To be second lieutenants

Eris L. Cameron, ANC, [redacted].
Doris S. Frazier, ANC, [redacted].
Elizabeth M. Grant, ANC, [redacted].
Edith J. Herring, WMSC, [redacted].
Dorothy E. Williamson, ANC, [redacted].
Ruth A. Wilson, ANC, [redacted].
Vernon H. Wold, MSC, [redacted].

I nominate the following-named persons for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to physical qualification:

Frank S. Berall, [redacted].
David W. Einsel, Jr., [redacted].
Floyd H. Hall, [redacted].
Floyd H. Henk, [redacted].
John F. Porter, Jr., [redacted].
Johnny Reus-Froylan, [redacted].
Gilbert L. Rogers, [redacted].
Allison C. Semmes, [redacted].
Raymond R. Thomson, [redacted].
Kirk E. Williams, [redacted].
John T. Wood, Jr., [redacted].

I nominate the following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to designation as distinguished military graduates, and subject to physical qualification:

Forrest C. Murphy, Jr., [redacted].
Joseph B. Murphy.
Bryan R. Polson, [redacted].
James L. Sutton, [redacted].
Don A. Wilkinson, [redacted].

I nominate the following-named distinguished military students for appointment in the Regular Army of the United States, effective June 15, 1951, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to designation as distinguished military graduates, and subject to physical qualification:

Charles E. Anthony, Jr., [redacted].
Rodney G. Benson.
Jesse E. Hart.
Christopher R. Haydon, [redacted].
Albert E. Keogh.
Gordon C. Russell, [redacted].

SENATE

THURSDAY, MARCH 29, 1951

(Legislative day of Monday, March 26, 1951)

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, trusting only in Thy mercy do we seek Thy face in this hallowed moment of devotion. We come with burdens on our minds and hearts, for our Nation and the world. With deep anxiety concerning the future our children will inherit from our hands, yet we live in the faith that Thy truth is marching on, even in the perplexities of these terrific days.

We thank Thee for every word of truth which has been spoken around the wide world, for all the right which the human conscience has perceived and woven into the social fabric. Make us ministers of that love which will not halt its growing sway until it joins all nations and kindreds and tongues and peoples into one great fraternity, in which Thy kingdom shall come and Thy will be done. In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 29, 1951.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. CARL HAYDEN, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

KENNETH MCKELLAR,
President pro tempore.

Thereupon Mr. HAYDEN took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 28, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 29, 1951, the President had approved and signed the act (S. 683) authorizing vessels of Canadian registry to transport iron ore between United States ports on the Great Lakes during 1951.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. HILL. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today. I make the same request in behalf of the Subcommittee on Privileges and Elections of the Committee on Rules and Administration.

Mr. WHERRY. Mr. President, will the Senator state his request again? I did not hear it.

Mr. HILL. I ask unanimous consent that the Committee on Labor and Public Welfare, which is engaged in hearings on the railroad controversy, be permitted to meet during the session of the Senate today. I make the same request for the Subcommittee on Privileges and Elections of the Committee on Rules and Administration.

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

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to present petitions and memorials, submit reports of committees, introduce bills and resolutions, and transact other routine business, the time to be charged equally to the proponents and opponents of the pending resolution.

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

EXPRESSION OF APPRECIATION FOR FLORAL WREATH SENT BY SENATE ON OCCASION OF FUNERAL OF LATE SENATOR CHAPMAN

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Mrs. Elizabeth Chapman Danforth, Paris, Ky., extending appreciation to the Senate for the floral wreath sent on the occasion of the funeral of her father, the late Senator Virgil Chapman, of Kentucky, which was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF MUNITIONS BOARD ON NATIONAL INDUSTRIAL RESERVE

A letter from the Chairman of the Munitions Board, Washington, D. C., transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1951 (with an accompanying report); to the Committee on Armed Services.

REPORT OF PHILIPPINE WAR DAMAGE COMMISSION

A letter from the Secretary, Philippine War Damage Commission, Washington, D. C., transmitting, pursuant to law, the Commission's final semiannual report, dated March 31, 1951 (with an accompanying report); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Kansas, relating to the call of a convention for the purpose of considering an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts; to the Committee on the Judiciary.

(See concurrent resolution printed in full when presented by Mr. SCHOEPPEL on March 28, 1951, p. 2936, CONGRESSIONAL RECORD.)

A resolution adopted at a special meeting of the Provincial Board of Quezon, Lucena, Philippine Islands, relating to war-damage payments for private and public properties in the Philippines; to the Committee on Foreign Relations.

A resolution adopted by the Common Council of the City of Yonkers, N. Y., favoring the continuation of the Special Committee To Investigate Organized Crime in Interstate Commerce; to the Committee on the Judiciary.

By Mr. IVES:

A concurrent resolution of the Legislature of the State of New York; to the Committee on Agriculture and Forestry:

"Resolution 55

"Concurrent resolution of the senate and assembly memorializing Congress and the Secretary of Agriculture to continue without change the present agreement in regard to the joint regulation of the New York milk-marketing area

"Whereas the milk-producing industry for the New York metropolitan market is one of the largest single industries in New York State, the farm value of its production amounting to approximately $212,000,000 in 1950; and

"Whereas nearly 38,500 New York State dairy farmers supply the New York market through the year; and

"Whereas it is vital to the economy of the entire State that there be stability in

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the marketing of farmers' milk, and that the machinery for such marketing not be tampered with for political or selfish reasons; and

"Whereas the New York market is regulated jointly by the State of New York and the United States Government and has been so regulated for more than 12 years to the general satisfaction of New York State dairy farmers; and

"Whereas the effectiveness of this joint regulation has been seriously threatened through a proposal issued by a subordinate of the United States Department of Agriculture on June 22, 1950, for the drastic reorganization of the New York milk market administrator's office; and

"Whereas the proposed reorganization is absurd and not in the public interest and might result in utter chaos in the marketing of the farmers' milk in that it would (a) take the funds which are obtained locally in the New York market, and apart from any State or Federal appropriation and transfer them to Washington under the bureaucratic control of the Production and Marketing Administration, (b) place in the hands of Washington the power to hire and fire any and all personnel necessary to the operation of the Administrator's New York office, (c) lump the New York order in a standard strait-jacket with the 38 other Federal orders in operation throughout the country so that it would receive no special treatment based upon purely New York milk conditions, (d) seal the lips of the New York administrator and place a virtual censorship on all news stories, publications, and other informative material which are now released through the present office of Dr. C. J. Blanford, the administrator, (e) reduce our present effective New York administrator's office to a mere branch or field station of the Production and Marketing Administration, (f) institute a host of other changes too numerous and too ridiculous to further enumerate; and

"Whereas the proposed reorganization has been vigorously opposed and condemned by every responsible farm organization in New York State; and

"Whereas the proposed reorganization would for all practical purposes nullify the joint agreement between the State of New York and the United States Government for the regulation of the New York milk market, with the Federal Government assuming full bureaucratic control of the regulatory machinery which would therefore greatly reduce, if not completely undermine, the confidence of the dairy farmers and the public generally in the present well-functioning system for the orderly marketing of the farmers' milk; and

"Whereas dairy farmers have been outspoken in demanding retention of the present system and particularly in their commendation of its administration by Dr. C. J. Blanford, the market administrator; and

"Whereas there has been no formal public denial by the United States Department of Agriculture that the proposed reorganization would not be carried out, and the only denials to that effect have been through political channels, and then ambiguously so: Now, therefore, be it

"*Resolved (if the assembly concur)*, That the Secretary of Agriculture of the United States be and he is hereby respectfully urged and requested to state publicly and without delay that his Department and the United States Government will continue to honor and fulfill its agreement with the State of New York for the joint regulation of the New York milk-marketing area without change, and that any plans or schemes for the reorganization of the New York milk-marketing administrator's office will be discarded and not urged or adopted by his department or any subdivision thereof; and be it further

"*Resolved (if the assembly concur)*, That a copy of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives and the Secretary of the Senate and the Secretary of Agriculture of the United States, and to the chairman of the Committee on Agriculture of the House of Representatives and the Senate, and to each and every Member of the Congress elected from the State of New York.

"By order of the senate.

"WILLIAM S. KING,
"*Secretary.*

"In assembly, March 16, 1951, concurred in without amendment.

"By order of assembly.

"ANSLEY B. BORKOWSKI,
"*Clerk.*"

(The ACTING PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of New York, identical with the foregoing, which was referred to the Committee on Agriculture and Forestry.)

By Mr. LODGE (for himself and Mr. SALTONSTALL):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Banking and Currency:

"Resolution memorializing the Congress of the United States to enact legislation to curb war profiteering

"Whereas the Government of the United States must take all necessary action to prepare against aggression; and

"Whereas the people of the United States, especially the youth of the Nation, are being called upon to make sacrifices to defend the principles for which we stand: Therefore be it

"*Resolved*, That the General Court of Massachusetts urges the Congress of the United States to enact legislation forthwith to curb war profiteering; and be it further

"*Resolved*, That the State secretary send forthwith copies of these resolutions to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

"In house of representatives, adopted, March 14, 1951.

"LAWRENCE R. GROVE, *Clerk.*

"In senate, adopted, in concurrence, March 20, 1951.

"IRVING N. HAYDEN, *Clerk.*

"A true copy.

"Attest:

"EDWARD J. CRONIN,
"*Secretary of the Commonwealth.*"

CONTINUATION OF SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE—TELEGRAM FROM NEW ORLEANS (LA.) CHAMBER OF COMMERCE

Mr. ELLENDER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a telegram from the New Orleans (La.) Chamber of Commerce, signed by Joseph M. Rault, president, favoring the continuation of the Special Committee To Investigate Organized Crime in Interstate Commerce.

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

NEW ORLEANS, LA., *March 27, 1951.*

Hon. ALLEN J. ELLENDER,
United States Senate,
Washington, D. C.:

The New Orleans Chamber of Commerce is convinced that the Kefauver committee is making a substantial contribution to crime prevention and good government in this country. It is exposing serious evils which, if continued, will threaten our democratic form of government. The board of directors of the chamber today unanimously voted to petition Congress to extend the life of the Kefauver committee and to provide adequate funds for the continuation of the vital work in which it is now engaged. We urge you to support the effort that will be made to extend the life of the committee.

