation fuel. These increased needs are being met by the use of marginal facilities and practices and additional supplies of 114/145 octane aviation fuel are being purchased today at a cost 30 percent higher than that of normal supplies contracted for several months ago. Ships parts have in-

creased by an average of 10 to 12 percent, while resistors, actuators, and other electronic spares for aircraft are being quoted at prices that are as much as 175 percent greater than those prevailing prior to the Korean conflict.

The following are examples of other items recently procured by the armed services at significantly higher prices:

Commodity	Unit	April 1950 price	Current price	Percent increase
Fuel oil (west coast)	Barrel	$0.99	$1.53	54.5
Gasoline (west coast)	do	3.90	4.38	12.4
Diesel fuel (United States Gulf)	do	2.92	3.36	15.1
Lumber:				
No. 2 common pine	M board feet	66.00	97.00	47.0
Douglas fir	do	67.50	82.50	22.2
Bailey bridges	Each	37,796.00	51,792.00	37.0
20-ton trailers	do	3,287.00	3,540.00	7.7
Beach tractors	do	10,188.00	10,840.00	6.4
Fire hose, cotton, rubber-lined	50 feet	20.64	23.10	11.9
Astrolabe	Each	1,200.00	1,311.00	9.2
Fire hose, naval	Foot	.36	.58	61.1
Water tank trailer, 1-ton	Each	793.17	914.76	15.3
Battery:				
2E	do	9.15	11.53	26.0
2H	do	12.55	14.58	16.2
3H	do	11.21	15.84	14.3
Tire:				
6.50 by 20 8-ply	do	16.14	20.46	26.8
7.50 by 20	do	23.99	28.93	20.6
Bearing bushing	do	.79	1.38	74.7
Gasket set	do	.0849	.12757	50.3
Wiring harness	do	3.12	4.14	32.7
Fuel tank	do	9.15	12.75	39.3
Sprocket	do	15.00	18.45	23.0
Nut	do	.01265	.0146	15.4
Battery assembly hanger	do	2.95	3.43	16.3
Flange, transfer brace drum	do	1.72	1.99	15.7
Filter oil breather	do	1.80	1.95	8.3
Carriage bolts	do	.0135	.01533	13.6
Steering knuckle assembly	do	15.84	19.9368	25.9
Shaft (automotive)	do	22.77	24.74	8.7
Hood support	do	.77	.83	7.8
Ground interrogator, AN/UPX-4	do	3,479.00	4,175.00	20.0
Height finder:				
AN/TPS-103	do	36,000.00	44,500.00	23.6
AN/MPS-4	do	67,000.00	77,050.00	15.0
Radio receiver, R-274/FRR	do	550.00	910.00	65.5
Oscilloscope, OS-8/U	do	139.00	219.00	57.6
Radiak training set	do	84.90	289.00	240.4
Antenna equipment, RC-292	do	134.88	162.38	20.4
Switchbox, BC-658 (c)	Each	10.05	12.04	19.8
Field wire, WD-1/TT	Mile	58.02	68.17	17.5
Communications equipment, AN/GRC-26.	Each	11,353.91	14,700.00	29.5
Conveyor, gravity, roller, 10 feet, 18 inches.	do	29.01	41.33	42.5
Broom, corn	Dozen	$11.25	$12.53	11.4
Steel wool	Pound	.218	.265	21.6
Soap powder, hand scouring	do	.09	.1201	33.4
Mop, cotton	Each	.4675	.5875	25.7
Burlap, jute, 40-inch	Yard	.1711	.2325	35.9
Sack, burlap, 57 by 50 inches	Each	.417	.5823	39.6
Dishwashing machine, model 180DA.	do	1,454.62	1,554.00	6.8
Paper, typewriter, bond	Ream	6.435	8.36	29.9
Barrier, waterproof:				
Type C-1	Roll	4.16	4.90	17.8
Type L-2	do	11.06	11.80	6.7
Type M	do	7.45	8.53	14.5
Box, fiber, shipping	Each	.82771	1.241	49.9
Cloth:				
Cotton, twill, 5-ounce	Square yard	1.27	1.555	22.4
Wool, lining, 12-ounce	Yard	1.65	2.05	24.2
Wool, serge, 15-ounce	do	3.595	4.555	26.7
Wool, serge, 12-ounce	do	3.63	4.463	22.9
Wool, lining, 15-ounce	do	1.78	2.247	26.2
Wool, serge, 18-ounce	do	3.8176	4.89	28.1
Wool pile	do	4.90	6.274	28.0
Webbing, cotton, 1-inch	do	.0413	.059	42.9
Drawers, cotton, shorts, white	Each	.4233	.5246	23.9
Cloth, cotton chambray, 3-ounce	Yard	.39	.44	12.8
Trousers, cotton khaki	Each	.74	.86	16.2
Box and sleeve, shipping, fiber	Set	[1].5996	.6794	13.3
Gasoline drums, 5-gallon	Each	1.7891	1.9791	10.6
Adhesive tape, 3 inches by 5 yards	Roll	.26	.30	15.4
Surgical gloves, rubber	Pair	.178	.22	23.6
Glycerin	Pound	.35	.75	114.3
Instrument and medicine cabinet	Each	195.00	220.00	12.8
Vitamin A in oil	50 cubic centimeters.	.364	.436	19.8
Bacon, smoked	Pound	.38	[2].4878	28.4
Beef:				
Boneless	do	.6438	[2].6762	5.0
Carcass	do	.4602	[2].4877	6.0
Ham, smoked	do	.5367	[2].6734	25.5
Lard	do	.1329	[2].1634	22.9
Pork	do	.4245	[2].5395	27.1
Sausage	do	.3650	[2].4394	20.4
Chicken, dressed	do	.3835	[2].4200	9.5
Eggs, shell	Dozen	.3746	[2].4495	20.0
Milk, frozen	Quart	.1357	[2].1539	13.4
Ground interrogator, AN/UPX-6	Each	1,842.00	2,303.00	25.0