JOSEPH M. RAULT, *President.*

CONSERVATION AND DEVELOPMENT OF FOREST RESOURCES—RESOLUTION OF FOREST FARMERS ASSOCIATION, VALDOSTA, GA.

Mr. ELLENDER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Forest Farmers Association, of Valdosta, Ga., relating to the Federal programs for conservation and development of forest resources.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

The following resolution was unanimously adopted by the Forest Farmers Association, with headquarters at Valdosta, Ga., during their tenth annual meeting:

"Resolution pertaining to Federal programs concerning the conservation and development of forest resources

"Whereas forest farming is dependent on the same biological sciences as other agricultural crops;

"Whereas the biological scientists, concentrated in the Department of Agriculture and working on problems in the growing of cultivated crops, grasses, and trees, have associations and facilities there that are mutually helpful and advantageous to the country;

"Whereas a large proportion of the forest land of the South and of the Nation is in farm woodlands;

"Whereas the United States Forest Service, as the Federal agency responsible for the forest program, has for many years worked successfully with the other agencies in the Department of Agriculture in developing the science and art of forest farming, and in disseminating information to forest farmers and other woodland owners: Therefore be it

"*Resolved*, That the Forest Farmers Association go on record as recommending to the President of the United States and to Congress that the Federal programs concerning the conservation and development of the forest resources be concentrated in the United States Department of Agriculture; be it further

"*Resolved*, That a copy of this resolution be sent to the President of the United States, and to each Senator and Representative in Congress."

BILLS INTRODUCED

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

By Mr. TAFT:

S. 1222. A bill to amend the National Labor Relations Act, as amended, to provide for improved procedures of the National Labor Relations Board and to expedite its disposition of cases; to the Committee on Labor and Public Welfare.

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

By Mr. JOHNSON of Colorado:

S. 1223. A bill to amend the Career Compensation Act of 1949 to extend to certain

members of the Armed Forces who were placed on the retired list in advanced rank the same credit for foreign service performed prior to 1913 which is accorded to other members not so advanced in rank on the retired list; to the Committee on Armed Services.

S. 1224 (by request). A bill to amend section 353 (b) of the Communications Act of 1934, as amended, relative to radio operators on certain cargo ships; to the Committee on Interstate and Foreign Commerce.

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

By Mr. McMAHON:

S. 1225. A bill for the relief of Joaquim Rodriques Costa; to the Committee on the Judiciary.

By Mr. RUSSELL:

S. 1226. A bill for the relief of Emelie Simha; to the Committee on the Judiciary.

S. 1227 (by request). A bill for the relief of sundry former students of the Air Reserve Officers' Training Corps; to the Committee on the Judiciary.

By Mr. NEELY (by request):

S. 1228. A bill to authorize the Commissioners of the District of Columbia to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia as Director of the District Office of Civil Defense, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 1229. A bill for the relief of Jan Josef Wieckowski and his wife and daughter; to the Committee on the Judiciary.

By Mr. McCLELLAN:

S. 1230. A bill to authorize the acceptance of conditional gifts to further the defense effort; and

S. 1231. A bill to amend the Budget and Accounting Procedures Act of 1950 (64 Stat. 832) with respect to the period for settlement of accounts; to the Committee on Expenditures in the Executive Departments.

AMENDMENT OF NATIONAL LABOR RELATIONS ACT RELATING TO PROCEDURE

Mr. TAFT. Mr. President, I introduce for appropriate reference a bill to amend the National Labor Relations Act with reference to procedure. It is a bill recommended by a committee of the American Bar Association, with general agreement between labor, management, and other parties interested, to speed up the procedural features of the National Labor Relations Act.

I ask unanimous consent that the bill, together with a statement prepared by the committee in support of the bill, be printed in the RECORD at this point as a part of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the bill and statement will be printed in the RECORD. The Chair hears no objection.

The bill (S. 1222) to amend the National Labor Relations Act, as amended, to provide for improved procedures of the National Labor Relations Board and to expedite its disposition of cases, introduced by Mr. TAFT, was read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the National Labor Relations Act, as amended, be hereby further amended as follows:

(a) Subsection (b) of section 3 of said act is amended by adding the following sentence at the end of the said subsection: "The Board is also authorized to delegate to one or more members the power to hear oral argument in any case which is properly before the Board. The final decision in such case shall be made, however, either by the full Board or by a group of three or more members as provided in the foregoing provisions of this subsection."

(b) Section 6 of said act is amended to read as follows:

"(a) The Board shall be authorized 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.

"(b) There is hereby created an Advisory Committee on Procedure and Practice which shall be composed of 12 members appointed by the Supreme Court of the United States, 6 of whom shall be selected from among persons representing management in proceedings before the Board and 6 of whom shall be selected from among persons representing labor in proceedings before the Board. Each member shall hold office for a term of 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Members of the Advisory Committee, when serving on the business of the Advisory Committee, shall be entitled to receive an allowance for actual and necessary travel and subsistence expense while so serving away from their place of business or residence but shall not receive any other compensation.

"(c) It shall be the duty of the Advisory Committee on Procedure and Practice to advise and consult with the Board in the making, amending, and rescinding of rules of procedure and practice, including rules establishing a pretrial procedure, to the end that the work of the Board shall be effectively and expeditiously transacted.

"(d) It shall be the duty of the Chairman of the Board to call at such time and place as he shall designate, but at least twice in each year, a meeting of the Board and Advisory Committee on Procedure and Practice for the purpose of considering the state of the business of the Board and advising ways and means of improving the administration of proceedings before the Board, including the making, amending, and rescinding of rules and regulations relating to procedure and practice."

(c) Subsection (b) of section 10 of said act is amended to read as follows:

"(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect: *Provided*, That no complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the 6-month period shall be computed from the day of his discharge. The Board or any agent or agency designated by the Board for such purposes shall issue and cause to be served upon the person so complained of a notice of hearing before the Board or a member thereof or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said notice. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file appropriate motions or an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, secs. 723-B, 723-C)."

(d) Amend subsection (c) of section 10 of said act by adding at the end of said subsection the following: "The Board is also empowered to make final decisions on the merits, to the same extent as it is empowered to make such decisions on the record of a hearing of testimony, by granting a motion in the nature of a motion to dismiss the complaint or by denying such motion where the person complained of has specifically waived his rights to answer and hearing."

The statement presented by Mr. TAFT is as follows:

STATEMENT IN SUPPORT OF THE PROPOSED BILL TO IMPROVE THE PROCEDURES OF THE NATIONAL LABOR RELATIONS BOARD

I. NEED FOR THE BILL

From the standpoint of practitioners before the National Labor Relations Board, whether they represent management or labor clients, one of the most serious shortcomings in the Board's operations is the long delay which elapses in unfair labor practice cases from the date of service of the complaint and the time that the Board itself ultimately disposes of the controversy by the issuance of a final order. Similar delays occur in other proceedings of the Board. Although it may be true that the National Labor Relations Board is no slower than other administrative agencies of the Federal Government, it is an undeniable fact that there is no field of administrative law in which the need for the prompt and expeditious adjudication of cases is more compelling than in the explosive field of labor disputes. Yet it takes from a year and a half to 2 years to dispose of the average unfair labor practice case if the parties are unable to reach a settlement at the regional level in the cases contested before a trial examiner and carried to the Board on exceptions to his report.

While some commentators on Labor Board practice have attributed this delay to inadequate appropriations and others to the separation of functions as between the Board and the office of the general counsel, the task force of the Commission on Organization of the Executive Branch of the Government reported that the chief bottleneck was the Board itself because of the fact that a larger volume of work is generated than can be disposed of in a reasonable manner.

In one amendment to the Labor Relations Act incorporated in title I of said act, Congress attempted to solve the bottleneck problem by enlarging the size of the Board from three to five members. The Board itself since the passage of the act has also attempted to meet the problem of expediting its volume of business by assigning a staff of from 15 to 18 legal assistants to each Board member. Yet the time between the formal initiation of a case and the final decision has not been appreciably reduced. These delays are in no way effected by union-shop election cases. It is the opinion of this committee that substantial improvements could be achieved if the Board's rules of procedure and practice

were reviewed and revised with the participation of members of the bar. In this connection it is important to note that substantial achievements have been recorded in the improvement of Federal judicial procedures by the establishment of the new rules of civil procedure. These rules through the adoption of a number of pretrial devices, such as a regular motions procedure, pretrial stipulations and the like, have clearly expedited the work of the Federal district courts.

Under section 10 of the Labor Relations Act the procedure for unfair labor practice cases is set forth in very general terms which the Board has implemented by its regulations. A case begins with the filing of a charge in the regional office, where it is referred to an investigator known as a field examiner. If his investigation indicates the charge has merit the regional director, under the regulations, is authorized to issue a complaint. At this stage of the investigation it is the practice in most regional offices for the regional director prior to issuing a complaint to call in the company or labor organization which is the subject of the charge and try to persuade it to agree to an informal settlement by taking steps to remedy the unfair labor practice. If the party refuses to concede guilt or the jurisdiction of the Board, a formal complaint is then served on it, designating a time and place for a hearing before a trial examiner and giving it an opportunity to answer the complaint.

In advance of the hearing motions can be filed with the regional director, but the general custom is to refer these motions to the trial examiner. If the motion goes to the substance of the case, e. g., a motion to dismiss or a motion to strike out a material allegation, the trial examiner generally reserves judgment and directs the parties to proceed with testimony, stating that he will announce his ruling on the motion when he files his report. In other words, there is no regular motions procedure and since the trial examiner to whom the motion is referred is the one who has been designated to hear the case on its merits, a great deal of time is wasted in taking evidence on issues which might be entirely irrelevant had the questions of law been disposed of prior to hearing.

In justice to the trial examiner, however, it should be said that the pleadings in Board cases may not be so particularized that the trial examiner could do other than deny a motion to dismiss or a motion to strike. It has not been unusual for the regional offices both before and after the establishment of the general counsel's office to couch the language of complaints in the most general terms rather than to incorporate in them the facts relied upon to establish the jurisdiction of the Board and the alleged violations of the act. Complaints, for example, sometimes do not allege that a particular respondent accepts any definite volume of goods from sources outside his own State or produces or ships any amount or proportion of goods for interstate markets. An allegation of a violation of section 8 (a) (1) will simply state that a respondent has interfered, restrained, and coerced employees in rights guaranteed under the act by threatening reprisals or promising benefits without specifying either the agents of the respondent who engaged in the offending conduct or setting forth the utterances regarded as coercive. In many Labor Board cases there is little or no dispute about the basic facts. Consequently, if the pleadings were particularized, the principal issues could be resolved by the granting or denying of a motion to dismiss.

From time to time the Board has received suggestions from various sources for the institution of a motions calendar. Such suggestions, however, have not been accepted, the reason assigned being generally that the statute itself by providing that a notice of hearing accompany the service of the complaint contemplates a hearing on the merits.

Accordingly the committee after considering the above problem and other problems of delay in the handling of cases before the Board has prepared a draft bill which is intended to establish procedures which will provide a basis for continuing consideration and improvement of the undeniably difficult procedural problems facing the National Labor Relations Board. The major features of this proposal are as follows:

(a) Oral argument: The committee is of the view that it would be helpful to the Board to expand oral arguments in cases which come before it. This is particularly true now because the Board is dealing with many unusual and complex issues of law arising out of the amendments to the National Labor Relations Act. In view of the heavy proportion of business before the Board it is proposed to authorize the Board to hear oral arguments through a single member. This proposal will not, however, change the present provisions of the act requiring final decision by either the full Board or a group of three or more members. In cases where oral argument is heard by a single member, the Board will make its final decision on the record of the proceeding, including the record of oral argument.

(b) Advisory Committee on Procedure and Practice: The committee is of the view that a serious effort to develop new procedures will aid in meeting the time problem which has been described in the preceding sections of this statement. The committee has drawn on three different statutory analogies in formulating its proposal for the establishment of an Advisory Committee on Procedure and Practice; that is, section 205 of the Labor-Management Relations Act of 1947 creating a National Labor-Management Panel, the statute establishing the Administrative Office of the United States Courts and the statute providing for the revision in the rules of procedures of the Federal courts. It is proposed to create an advisory committee of 12, 6 management representatives and 6 labor representatives. The committee debated in length the proposal of its subcommittee to have the advisory committee appointed by the Director of the Administrative Office of the United States Courts. They finally concluded that the advisory committee should be appointed either by the Supreme Court of the United States or by the National Labor Relations Board itself. On this question the committee voted as follows: For the Supreme Court, 6; for the NLRB, 6.

The committee further proposes that the Advisory Committee on Procedure and Practice would be available to advise and consult with the Board in the formulation and revision of its rules of procedure and practice. This is the same procedure now followed by the Judicial Conference which operates in cooperation with members of the bar. We believe that the proposal is in the interest of the Board since the Board and its staff are not necessarily aware of the practice problems of practitioners before the Board. The commingling of the administrative experience of the Board with the practical experience of practitioners before the Board should furnish the most useful method by which improvement can be achieved. To assure the active operation of the Advisory Committee, it is proposed that the Chairman of the Board shall call meetings of the Board and the Advisory Committee at least twice in each year. Again, this follows the present procedure of the Judicial Conference.

It will be noted that the final power to issue rules and regulations is vested in the Board. Thus the proposal cannot be objected to on the ground that the bill would take away from the agency its necessary rule-making power. If the Advisory Committee is not satisfied with the action or inaction of the Board, it would be free to make its views known to the public or the appropriate committees of the Congress.

(c) Pretrial motions: The Board is apparently of the view that under the present language of section 10 (b) of the act it is precluded from providing for pretrial motions because of the conjunction of the complaint and notice of hearing in this section. Accordingly, the committee has proposed that the complaint and the notice of hearing may be served separately.

(d) It is further proposed by the committee that specific recognition be given to the privilege of a respondent to file an appropriate motion before answer.

(e) Final decisions on motions: It is the view of the committee that many questions before the Board present issues of law rather than controversy over fact. Accordingly, it is proposed that the Board shall be empowered to make final decisions on the merits without hearing by granting a motion in the nature of a motion to dismiss the complaint. It is also proposed that if the respondent elects to waive answer and hearing that a similar final decision on the merits can be made by a denial of such motion.

It should be noted that the bill does not lay down any strict formula for the improvement of the Board procedures although specific provision is made for a motions procedure. The details of such procedure and any other procedure for improvement of the present situation are intended to be worked out by the Advisory Committee on the Board.

AMENDMENT OF COMMUNICATIONS ACT RELATING TO RADIO OPERATORS ON CERTAIN CARGO SHIPS

Mr. JOHNSON of Colorado. Mr. President, by request, I introduce for appropriate reference a bill to amend section 353 (b) of the Communications Act of 1934, as amended, relative to radio operators on certain cargo ships, and I ask unanimous consent that a memorandum in support of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the memorandum will be printed in the RECORD. The Chair hears no objection.

The bill (S. 1224) to amend section 353 (b) of the Communications Act of 1934, as amended, relative to radio operators on certain cargo ships, introduced by Mr. JOHNSON of Colorado, by request, was read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The memorandum presented by Mr. JOHNSON of Colorado is as follows:

MEMORANDUM IN SUPPORT OF A BILL TO AMEND SECTION 353 (B) OF COMMUNICATIONS ACT OF 1934, AS AMENDED

This bill would amend section 353 (b) of the Communications Act of 1934, as amended, so as to authorize the Federal Communications Commission to waive or modify for successive periods of not more than 6 months' duration, the 6 months' sea experience requirement contained in section 353 (b) of the act.

This is an emergency measure designed to alleviate a critical situation which has arisen as a result of the present national defense effort. Increased activity of the Military Sea Transport Service, the reactivation of additional ships of our merchant marine, the demands of our Armed Forces for veteran technical personnel skilled in

the radio art, the induction of individuals within certain age brackets into the armed services, and the lure of employment opportunities in nonseagoing occupations have all combined to deplete the supply of qualified ship radio operators having the requisite 6 months' sea experience.

Under existing provision of law United States commercial ships may not sail without at least one qualified radio operator who has had 6 months' previous service as a radio operator at sea aboard a United States vessel. Since there are not now enough qualified radio operators meeting the previous sea experience requirement to fill current employment quotas it means that the vessels of our merchant fleet, transporting military supplies and other commodities essential to the Armed Forces and the defense effort, are being delayed or prevented from sailing. Radio operators who would be made available for employment as ship radio operators under waiver of this previous sea experience requirement would meet in all other respects the high technical and operating standards established by law for this category of ship personnel, including appropriate examination and licensing by both the Federal Communications Commission and the United States Coast Guard.

The waiver or modification of the 6 months' sea experience requirement is not new. During World War II the Federal Communications Commission was authorized to waive or modify this 6-month sea experience requirement by Public Law No. 155 (77th Cong., 1st sess.), approved July 8, 1941, and as amended by Public Law No. 85 (78th Cong., 1st sess.), approved June 22, 1943. Public Law No. 239 (80th Cong.), approved July 25, 1947, repealed the above emergency legislation as of July 1, 1948.

The legislation requested herein is identical to the afore-mentioned emergency provisions except for the substitution of the date, December 16, 1950, in lieu of the date September 8, 1939, as being the date proclaimed by the President for the existence of the current emergency.

Proposed amendment to section 353 (b) of Communications Act of 1934, as amended:

"(b) A cargo ship, required by this part to be fitted with a radio installation, which is fitted with an autoalarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least 6 months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States, but during the emergency proclaimed by the President on December 16, 1950, to exist, but not after the termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of 6 months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than 6 months' duration."

INVESTIGATION OF DISPOSITION OF CERTAIN SURPLUS GOVERNMENT OWNED MERCHANT SHIPS

Mr. BRICKER submitted the following resolution (S. Res. 107), which was referred to the Committee on Interstate and Foreign Commerce:

Resolved, That the Senate Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study of any irregularities which may have arisen in the disposition of surplus merchant ships by the United States Maritime Commission or administration to private purchasers, and any other matters with relation thereto which are considered by the committee to require study in the public interest.

SEC. 2. For the purposes of this resolution, the committee or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable, and is authorized with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of any of the departments or agencies of the Government. The expenses of the committee under this resolution, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ASSIGNMENT OF GROUND FORCES TO DUTY IN THE EUROPEAN AREA—AMENDMENT

Mr. MUNDT submitted an amendment intended to be proposed by him to the resolution (S. Res. 99) approving the action of the President of the United States in cooperating in the common defense efforts of the North Atlantic Treaty nations, which was ordered to lie on the table and to be printed.

ADDITIONAL COMPENSATION FOR MEMBERS OF ARMED FORCES DURING PERIODS OF COMBAT IN KOREA—AMENDMENTS

Mr. SPARKMAN submitted amendments intended to be proposed by him to the bill (S. 579) to provide additional compensation for members of the Army, Navy, and Air Force during periods of combat duty in Korea, which were referred to the Committee on Armed Services, and ordered to be printed.

USE OF TELEVISION BY CONGRESS AND COMMITTEES—EDITORIAL COMMENT

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial from the Washington Post and one from the New York World-Telegram and Sun, commenting on the use of television by Congress and congressional committees, which appear in the Appendix.]

CONGRESSIONAL PROBERS AGAIN PROVE THEIR VALUE—ARTICLE BY LESLIE GOULD

[Mr. MUNDT asked and obtained leave to have printed in the RECORD an article entitled "Congressional Probers Again Prove Their Value," written by Leslie Gould and published in the March 22, 1951, issue of the New York Journal-American, which appears in the Appendix.]

THE FINAL CHAPTER OF THE ALGER HISS CASE—EDITORIAL AND NEWSPAPER COMMENT

[Mr. MUNDT asked and obtained leave to have printed in the RECORD two editorials and an article under the title "The Final Chapter of the Alger Hiss Case," which appear in the Appendix.]

ASSIGNMENT OF GROUND FORCES TO DUTY IN THE EUROPEAN AREA

Mr. BUTLER of Nebraska. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by me on the question which is now engaging the attention of the Senate.