[1] Aug. 4 1950, price.
[2] Reflects prices paid at time of last procurement in July 1950. BLS Wholesale Food Index has advanced 3.3 percent between July 1950 and Sept. 5, 1950.

(Progress Reports and Statistics, Office of Secretary of Defense, Sept. 11, 1950.)

ACTION OF BURMESE PARLIAMENT IN ENDORSING UNITED NATIONS' ACTION RELATIVE TO KOREA

Mr. HUMPHREY. Mr. President, on September 5, the Burmese Parliament, by almost unanimous action—I believe there were one or two dissenting votes—overwhelmingly approved the action of the United Nations relative to its resolution in regard to the invasion by the North Korean forces. I believe this action by the Burmese Parliament to be of singular importance, in view of the fact that Burma is another of the Asiatic powers which have joined with the United States and other members of the United Nations in condemning the aggression by the North Korean forces which has been instigated by the master minds of the Kremlin.

It is important to note that the Prime Minister of Burma, Mr. Thakin Nu, following the action of the Burmese Parliament, stated that he felt that the Parliament's action was right and proper, that the Parliament was investing in good insurance against further aggression in the Far East.

I wish to bring this matter to the attention of the Senate because of the great importance of having favorable action taken on the part of the Asiatic governments in support of the resolution of the United Nations.

INTERSTATE CRIME INVESTIGATION

Mr. KEFAUVER. Mr. President, it is not often that I make any comment about columnists, but when some statements get started, of course, when there is no refutation, sometimes they come to be accepted as facts. I desire to make a brief comment about an article which appeared in the New York Daily Mirror of September 11, written by Mr. Jack Lait. The article is generally friendly toward the work of the Senate Select Committee to Investigate Interstate Crime and toward the chairman and other members of the committee. But there is a statement or two which I find not altogether factually accurate, which I desire to have corrected.

In one paragraph the article states that the junior Senator from Tennessee, the chairman of the committee, was let in on the tie-ups between big mobsters in New York, Chicago, and other cities, and Democratic forces. I want to state that the chairman of the committee has not been "let in" on anything; that while it is true that by investigation we have found efforts on the part of the interstate criminal element to obtain protection or influence in both the Republican and Democratic Parties, no one has taken the chairman up on a mountain to "let him in" on anything.

I also desire to say that our inquiry thus far shows that this is not a matter of one political party or the other, but that organized criminal elements, regardless of party, play both sides of the street, and wherever they can get any kind of protection or assistance, they try to get it.