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

STATEMENT BY SENATOR BUTLER OF NEBRASKA

The proposition of sending additional troops to Europe is one which deserves the most careful consideration of the Congress. While there has been much discussion in recent weeks about the President's authority, as Commander in Chief of the Armed Forces, to send troops abroad, I believe the basic issue in this proposition transcends the question of constitutional powers of the Chief Executive. There is no doubt that the President has authority to dispatch our servicemen to any point where our citizens are endangered. This has been done on many occasions.

The basic issue today is to maintain and preserve the United States of America. Let there be no doubt about our motive. In maintaining and preserving our country it may be necessary for us to give considerable military aid and support to countries allied with us against the common enemy. At the same time, our efforts to prepare ourselves for a military ordeal place terrific burdens upon the United States. Our Government is spending at a much greater rate than it receives income, our productive enterprise is turning out munitions and supplies at the expense of our civilian economy, our family life is burdened with the draft and recall of men into military service. We, apparently, have a long road to travel—our objective may take many years to realize. Because the basic issue of national preservation is so fundamentally rooted in all aspects of our way of life, it deserves the fullest consideration which our democratic process can give. The elected Representatives in our Congress today have a profound responsibility to this and future generations, and it follows that the Congress, having the authority to create and support armies must have a voice in the development of policies relating to their use.

It has been substantially demonstrated in this chamber, within the past few days, that, at the time of our affiliation with the United Nations and the North Atlantic Treaty Organization, there was unanimous conviction that Congress would have the ultimate authority in committing American troops to an international army. The record is perfectly clear on this point. The Congress has authorized the sending of arms and military equipment to the North Atlantic Nations, but, in so doing, did not abdicate the responsibility of sending troops to an international army.

Several weeks ago I stated in this Chamber that in developing a foreign policy for this country we require a positive indication that the nations whom we regard as allies are ready and willing to extend themselves to the fullest of their abilities. I believe that I am correct in my understanding that most of our North Atlantic allies have indicated what they hope to be able to do in the matter of raising armies, but that they have no specific plans or goals to be met within reasonable time. If such plans exist, the Congress has not been given a look at them. As of today, we have no positive indication about the extent of support which will be given to the North Atlantic Pact by the allied nations. As of this moment, there is no indication that our contribution of four divisions to an international army will be matched by a proportionate support from the European members of the pact. Frankness compels us to weigh the support we have been given in Korea, and we must be guided by that frankness in participating in an international army on the other side of the globe.

I support the proposition that Congress shall by appropriate legislation determine the issue of sending troops to Europe for a very practical reason. In sending troops abroad we are bargaining—and we deserve the best bargain we can get. We are joining in an enterprise in which this Nation and the other members of the pact are bonded together by the fear for our preservation. We have a common purpose, and our

sacrifices should be made in common. It is the duty of the President and our military leaders to furnish the Congress the basis for a reasonable program of participation in an armed force under the North Atlantic Pact. It is the duty of the Congress to weigh that program and determine our participation. Until this is done our token contribution of four divisions is not in order. I say "token contribution" because four American divisions in Western Europe within the next few months is not the difference between ultimate victory or defeat.

General Eisenhower, in his testimony favoring troops to Europe, stated, "We are trying to create a morale." I state, with full vigor, that we have a morale to create here at home. We are all well aware of the hardships that exist, and we can surmise those which are likely to be encountered. Let us take a good look at what lies ahead, and take our steps after the Congress has weighed the issues.

ASSIGNMENT OF GROUND FORCES TO DUTY IN THE EUROPEAN AREA

The Senate resumed the consideration of the resolution (S. Res. 99) approving the action of the President of the United States in cooperating in the common defense efforts of the North Atlantic Treaty nations.

Mr. CONNALLY. Mr. President, I yield 25 minutes to the Senator from Alabama [Mr. HILL.].

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

Mr. CONNALLY. I yield.

Mr. WHERRY. Is it agreeable that the next speaker to be recognized be a Senator on this side of the aisle? The reason for my request is that the junior Senator from Ohio [Mr. BRICKER] would like to speak as soon as possible.

Mr. CONNALLY. I do not object.

The ACTING PRESIDENT pro tempore. The time for debate today is equally divided and controlled, respectively, by the Senator from Texas [Mr. CONNALLY] and the Senator from Nebraska [Mr. WHERRY]. The Senator from Alabama has been yielded 25 minutes.

Mr. HILL. Mr. President, on Washington's Birthday I said in the course of a discussion of foreign affairs:

I do not want Congress to be a rubber stamp. But, by the same token, I do not want Congress to assume more power than it is entitled to, and I do not want Congress to be obstructionist. * * * I plead for cooperation, and I do not relieve the White House of its duty to consult Congress for the sake of working out a creative modus vivendi. I plead for cooperation in order that we may have the joint enterprise of the President and the Congress so essential to national security and peace.

The original Connally-Russell proposal closely approached this goal of consultation and cooperation. It affirmed, as basic to our defense program, the principle of European support. It made this affirmation without doing violence to what I conceive to be the President's authority. At the same time, it declared the contribution which Congress can and should make to the main account of national safety and international order.

I regret that the joint committee's resolution which is now before the Senate does not meet these specifications. Instead of providing for the collaboration which should mark the relations between Congress and the President, it sets Congress above the President. It invades the area of executive authority; it subjects the whole enterprise of sending troops to Europe to the hazards of parliamentary guerrilla fighting; it darkens with uncertainty the whole business of implementing the North Atlantic Pact; it puts the United States in the position of a grudging partner; it deepens among our friends abroad their doubt of American constancy.

This is a triumph for the forces among us which have always fought full American participation in world affairs. It is this sort of thing—this heaping up of reservations, this hedging in of a clear commitment with disabling amendments—which kept us out of the League of Nations. It is this obliviousness to the spirit of the role we should be playing, this course of making a promise to the world and hesitating in its performance, that has made our country's course a source of disquietude among our friends and allies.

Let me be specific. I welcome the resolution's explicit endorsement of the administration's plan to send four additional divisions of ground troops to swell the strength of the Atlantic alliance army under General Eisenhower. That is the word which Western Europe and General Eisenhower have been waiting for. It meets the requirements of the situation by giving form and substance to our commitments under the North Atlantic Treaty.

But I object to an attempt to attach to this salutary decision a call for congressional sanctions of all future reenforcements. I object, not because I feel that Congress should be hands-off, or that Congress does not have a big part to play, but because of the implications of this maneuver.

I could say a good deal about what the New York Herald Tribune has called "a petty, burdensome, and potentially dangerous curb on the authority and discretion of the Commander in Chief." I read from the Herald Tribune's admirable statement on the subject:

As things now stand, the President would have to return to Congress for permission if more than four additional divisions of ground troops in Europe are required. The form of congressional approval has not been defined, but we may assume that it will be by means of a resolution comparable to that which now sanctions sending the four. What, then, will be the result? There will be more hearings in the Senate and House committees, more prolonged debate throughout the country, more speeches upon the floor of Congress. Every possibility of leaving an enemy confused or in doubt will be denied. The whole world will be made aware of a move which might well need to be made silently and swiftly. And if the effect of such a discussion would be favorable to an aggressor, how shall we describe its effect upon our allies? Almost nothing could be better calculated than this grudging limit to undermine enthusiasm and weaken morale. A major purpose of the dispatch of troops to Europe is to stimulate the defense effort throughout the Atlantic Pact nations by giving proof that Americans are joined with them in a common cause. The present limitation has the effect of saying that we are joined up to a point—but perhaps no more.

Whether it is partisanship that has prompted the inclusion of this clause, or mistrust of the President's judgment, or jealousy of congressional prerogatives—whatever it is, the potentially harmful consequences outweigh the cause. The whole Senate, when it speaks, can still speak with a better wisdom than the combined committees.

I wish that the delay and the divided counsels which have confused the issue of American responsibility under the North Atlantic Pact could have been avoided. The result has been a deepening of the bewilderment of the people. Do we wonder that there is bewilderment when we ourselves do not know what the resolution with paragraph 6 means? One Senator thinks it means one thing. Another Senator thinks it means another thing, and we find ourselves with a babel of meanings. We should say exactly what we mean and mean exactly what we say. The issue is too transcendant not to meet it squarely. It is too all important to try to make it mean all things to all men. We must be on one side or the other. We owe it to the people, to our allies under the pact and to the Senate itself to put an end to the confusion and to write the issue clear and definite. We must face up to the principle—the principle of European support.

Ex-President Hoover urges us to stay out of Europe but denies being an isolationist. Some Senators cling to the same doctrine with variations, and they deny being isolationists. Mr. Hoover prefers to call himself a realist, and I assume that is also true of Senators who basically go along with him. May I suggest that there is infinitely greater realism in what that hard-bitten soldier, Gen. Lucius Clay, said the other day about "the fellow sitting on the ground in Europe" than in all the alarmist words we have heard recently from those who are dubious about the capacity or willingness of Europe to withstand Russian pressure?

That "poor fellow," as General Clay pointed out, has seen and felt the havoc of war with an immediacy unknown to most Americans. He had nothing to look forward to until the Marshall plan brought him hope and recovery. Then this dispirited victim began to regain confidence and a sense of direction, making him a good and needed ally, whom we should cherish and grapple to us for mutual security.

Thus spoke General Clay, aware of the hazard, but still maintaining that "it is the only possible way in which we can save the free world." Continuing, General Clay declared:

I just don't believe you can value freedom and allies on the basis of two divisions to one division, or $10 against $1, or $5 against $1.

We hear Senators and others argue against our genuine participation in the protection of Western Europe because it might involve too heavy costs in the future. I strongly believe that each nation should carry its full part of the costs of implementing the North Atlantic Pact, but I am not defeated by the costs. I prefer taking the economic risk to giving up the moral advantage. There is a higher realism than that which opponents of the Connally-Russell proposal envisage. It is a realism of the spirit.

It is a realism of faith. There are imponderables which in the long run count for much more, and are infinitely more effectual, than the calculations of relative financial responsibility which are being urged upon us.

I will go even further. I do not foresee any irremediable damage to our economy by reason of any outlay we may have to make to defend ourselves. But, for our defense and to provide a shield for the freedom of mankind, I would subordinate considerations of dollars and cents and be guided by what the safety of the Nation, the preservation of our liberty, the defense of our institutions, the good of civilization, seem to require.

There are those who in one way or another are opposed to the principle of collective security. They deny being isolationists, but at heart they are isolationists. Except in a few instances they have been swept too far by the tide of history to use such old cries as "entangling alliances." They have adopted a less open, a different technique, the technique of undermining, by indirect attack, the idea of concerted action for peace. So there are Senators who would place American land forces in Europe in a strait-jacket, or subject any movement of troops to Europe to the complete control of Congress.

This amounts to playing the old game which Woodrow Wilson denounced. Speaking at Seattle in September 1919 he noted that some people were trying to prevent approval of the League of Nations Covenant by drawing attention to little details in a way that destroys the whole perspective of the great plan of collective security. It was in that same speech that Woodrow Wilson described the world as asking itself the question, "Is America going to stand by us now, or is it at this moment of final crisis going to draw apart and desert us?" That was the great moral challenge 32 years ago. It is the great moral challenge today.

On January 6, 1941, Franklin Roosevelt included in his message to Congres a statement which is as true today as it was when he uttered it. He said:

> We are committed to all-inclusive defense; to full support of all those resolute peoples, everywhere, who are resisting aggression and are thereby keeping war away from our hemisphere; to the proposition that principles of morality and consideration for our security will never permit us to acquiesce in a peace dictated by aggressors and sponsored by appeasers.

That was said 11 months before Pearl Harbor. It was said in full awareness of the fact that the plight of Europe was in a very real sense our plight. We did not know when we might be drawn into a global conflict. But we were already preparing our strength and making ready for any possibility, and we were giving notice to aggressors that we were against them and notice to victims of aggression that we were for and with them. That, it seems to me, is what we are doing and saying today.

When President Roosevelt called for all-out aid for the embattled democracies of Europe, he was confronted with the opposition of embattled isolationists. But he saw that England could not carry on if she were forced to continue buying munitions under the cash-and-carry plan. He proposed a lend-lease program. Two months passed before it was enacted, but even then the British were saved. There were men in Congress who could not see that England was fighting our battle. There are men in Congress today who refuse to see that what we can and should do for Europe amounts to building defenses for our own protection as well as for the protection of Europe.

I have dwelt on this historic parallel because, as I listen to the current debate, I cannot escape the realization that we have heard all this before. This is the revival of a play which held the stage 10 years ago. The lines have been brought up to date, but their sense and intent are just what they were a decade ago. Some of the actors are the same. This is history repeating itself with a vengeance.

Here is Joseph P. Kennedy urging again that we let the rest of the world stew in its own juice. Here is Herbert Hoover singing the same tune in a different key. Here is the old cleavage between those who are for Europe first and those who are for Asia first. We had to decide 10 years ago whether the Atlantic or the Pacific should have priority. We have to make the same election today.

In the light of the past, is there any excuse for us to try to dodge the responsibility and the burden of world leadership? Is not the choice before us that of proceeding boldly, ungrudgingly, to match the new summons of destiny, or hemming and hawing, like a scrimping calculator, to drive some kind of a temporary bargain? Are we to be the partner and friend of mankind, or are we to scuttle? That is the heart of the matter, as I see it, and all this talk about Presidential usurpation of power, European slackness, or dark conspiracies in the executive department can not obscure the challenge.

We must meet that challenge gallantly and greatly, but not as though we consider war inevitable. I warmly endorse every effort in behalf of honorable peace. I regret that events have swept us into a preoccupation with war and rumors of war. We must leave nothing undone to drive home to the people of Russia, to people everywhere, that the United States refuses to regard war as the only cure for the world's torment. I would like to have all the world believe of America that "her ways are ways of pleasantness and all her paths are peace."

There is a real danger in overemphasizing military strength. We can be powerful and at the same time try to dispel the threat of Russian aggression by other means. We can shape our policy, in order to give the Russians some political competition, particularly in Asia, where we have done little to help the mobilization of democratic forces.

We have become so obsessed with stopping communism as such that we have done too little to provide a substitute for it in quarters likely to embrace it. What does it mean to the great mass of poor, exploited and hungry Asians, yearning for land, the right to speak, the right to stand erect—what does it mean for us to offer to save them by backing reactionaries?

We must help to turn revolution into democracy in the Orient. We must help to fortify democracy in the Old World. We can do so best by making our work for democracy much more affirmative and dynamic. Have we lost the gift of understanding and comradeship for peoples struggling to find their place in the sun?

Have we lost the thrill and drive of the idealism which once made America the hope and haven of "huddled masses yearning to breathe free?"

I do not believe we have suffered this decline, and that is why I shall cast my vote for the affirmative portion of this resolution and against that part of paragraph 6 which belies it.

Let us say to Europe, "We are with you, as we count on you to be with us, for our common defense." Let us say to the free world, "You can rely on America to be your partner, friend and companion-in-arms for the collective peace, security, and freedom of mankind."

Mr. BRICKER. Mr. President——

The PRESIDING OFFICER (Mr. LONG in the chair). Does the minority leader yield to the Senator from Ohio?

Mr. WHERRY. Yes, Mr. President; I yield to the Senator from Ohio such time as he chooses to use in delivering the speech he is prepared to make.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

DOES CONGRESS WANT TO COMMIT SUICIDE?

Mr. BRICKER. Mr. President, it is my considered judgment that the adoption of the pending resolutions would actually amount to an act of legislative suicide. Last Thursday, I made the charge that these resolutions were a fraud and a hoax; that they deceived the American people; that the Nation is confronted with a constitutional crisis. I am not unaware, Mr. President, that in the heat of debate Senators are prone to exaggerate. However, the words which I have used to describe the pending resolutions were chosen advisedly. After solemn reflection, I repeat the charges I have made. Nevertheless, I consider it my duty to explain to the Senate in greater detail the fraudulent design of the pending resolutions and the precise nature of the constitutional crisis we face. I want to emphasize to my friends and colleagues in the Senate that my remarks today are not inspired, even remotely, by partisan considerations.

Mr. President, let me first pinpoint the issue. The important issue is not whether four divisions should be sent to the North Atlantic army. That issue would remain relatively unimportant, even though it were proposed to send 10, 20, or 40 divisions, or even to send an unlimited number. The paramount issue is by virtue of what authority American troops should be assigned to a composite international army—by the President acting alone or by the President and the Congress? The pending resolutions endorse the proposal to send

four divisions to the international army. That decision is advocated by many distinguished and patriotic Americans, including, I have no doubt, a majority of the Members of Congress. That decision has been opposed by an equal number of distinguished citizens with whom I have agreed. Although I am personally opposed to sending American troops to the international army at this time, I will accept in good spirit the decision—properly and constitutionally made—of the majority.

However, the pending resolutions also determine the paramount issue. Because the pending resolutions merely express advisory opinions, their approval would be tantamount to an admission that the President has the sole power to determine whether or not troops shall be sent, how many, and under what conditions. The pending resolutions, therefore, concede that the President has exclusive power to decide what everyone recognizes to be one of the most important foreign policy issues in the history of the Nation. If Congress concedes this power of the President as Commander in Chief, it is but a short step to Executive direction and control of all phases of foreign policy, and, eventually, all phases of domestic policy. That is the reason why the pending resolutions contain the seeds of dictatorship. Mr. President, my reverence for the Constitution of the United States runs so deep that I would vote for a bill or joint resolution sending several divisions to Europe in preference to a simple or concurrent resolution disapproving the sending of troops.

My whole argument, Mr. President, is based on the premise that the issue before us is primarily one of foreign policy. If the issue is purely military, then I concede that the President's power as Commander in Chief is supreme. The proponents of these resolutions have chosen to define the issue in terms of deployment of troops, military strategy, or military tactics. But can any Senator tell me what newspaper, periodical, or radio has consistently referred to our deliberations as a "military debate"? The word has been passed throughout every city, town, and hamlet in America that this is a foreign-policy debate. It seems utterly ridiculous to have to prove that this momentous political question is not purely military in character. To say that the President's power to give orders to the Army and Navy includes the power to fix our foreign policy reveals an unbelievable ignorance of the principles upon which this Republic was founded. But since this fantastic argument must be refuted, we can even confine our proof to the statements of administration spokesmen.

Secretary of State Dean Acheson said:

> Our primary concern is not how to win a war after it gets started, but how to prevent it, and how to help Europe stay free in the meantime. (Hearings, p. 78.)

That does not sound like a purely military problem, Mr. President. We dare not leave the issues of war and peace, the question of our survival as a free Nation, to the sole discretion of the President of the United States, whoever he might be. We can do it and will do it by adopting the pending resolutions, but let no one defame the founding fathers by saying that it was what they intended.

General Collins described the basic problem as only incidentally military, when he said:

> Since modern war is total war, it is impossible to separate the purely military elements from the economic, political, and psychological elements. (Hearings, p. 154.)

Not even in total war does the Commander in Chief have total power to decide economic and political questions. We are now asked to confirm that power both in war and in peace.

The Senator from Texas [Mr. CONNALLY] has also commented on the nature of the problem before us. In his speech of March 16, 1951, he said:

> What we are proposing to do here is of vital importance and significance in the matter of determining whether free government is to continue to exist upon the earth. (CONGRESSIONAL RECORD, p. 2541.)

Is the preservation of free government in the world a purely military problem, to be solved by the President alone, as Commander in Chief? If the Senator from Texas is terrified by the prospect of Fortress America, he should be working to prevent a reversal of our foreign policy at the sole discretion of some future President.

Mr. President, is there anyone who fails to grasp the import of the power claimed by the President? A President could commit American troops to the defense of Yugoslavia, even though it meant war with Russia. He could send them to Indochina, India, Tibet, or any other country, and under the command of a foreign general. President Roosevelt could have sent American troops to Finland in 1937 on the eve of the Russian invasion. However, the junior Senator from Connecticut [Mr. BENTON] said that a President could not abuse this power because it would have to be exercised in the common defense of the people of the United States—not of the Finnish people. But under this monstrous constitutional theory, only the President would decide whether or not the common defense of the United States was involved. As his authority, the Senator from Connecticut quoted Federalist Paper No. 74 stating that "the employment of the common strength—for the common defense" is "the function of the executive magistrate." A higher authority is the Constitution of the United States. Congress is given power to "provide for the common defense"—article I, section 8—and "to make all laws necessary and proper" to carry out that power.