Another matter I wanted to refer to was that some aspersion was cast on the counsel for the committee, Rudolph Halley, suggesting that he was recommended by certain people high in the Democratic administration. I wish to say that Mr. Halley was my own recommendation to the Senate committee. I felt that he was the man who would best serve us, a man who could give full time to the work of the committee. I think the work of the committee and of the counsel speaks for itself. I think we have made a very excellent record. No one in the executive department recommended Mr. Halley. He was recommended by a number of Members of the Senate of both political parties, who had served on the Truman war investigating committee.

There is also an aspersion cast upon counsel for the committee to the effect that his firm was at one time counsel for some transportation company, a part of whose stock it is alleged was owned by the gambling element. Of course, there is nothing to prevent anyone from

buying stock on the "big board," but I am certain that as to this case, involving an effort to get a rate increase, if there was any criminal element in the management of that or any other transportation company, Mr. Halley and his associates knew nothing of it.

Another statement was that "KEFAUVER wanted Tom Murphy, Federal prosecutor fresh from his victory in the Hiss conviction, but this was killed by the Justice Department."

Also I notice that the Chicago Tribune of Saturday, September 9, has a statement to the same effect, saying of Mr. Murphy that he could get no promotions because he did not have political backing, or something of the kind, and stating:

When Senator KEFAUVER asked if he—

Speaking of Mr. Murphy—

would accept appointment as counsel of the Senate Crime Investigating Committee, Murphy said that he would if tied by no political strings. The appointment went to someone else.

The inference is that because of some political strings Mr. Murphy did not get the appointment. I may say that before the committee was organized, I interviewed Mr. Murphy on two occasions. I had a very high respect for him as a lawyer. I thought he did a great job in the trial of the Hiss case. But he had had no previous experience with congressional committees. The strange thing is, however, that instead of the Department of Justice trying to prevent me from recommending Mr. Murphy, he was the one person who was vigorously recommended, and the only person who was recommended, by the Department of Justice, through the Attorney General and through the Assistant Attorney General, Mr. Peyton Ford.

The article in the Daily Mirror also says that the junior Senator from Tennessee, as chairman, tried to get Boris Kostelanetz, and that that was thumbed down because Kostelanetz had sent to Atlanta the Capone mobsters who had extorted $2,000,000 from the movie industry and its unions. I may say that Boris Kostelanetz has one of the most phenomenal records in criminal prosecution of anyone I know. He is a very competent lawyer, one of the best men in this kind of business. He is in the unusual position of being a certified public accountant as well as a very capable lawyer. But the situation was that Mr. Kostelanetz had planned a trip abroad. Also, he had certain cases pending, to which he would have to devote some time. In connection with his trip abroad, however, he has made certain inquiries on behalf of the committee. The committee hopes to make use of his services, to the extent we are able to obtain them, upon his return, in connection with various phases of the investigation. So the committee wants Mr. Kostelanetz to assist as special counsel as much as he can. Certainly Mr. Kostelanetz was never denied a position with the committee by reason of his having sent the Capone mobsters to the penitentiary. On the contrary, it is a great recommendation for him indeed, and it is one of our reasons for being anxious to obtain his services now.

I am certain that members of the Truman committee, the Senator from Michigan [Mr. FERGUSON], the Senator from Maine [Mr. BREWSTER], the Senator from West Virginia [Mr. KILGORE], and others, with whom I talked, would verify the character of the man who was selected by the Senate Committee on Interstate Crime as counsel, Mr. Rudolph Halley.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. KEFAUVER. I yield.

Mr. WHERRY. I should like to say to the distinguished Senator from Tennessee that it has never been my policy, in all the years I have been in politics, to answer adverse publicity, especially untruthful statements. But inasmuch as the distinguished Senator is correcting some of the statements made by columnists with reference to his work, I desire to call attention to a remark which is contained in a column written by Mr. Drew Pearson, appearing in this morning's Washington Post under the headline "The Washington Merry-Go-Round." In the middle of a paragraph he uses this language:

Senator KEN WHERRY of Nebraska, who recently played into the hands of the racketeers by slicing the Senate crime appropriations by one-half.

I should like to ask the distinguished Senator, who as chairman of the Senate Select Committee to Investigate Interstate Crime, appeared before the Senate Appropriations Committee, whether that statement is true.

Mr. KEFAUVER. I want to be very frank with the distinguished Senator. I am glad that he asked me that question. We requested $100,000 additional funds for the work of the Senate Select Committee to Investigate Interstate Crime. The amount was cut to $50,000. Though I do not know who made the motion, I assume the action was taken by unanimous consent or by agreement of all members of the committee. I do not know what happened in the executive session of the committee. But I do want to say, very frankly, that on the poor showing which the junior Senator from Tennessee made on the budget, he was very happy to get $50,000. It so happened that the hearings came up on the day that our counsel and the staff director were out of town, and I thought I had sufficient information to make a proper presentation, but on the showing made by the chairman of the committee, I can blame no one, either the Senator from Nebraska, or any other Senator, for cutting our request. I thought on the showing we made that the committee was very generous.

I should like to say also that the Senator from Nebraska and other Members of the Senate stated to me afterwards that if, later on, or at the beginning of the next session, it were found that we needed additional funds to carry us through March 31, which is our expiration date, the funds would be forthcoming.

Mr. WHERRY. Does the Senator know whether I made the motion?

Mr. KEFAUVER. I have no knowledge of that.

Mr. WHERRY. If I should inform the distinguished Senator that I did not make the motion, would the Senator feel that that statement would be correct?

Mr. KEFAUVER. I am certain it would be correct.

Mr. WHERRY. I should like to ask one more question. As I understood the Senator, when the appropriation came up in the first instance the Senator asked for $150,000, did he not?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. And that amount was granted immediately, without any opposition, was it not?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. Is it not a fact that when the Senator presented his case for additional funds, the Senator had on hand a balance of $113,000?

Mr. KEFAUVER. That is what the books showed. I later found out that a good many heavy expenses had not come in as of that time.

Mr. WHERRY. The presentation at that time was that there was a balance on hand of $113,000. Did not the distinguished Senator say that he would like to have $25,000 a month for the next 7 months, and that figured $175,000?

Mr. KEFAUVER. That is correct.

Mr. WHERRY. With that amount of money on hand, plus the $50,000, it made $163,000 the Senator would have.

Mr. KEFAUVER. I think what I said was that we expected during the life of our committee that we would spend, on an average, $25,000 a month. But, anyway, the point is that the chairman of the committee, the junior Senator from Tennessee, has no complaint whatsoever about the action of the Committee on Rules and Administration.

Mr. WHERRY. The Senator knows that the junior Senator from Nebraska did not make the motion which cut the appropriation $50,000.

Mr. KEFAUVER. I do not know who made the motion. If the Senator says he did not make it, I know it is true.

Mr. WHERRY. Mr. President, I cannot at this moment give the name of the Senator who made the motion, but I want the RECORD to show that the motion did not come from the junior Senator from Nebraska. It came from the other side of the aisle. I did support the motion, because there was no fight on the question at all. It was simply a question of providing enough money for the committee to operate for the next 6 months.

I appreciate the fact that the junior Senator from Tennessee has stated that it was his presentation of the case that got him the $50,000. He is incorrect about the committee being unanimous. I think there were one or two members of the full committee who felt that possibly it would be a good thing if the Senator knew what he was going to get for the next 6 or 7 months, but it was the unanimous opinion that there was nothing but commendation for the work of the Senator from Tennessee, and it was simply a matter of the necessary money. But one of the members of the committee, on the other side, made a motion to

give the committee $50,000, for which motion the junior Senator from Nebraska voted, as did all the Members on our side. I wanted the RECORD to show that.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LEHMAN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Col. John S. Seybold, Corps of Engineers, to serve as president and member of the California Debris Commission, vice Col. Dwight F. Johns, to be relieved; and

Lt. Col. Clarence C. Haug, Corps of Engineers, to serve as member and secretary of the California Debris Commission, vice Col. Joseph S. Gorlinski, Corps of Engineers, to be relieved.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

Mr. HUMPHREY. I ask that we start with that portion of the Executive Calendar entitled "New Report."