Referring again to the statement of the Senator from Connecticut with respect to Federalist Paper No. 74, written by Alexander Hamilton, I should like to call attention to the fact that that paper, which was cited by the Senator from Connecticut, was entitled "The Presidential Power in Treaties," and in that paper Hamilton dealt only incidentally with the power of the President as Commander in Chief.

Hamilton's Federalist Paper No. 69 dealt specifically with the power of the President as Commander in Chief; and with respect to that power he said—I have quoted this before, but I wish to insert it in the RECORD again:

> In this respect, his authority—

Hamilton is speaking of the President's authority—

> would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the constitution under consideration, would appertain to the legislature.

Those articles were written by the great Hamilton, who believed in a strong executive; in fact, he was a hearty royalist. They were written by him at the time the States were considering the Constitution. He was advocating adoption of the Constitution and, though he believed in the greatest power possible being granted to the Executive, he was clearly defining and maintaining that under the Constitution the power of Congress to make all laws necessary and proper to carry out the power designated by article I, section 8, of the Constitution, was the paramount and an exclusive power.

The Senator from Texas [Mr. CONNALLY] has pointed out the danger involved in his theory that the President has absolute authority to scatter American troops all over the globe. He says, however, that public opinion will operate to prevent abuse of this power. Public opinion affords some protection, but it is not the type of protection demanded by the Constitution. There is another answer to the Senator's argument. The Presidential election in 1952 will not restore to 10,000 American families their husbands and sons killed or missing in Korea. Nor will the election of 1956 bring back to life any men who may be sent by the next President to fight in some other remote corner of the globe.

General Marshall was absolutely right when he pointed out to the combined committees that the proposed concentration of American troops in Europe is an unprecedented step. All the so-called precedents established by past American Presidents are, therefore, completely irrelevant to this argument. We need not consider either the punishment inflicted on the natives of Quallah Batoo, Sumatra, or the more extensive operations during the Boxer Rebellion.

There is one legislative precedent for an international army, and only one. That precedent was established by the Seventy-ninth Congress when it passed the United Nations Participation Act. That legislation was reported favorably to the Senate by the chairman of the Foreign Relations Committee [Mr. CONNALLY]. The act provides that agreements supplying troops to the United Nations must be approved by the Congress "by act or joint resolution." I have referred to this act in two recent speeches on the floor of the Senate. Do those who support the pending resolutions contend that the United Nations Participation Act is unconstitutional?

When Professor Edward S. Corwin discussed the theory of that act he said that it represented "the only"—and Dr. Corwin underscored only — "practicable principle unless we wish to establish outright Presidential dictatorship"—The President: Office and Powers (1948), by Prof. Edward S. Corwin, page 271. This is the same Dr. Corwin described recently by the junior Senator from Minnesota as one of the great constitutional lawyers of our time.

Mr. President, I realize that there are some Senators who believe that the constitutional issue can be avoided. I refer particularly to the Senator from Wisconsin [Mr. WILEY], the Senators from Massachusetts [Mr. SALTONSTALL and Mr. LODGE], and the Senator from New Jersey [Mr. SMITH]. It is my understanding that they voted for a joint resolution in committee. In being apparently willing to accept the pending resolutions, I know they are motivated by their honest conviction that the conflict between the President and the Congress can be settled at some future time. The conflict between the President and the Congress is one which thoughtful students of American history hoped would never arise. Had it not been for the aggressive power grab on the part of the President in this time of international crisis and of domestic uncertainty, the issue never would have arisen. But he has precipitated it, and the Congress must meet that issue. If there were any way to avoid the issue without voiding vast legislative power, I would be the first to support such action. That it is safe to postpone this issue is the thought expressed by the senior Senator from New Jersey [Mr. SMITH] when he said:

> Indeed, no action of Congress in any form can change in any way the powers of the President as set forth in the Constitution, or the relation between his powers and those of Congress. These things are provided by the Constitution, and we cannot change them or set them aside. (CONGRESSIONAL RECORD, p. 2582.)

The same idea was expressed by the junior Senator from Minnesota [Mr. HUMPHREY] when he described as a "matter of scientific fact" the impossibility of Congress increasing the power of the Chief Executive. Historical fact, however, proves the contrary to be the truth.

Mr. President, the idea that the Constitution can be changed only by amendment is fallacious. The history of our Republic proves that the Constitution has been materially altered without passage of a formal amendment, exclusive of the changes wrought by judicial interpretation. When the five Senators whom I have mentioned review with me a little American history, I am sure they will agree that the Constitution can be changed by indifference. Through nonuse, the legislative arm of the Government becomes atrophied, just as the human arm. When this history is considered, I have no doubt that the Senators I have named will wish to modify their position.

The Constitution, article 2, section 2, provides not only for the consent of the Senate to treaties made by the President, but also that treaties shall be made by and with the advice of the Senate. On August 22, 1789, the first President, George Washington, came to the first Senate and asked for its advice on a treaty to be negotiated with the southern Indians. The Senate refused to give that advice. The incident is reported in Professor Corwin's book, The President: Office and Powers, with this concluding remark:

> No President of the United States has since that day ever darkened the doors of the Senate for the purpose of personal consultation with it concerning the advisability of a desired negotiation. (Pp. 256–257.)

By the time the Eightieth Congress convened, Mr. President, the Senate realized what a valuable power had been lost through sheer indifference. Now we can only plead with the President to consult with us in the interest of a bipartisan foreign policy. The word "advice" still appears in the Constitution, but it has no vitality. The moral of this story should be taken to heart not only by Senators, but by our friends abroad. They do not understand our constitutional processes. They say that the need for quick action by the President overrides technical, legal considerations. The attitude of our foreign friends is ably seconded by such distinguished men as Governor Dewey who told the committee:

> The other nations of the world would little understand or care to inquire about the political differences which might have caused the adoption of the (Wherry) resolution or the constitutional questions involved. (Hearings, p. 529.)

There are many Members of the Senate who have, in the course of this debate, expressed the sentiment of Governor Dewey that Congress is attempting "to deal with matters which sometimes have to be decided in 20 minutes or nations fall." That was his statement, which is found at page 529 of the hearings. But I say to you, Mr. President, that if the Senate of the First Congress had not waived its constitutional right to advise the President on treaties, the debacles at Yalta and Potsdam might never have happened, and quite likely would not have happened. Millions of freedom-loving people might not be suffering the tyranny of the bloody Kremlin, had it not been for that first violation of obligation on the part of the Senate of the United States.

Instead of junking our constitutional processes because of fear of reaction from abroad, we should be telling our friends about the glories of our constitutional system. The Secretary of State should explain to our friends abroad that if our system of constitutional checks and balances seems slow, cumbersome, and inefficient, it is only because freedom cannot otherwise be preserved. It is only because of our constitutional system that we can serve as a pillar of strength in a world shadowed by tyranny. If we must become a totalitarian state to save our friends from Communist aggression, then they would be better off if they capitulated to Stalin at once.

I do not think I need to remind the distinguished junior Senator from Massachusetts [Mr. LODGE] about the fate of the electoral college. He has been very much interested in that subject. The method of electing a President of the United States has been revolutionized without benefit of a constitutional amendment. Today, the electoral college is a useless, and potentially dangerous, appendage. We must not fail to assert our legislative authority in the mistaken belief that the powers entrusted to us by the Constitution cannot be lost by default.

Mr. President, if we are willing to adopt the pending resolutions, there is equal justification for not renewing our price- and wage-control law when it expires in June. Instead, we could resort to a mere expression of our opinion. All we have to do is recognize that the President as Commander in Chief has exclusive power in this field. We could picture the perils of inflation preceded by the usual "whereases." We could then declare it to be the sense of the Senate or of the Congress that the President place a ceiling on all prices and all wages at the January 1, 1951, level. We could then declare it to be the sense of the Congress: First, that the appointment of Eric Johnston as Administrator of Economic Stabilization is approved; second, that business, labor, and agriculture shall accept a fair share of the sacrifices; third, that the President as Commander in Chief should consult with the Banking and Currency Committees of the Congress; fourth and fifth, that the Administrator should certify to the President and appropriate committees of Congress the reason for changes in price and wage control regulations; sixth, that any fundamental change in price and wage control policy should have congressional approval; and, seventh, that the President should make reports to the Congress. These seven sections of this hypothetical price- and wage-control resolution correspond, of course, to the seven sections of the pending resolutions.

Does any Senator believe that the parallel I have drawn is far-fetched? Does any Senator believe it to be fantastic? Does any Senator think it is an imaginary fear? It almost happened. If a previous Congress had not protected its right to legislate, the President might be exercising exclusive control over all prices and wages today. It was on September 7, 1942, that Franklin Roosevelt appeared before Congress and, in this language, demanded the repeal of a provision of the price-control law:

> In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act.
>
> At the same time that fair prices are stabilized, wages can and will be stabilized also. This I will do.
>
> The President has the powers, under the Constitution and under congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war.
>
> I have given the most thoughtful consideration to meeting this issue without further reference to the Congress. I have determined, however, on this vital matter to consult with the Congress.

The powers granted by the Constitution are not fixed and immutable. The Senate's power to advise the President in

treaty negotiations disappeared through nonuse. The power of the electors to use their own judgment in selecting a President has been lost by a gradual process which accompanied the development of national political parties. This is not an ideal way of amending the Constitution. Nevertheless, this history should convince us that failure to assert our constitutional prerogatives is an act of legislative suicide. By approving the pending resolutions, the balance of power between the President and the Congress would, at least in the field of foreign policy, cease to exist. This is unquestionably a constitutional crisis.

In the normal routine of Senate business many acts are alleged to represent an unconstitutional delegation of power. I have challenged the validity of much proposed legislation on that ground. But I have never contended that the proposed delegation of power raised a constitutional crisis. What Congress delegates, it has a clear right to take back. No matter how unreasonable a particular delegation of power may be, it cannot permanently upset the constitutional division of power between the President and the Congress. The pending resolutions present us with a constitutional crisis because the principle of separation of powers is at stake, perhaps for all time to come.

Mr. President, I recall only one other constitutional crisis in the twentieth century. That was the Roosevelt plan to pack the Supreme Court. That plan violated the spirit, though not the letter, of the Constitution. The plan to destroy the independence of the Court was rejected on the basis of what in this debate has been called legalistic quibbling. The American people owe an everlasting debt of gratitude to those courageous Members of the Seventy-fifth Congress who refused to abandon constitutional principles for the sake of political expediency or because of political pressure. There is no doubt in my own mind that control of the judiciary by the executive branch would wash away many of our most precious freedoms. The report of the Senate Judiciary Committee on the court-packing bill is, in my judgment, one of the finest reports ever prepared by any committee of any Congress. If Senators will read it, they will find some striking similarities to the issue now pending.

The Supreme Court had found much New Deal legislation to be in conflict with the Constitution. It was argued that the procedures for amending the Constitution were too difficult and too slow. Today, it is argued that troops for the international army must be dispatched immediately. Now it is the legislative process which is called too slow. The answer of the Senate Judiciary Committee in 1937 was:

> Those of us who hold office in this Government however humble or exalted it may be, are creatures of the Constitution. To it we owe all the power and authority we possess. Outside of it we have none. We are bound by it in every official act (S. Rept. No. 711, p. 8).
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> * * * * *
>
> It is not for us, the servants of the people, the instruments of the Constitution, to find a more easy way to do that which our masters made difficult (S. Rept. No. 711, p. 10).

In 1937, the pressure exerted on Congress related to the necessity for immediate economic justice. Today, the needs which are said to override constitutional processes are those of international tension. But in 1937, the Senate Judiciary Committee said:

> If, under the hydraulic pressure of our present need for economic justice, we destroy the system under which our people have progressed to a higher degree of justice and prosperity than that ever enjoyed by any other people in all the history of the human race, then we shall destroy not only all opportunity for further advance but everything we have thus far achieved (S. Rept. No. 711, p. 15).

In 1937, as today, the proposal to evade the Constitution was presented in an intricate form intended to deceive the Congress and the people as to its real purpose. But the Senate Judiciary Committee of the Seventy-fifth Congress concluded with this final sentence:

> It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America (S. Rept. No. 711, p. 23).

That parallel is found in the pending resolutions. They deserve the same fate as that met by the court-packing proposal.

Mr. President, the framers of the Constitution chose their words with a degree of precision which has become a lost art. Every word and every comma in the Constitution was treated as pure gold. The notes of James Madison on a single draft of the Constitution ran to 300 pages. At Philadelphia in 1787 technical, legal arguments, quibbling and hair splitting if you choose, reached their zenith. But the result of their careful labor was what Gladstone described as the most wonderful work ever struck off at a given time by the brain and purpose of man. That statement is not literally true, but it is an emphasis upon the great production of that body of men who met in Philadelphia in 1787. That, in my judgment, was the greatest assembly ever gathered together, with the possible exception of the Amphictyonic Council of Pericles in Greece, and the disciples of Christ in Galilee. After hair-splitting technicalities, they produced the greatest document of human liberties the world has ever seen.

The founding fathers were formulating the fundamental rule of law, not for 164 years, not for the preatomic age, but, to use their word, for posterity. If we ever lose our Constitution, Mr. President, let no one believe that we can ever prepare another. If anyone doubts this, let him read the miserable documents which are advanced by United Nations organizations as declarations of human rights. Look at the gradual deterioration of the legislative process, of which the ambiguous phrases of the pending resolutions are a prime example.

There is not a Senator in this body who can give any definite meaning to the words "congressional approval" in paragraph 6 of these resolutions. Do they mean approval by expression of opinion in a concurrent resolution, or approval by bill or joint resolution? No one knows. But the important point is that it is futile to clarify the meaning of these resolutions. They are not laws. They have no legal force or effect. The President can disregard them at will. Nothing points up the decline and fall of the legislative process quite so much as debate over how these meaningless resolutions should be amended. It is about as sensible as three men contending for the right to carry milk, or beer, or water, when the only utensil they have is a sieve.

An important footnote to constitutional history was reported by John F. Watson in his Annals of Philadelphia, edition of 1857, page 402. Mr. Watson reports that the street pavement along Chestnut Street was covered with earth to silence the rattling of wheels on the cobblestones. He reports that this was done in order that "the labors of this august assembly might not be disturbed by passing traffic." Mr. President, that little footnote speaks volumes today. Senators may draw fine legal distinctions over the power of Congress to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the Armed Forces. But no reasonable man can look at the sum total of those powers and say that the lives and property of the American people were intended to be placed under the complete control of the Commander in Chief. The Senator from Texas may argue that Congress has the power to implement article 3 of the North Atlantic Treaty with arms, but that the human implementation is beyond its control. In my judgment, the great men who met in Philadelphia were inspired by a higher set of values. We are asked to believe that their purpose was not clearly expressed. I cannot believe that the men who covered Chestnut Street with dirt left any such loophole.

Mr. President, we no longer cover the cobblestones with dirt. Much of the Nation's most important business is conducted under the glare of television lights and to the tune of grinding newsreels and popping bulbs. The pending resolutions are the result of that kind of consideration. The first stage of any dictatorship is to divest the legislature of its power to legislate. For a while, the legislature of a totalitarian state continues to act as a sounding board for grievances. Legislators may continue to be elected. Such a legislature continues to pass high-sounding resolutions. Eventually, of course, it is consigned to the gas chamber.

Mr. President, I wish to read into the RECORD a statement which was called to my attention a short time ago. I think it is pertinent. It is quoted in the book The Power in the People, written by Felix Morley:

> The people have always some champion whom they set over them and nurse into greatness. * * * This and no other is the root from which a tyrant springs; when he first appears above ground he is a protector. * * * At first, in the early days of his power, he is full of smiles and he

salutes everyone whom he meets—he to be called a tyrant, who is making promises in public and also in private. Liberating debtors, and distributing land to the people and his followers, and wanting to be so kind and good to everyone. * * * Then he is always stirring up some war or other in order that the people may require a leader. * * * Has he not also another object, which is that they may be impoverished by payment of taxes, and thus compelled to devote themselves to their daily wants, and therefore less likely to conspire against him? * * * And the more detestable his actions are to the citizens the more satellites and the greater devotion in them will he require? * * * Thus, liberty, getting out of all order and reason, passes into the harshest and bitterest form of slavery.

What I have read was written 2,300 years ago by Plato. Nevertheless, it is an imperishable truth, and is as patent today as it was then.

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

Mr. BRICKER. I yield.

Mr. WHERRY. First, I should like to compliment the distinguished Senator on his presentation. I appreciate very much the very forceful argument he has made relative to the constitutional powers of the President and the prerogatives of Congress. In view of the last statement which the Senator has read, which is an excerpt from the excellent book by Mr. Morley, it is correct to say, is it not, that the people are represented by Congress?

Mr. BRICKER. Congress is the policy-making part of the Government and is responsible to the people alone.

Mr. WHERRY. Congress represents the people in legislation and also in dealing with the executive branch of the Government, so far as appropriations, and so forth, are concerned. Is that not correct?

Mr. BRICKER. It is inherent in the philosophy of the Republic.

Mr. WHERRY. If Congress now abdicates its power and refuses to act on a joint resolution or bill, which would have the force of organic law, would not Congress create a precedent, under which the Executive could at his own choosing send troops anywhere in the world at any time he chose to do so?

Mr. BRICKER. That is exactly correct. Furthermore, Congress would never have any power to call them back.

Mr. WHERRY. Therefore, we would be abdicating the power of Congress, and in doing so we would not keep faith with the people of the United States of America, because as their representatives it is up to us to decide and determine the national defense policies of the country.

Mr. BRICKER. We would not keep faith with the people who elected us. They expect us to take a position on the question in a real substantial way which has the effect of law, not in a pious expression of hope, as presented in the pending resolutions. I may say further to the Senator from Nebraska that Senators who duck their responsibility and do not insist that we act as a legislative body in making law in a positive and constitutional manner, rather than adopting resolutions of the type which have been submitted to us, are actually violating their oath of office, which all of us took when we became Members of the Senate, to uphold the Constitution of the United States.

Mr. WHERRY. I thank the Senator for his answer, because I completely agree with him. Will the Senator yield further?

Mr. BRICKER. I yield further.

Mr. WHERRY. To clarify the record once again, it is the position of the Senator, is it not, that the adoption of Senate Resolution 99 or the adoption of Senate Concurrent Resolution 18 would not in any way be a congressional determination of the implementation of the North Atlantic Treaty?

Mr. BRICKER. The Senator is exactly correct. If we adopt either resolution it would amount to nothing more than an expression of opinion, which would have no binding effect in law upon the President or any future Congress. It would not have to be repealed or amended. No officer of the Government would be bound by anything set forth in the concurrent resolution or the simple resolution. Such resolutions were never intended either in law or under the rules of the Senate to be anything more than a transaction of business pertaining, first, to this body, and, second, to the internal organization and operation of Congress itself.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. BRICKER. I yield.

Mr. WHERRY. I completely agree with the observations made by the distinguished Senator from Ohio. I have one further question to ask him. If Congress is to make the determination, and if Congress is to assume its prerogatives and responsibilities, under the oath which Representatives and Senators took when they assumed office, is it not a fact that the only determination that can be made which would have the effect of law and be legally binding must be in the form of a joint resolution on which the House, the Senate, and the President all have to act?

Mr. BRICKER. That is correct. I am glad that the Senator from Nebraska added "and the President," because a joint resolution or bill must be signed by the President or vetoed by him. That is not the case with respect to a concurrent or simple resolution. The President would not be bound by a concurrent or simple resolution. If the President were to veto a bill or joint resolution Congress could pass it over his veto. If he signed it, it would become the law of the land, and it would be binding on all public officers. One instance in which a resolution is a proper instrument is in a situation such as was presented when the Senator from Arkansas [Mr. McCLELLAN] submitted a resolution stating that it was the sense of the Senate that Communist China should not be admitted as a member of the United Nations. That is the only way in which we could express the opinion of the Senate, because we could not pass a bill, since the subject was not within our jurisdiction. We could not prevent Communist China from being accepted as a member of the United Nations, if the United Nations decided to accept it.