SUPREME COURT, TERRITORY OF HAWAII

The legislative clerk read the nomination of Hon. Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CIRCUIT COURTS, TERRITORY OF HAWAII

The legislative clerk read the nomination of Jon Wiig, of Hawaii, to be fifth judge, first circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Hon. Gerald R. Corbett, of Hawaii, to be sixth judge of the first circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Maurice Sapienza, of Hawaii, to be a judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE TAX COURT OF THE UNITED STATES

The legislative clerk read the nomination of Arnold Raum, of Massachusetts, to be judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1948.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

MOTOR CARRIER CLAIMS COMMISSION

The legislative clerk read the nomination of William Randolph Carpenter, of Kansas, to be a member of the Motor Carriers Claims Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the nominations on the calendar.

RECESS

Mr. HUMPHREY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, September 13, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of July 20), 1950:

DIPLOMATIC AND FOREIGN SERVICE

Cavendish W. Cannon, of Utah, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Syria.

JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR GUAM

Paul D. Shriver, of Colorado, to be judge of the District Court of the United States for Guam, new position.

UNITED STATES ATTORNEY

James G. Mackey, of New York, to be United States attorney for the district of Guam, new position.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12 (legislative day of July 20), 1950:

SUPREME COURT, TERRITORY OF HAWAII

Hon. Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii.

CIRCUIT COURTS, TERRITORY OF HAWAII

Jon Wiig, of Hawaii, to be fifth judge, First Circuit, Circuit Courts, Territory of Hawaii.

Hon. Gerald R. Corbett, of Hawaii, to be sixth judge, First Circuit, Circuit Courts, Territory of Hawaii.

Maurice Sapienza, of Hawaii, to be judge, Third Circuit, Circuit Courts, Territory of Hawaii.

THE TAX COURT OF THE UNITED STATES

Arnold Raum, of Massachusetts, to be judge of the Tax Court of the United States, for the unexpired term of 12 years from June 2, 1948.

MOTOR CARRIER CLAIMS COMMISSION

William Randolph Carpenter, of Kansas, to be a member of the Motor Carrier Claims Commission.

SENATE

WEDNESDAY, SEPTEMBER 13, 1950

(Legislative day of Thursday, July 20, 1950)

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

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

Our Father God, into the calm and confidence of Thy presence we would bring our drained and driven souls, as we bow at this little shrine of daily devotion, that the benediction of Thy peace may fall upon our restless lives.

In this day of destiny, O be swift our souls to answer Thee, be jubilant our feet. As soldiers of freedom, all serving in the ranks, let all that is low, abominable, selfish, vindictive, be put away from us; and may all things pertaining to Thy spirit live and grow in us. Prepare our hearts to build again the waste places of the earth, as tyranny and hatred give way to brotherhood and reconciliation.

In the fight to make men free, open our eyes that we may see not only the encircling might of evil but also, on the hills about us, the chariots of God and the horsemen thereof. In the name of that One by whose redeeming grace we are made more than conquerors. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 12, 1950, was dispensed with.

MESSAGE FROM THE PRESIDENT

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MCFARLAND, and by unanimous consent, the Committee on Foreign Relations was authorized to sit during the session of the Senate today.

CALL OF THE ROLL

Mr. MCFARLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Martin
Benton	Holland	Millikin
Bricker	Humphrey	Morse
Butler	Hunt	Mundt
Byrd	Ives	Murray
Cain	Jenner	Myers
Chapman	Johnson, Colo.	Neely
Chavez	Johnson, Tex.	O'Conor
Connally	Kem	O'Mahoney
Cordon	Kerr	Robertson
Darby	Kilgore	Russell
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smith, Maine
Ecton	Leahy	Sparkman
Ellender	Lehman	Stennis
Ferguson	Lodge	Taylor
Frear	Long	Thomas, Okla.
Fulbright	Lucas	Thye
George	McCarran	Tydings
Gillette	McCarthy	Watkins
Graham	McClellan	Wherry
Green	McFarland	Wiley
Gurney	McKellar	Williams
Hendrickson	McMahon	Young
Hickenlooper	Magnuson	
Hill	Malone	

Mr. LUCAS. I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN] and the Senator from South Carolina [Mr. JOHNSTON] are absent on public business.