So in such a situation a simple or concurrent resolution is entirely proper. But so far as law is concerned, it has no force or effect at all, and so the pending resolutions are really a fraud and a hoax upon the American people, because they think as the Senator from Nebraska knows as well as I do, that the Congress is taking substantive action. That is indicated by the mail which we are receiving. The people believe that we are discussing foreign policy rather than military policy, that we have a decision to make, and that we are going to enact a law to determine this question. If we adopt either or both resolutions, it will be nothing more than a fraud on the people, who expect Members of Congress to perform their duty and under the oath of office which they took.

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

Mr. BRICKER. I yield.

Mr. WHERRY. I should like to say for the record again that I completely agree with the distinguished Senator from Ohio. There are uses, of course, for a simple Senate resolution, which does not have effect outside this body. There are uses for a concurrent resolution, which is acted on by both Houses, but not by the President. However, if I correctly understand his line of thought, it is the opinion of the Senator from Ohio that we are perpetrating a fraud upon the American people if we adopt either one or both of these resolutions, which contain advice and admonition to the President, under the theory that Congress is doing something positive, when in reality, so far as the legal effect is concerned, so far as being binding upon the President, the House, and the Senate is concerned, such a resolution has no force of law in any way whatsoever.

Mr. BRICKER. Positively none.

Mr. WHERRY. Even though one or both of these resolutions should contain the same provisions which would appear in a joint resolution, it is still a hoax and a fraud, because, aside from the advice and admonition to the President, they carry no weight, and involve no legal responsibility so far as the Congress is concerned in its relationship to the President.

Mr. BRICKER. I agree with the Senator entirely, and I appreciate his remarks.

Let me go further. A moment ago I stated that if we adopt these resolutions we shall be perpetrating a hoax on the American people. I think I can go further and say advisedly that such action would be a fraud upon the Congress. There are many Members of this body who believe that they are taking effective action, who believe that they are voting for a substantive proposition, who believe that their vote has an effect, when these resolutions can have no effect at all.

The absence of Senators from the Chamber at this moment proves that the consideration being given to this question is not adequate. There is not the attention given to this momentous problem that the Congress of the United States ought to be giving to it. I do not

know how I can report to the people back home if I violate the oath of office which I took on the steps of the Senate rostrum and refuse to take a position on a matter of law by ducking my responsibility and helping to adopt a form of pious resolution which is utterly meaningless so far as any official of the Government is concerned.

Mr. WHERRY. Mr. President, will the Senator further yield?

Mr. BRICKER. I yield.

Mr. WHERRY. What would the Senator recommend that the Senate do, so far as procedure is concerned?

Mr. BRICKER. The only thing the Senate can do is to support the motion which will be made at the very beginning of the debate next Monday, and recommit the resolutions to the two committees, with instructions to report a joint resolution or a bill, which will have some binding effect. Then, as Senators, we shall have an opportunity to vote for a measure which has meaning.

Mr. WHERRY. Mr. President, will the Senator further yield?

Mr. BRICKER. I yield.

Mr. WHERRY. Once again I wish to say that I completely agree with the distinguished Senator from Ohio.

What the Senator suggests could be done, could it not, without any delay whatever? All in the world the committees would have to do would be to strike out the caption "Senate Resolution 99" or "Senate Concurrent Resolution 18" and designate it as a Senate joint resolution, with the appropriate title and resolving clause. Then the findings of the committee could be reported back to the Senate and the Senate could either accept the joint resolution as reported or it could amend it. In any event, when the debate terminated in the Senate and the joint resolution was passed, it would go to the House. The House would have a like opportunity. When the House had finished and a conference was had, if a conference were needed, the joint resolution would then go to the President, and he could either sign it or veto it. If it were signed by the President of the United States it would have the effect of law. Is not that true?

Mr. BRICKER. The Senator is exactly right. It would not take 15 minutes to do what is required to be done by the two committees. All they would have to do would be to meet and report the measure back as a joint resolution or bill. Congress could then proceed to consider it as such.

We have had many protestations about the so-called bipartisan foreign policy during the present session and the previous session of the Congress. A great deal of such talk has come from the White House. If the President signs a bill or joint resolution, he becomes a part of the procedural machinery. The Congress is also a part of it. In that event we have a basis of public opinion, expressed through the Congress, and we have actually a bipartisan and a legally binding foreign policy. Otherwise we turn it over to the President of the United States, and there is no bipartisanship in it. It becomes a single, narrow partisan action on the part of the President—and, I think I am safe in saying, unsupported by the majority of the American people or by the Congress of the United States, if the issue were properly presented.

Mr. WHERRY. I am sorry to interrupt the Senator in this very important part of his argument. However, I felt that it was necessary, in view of the statement which the Senator quoted from Mr. Morley's book, which shows that the people have been led into military dictatorships step by step.

Mr. BRICKER. It happened 2,300 years ago, and it has been going on for two and a half milleniums since then.

Mr. WHERRY. It happened because the representatives of the people failed to discharge their responsibility, just as we are doing here, unless we enact a bill or joint resolution which has the full effect of law.

I should like to ask the distinguished Senator a further question on that point. This is not a mere legal technicality. Earlier in the day the distinguished Senator from Alabama [Mr. HILL] mentioned legal technicalities. He asked, "Why quarrel about legal technicalities?"

Does not this subject involve the great, broad question of the entire authority of the representatives of the people in Congress in determining the defense policies of the country? Is not the problem that broad in scope?

Mr. BRICKER. There is no doubt about it. Furthermore, I think I speak advisedly when I say that this is the most important question that the Senator from Nebraska or the Senator from Ohio will ever vote upon, however long either of us may remain in this body.

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

Mr. BRICKER. I yield.

Mr. WATKINS. A moment ago the Senator from Nebraska mentioned the matter of delay. Is it not a fact that the North Atlantic Pact, about which this controversy revolves, was ratified by the Senate in July 1949?

Mr. BRICKER. The Senator is correct.

Mr. WATKINS. There has been a period of approximately 20 months since that time, when the administration could have moved in the matter of implementing the pact by sending armed forces to aid the countries in Europe.

Mr. BRICKER. The Senator is exactly right. Now the administration rushes in with a proposal and says, "Congress must get it out of the way. The administration must do this job. Congress is interfering with the progress of the program in Europe. Europe is going Communist if Congress does not act quickly."

It is said that unless we act quickly we shall lose Europe to Communist Russia. I am more concerned about losing our fundamental freedoms and about destroying the Constitution of the United States and losing our right to legislate for ourselves and our right to a voice in deciding the destiny of our Government, than I am in any such problem as has been described.

Mr. WATKINS. Are we not supposed to be in an emergency? General Eisenhower has been appointed, and is waiting in Europe for us to act in this matter, which has suddenly become an emergency, although it has been more than 20 months since the pact was ratified.

Mr. BRICKER. That is the attitude which the administration takes. That is the frame of mind which it is trying to propagandize among the American people—that this is an emergency and that we dare not delay. That attitude is typical of all those who are totalitarian-minded. It has been typical of the New Deal all along, that if we do not have a crisis they will create one. They created one in Korea by violating the Constitution of the United States and stretching the power of the President. Now they have created another by taking action without asking Congress about it. They do not want us to say anything about it now by way of enacting a law.

Mr. WATKINS. I thank the Senator.

Mr. BRICKER. The only difference between the Congress of the United States and the legislature of a totalitarian state is that Congress passes laws on its own initiative and does not limit itself to pious resolutions of opinion. The distinction is well worth preserving, for it measures the difference between freedom and slavery.

Mr. President, the opening chapter in this history of fraud and deception began with the presentation of the North Atlantic Treaty to the Senate. The most solemn assurances were made by the highest authorities that all articles of the treaty required implementation by the Congress. At the insistence of the senior Senator from Georgia [Mr. GEORGE], and others, the treaty was deliberately made not self-executing. Forgetting legal considerations for the moment, we cannot build world peace on a foundation of broken promises.

Mr. President, it is impossible to distinguish those who are the authors of this fraudulent scheme and those who are its victims. My own opinion is that the President is not personally responsible for the fraud which we are asked to approve. At least Mr. Truman was honest enough to lay his cards on the table. He said, in effect, "I have the sole power to determine this issue of foreign policy." But look at the sequence of events which followed that amazing announcement.

The Senator from Nebraska [Mr. WHERRY], the leader of the minority, submitted Senate Resolution 8 solely for the purpose of holding the issue in abeyance until Congress could act. The Wherry resolution was the straw man which administration spokesmen knocked down. Until the final days of the hearings, however, nothing was before the committee or the public except the stop-gap Wherry resolution which I think no Member of the Senate, including the author, expected to be reported. The American people were told that the resolution should be expressed in the affirmative rather than in negative form. The propaganda mills of the administration worked overtime assuring the people that Senate or congressional approval would be sought. Every single

administration witness protested any formula limiting the number of troops to be sent. Such a formula would be meaningless unless a bill or joint resolution were contemplated. Every single administration witness, including Mr. Acheson, declined to say how the approval of Congress should be obtained. Is it any wonder that at least 99 percent of the people feel that Congress is now engaging in some action which has some legal significance?

Mr. President, these resolutions are before us as the result of the most diabolically clever planning in my memory. The master planners of this hoax have done their work well. They knew that in the few short weeks following the reporting of the resolutions the American people would not understand the crucial distinction—and many Members of the Congress do not understand it at this hour—between simple and concurrent resolutions on the one hand, and bills and joint resolutions on the other. Although only a small number of our people are constitutional lawyers, they do understand constitutional principles. The sentiment of the people toward the court-packing scheme proved that. The principles of the Constitution have been ingrained in generation after generation of free Americans. I do not blame the American people for not appreciating the significance of these resolutions when even Members of the Senate have been taken in by the fraud.

A majority of the Senate cannot hope to match the cunning and the cleverness which underlie the planning behind the pending resolutions. Nevertheless, this dangerous plan shall not ultimately succeed. What a majority of the Senate lacks in cleverness and legal wit is more than compensated for by wisdom. We do not draw this wisdom from within. It comes to us from two outside sources. We draw upon the most precious storehouse of political wisdom in the history of man—the Constitution of the United States. That wisdom has been flowing in a steady stream from Convention Hall in Philadelphia in 1787 to this Chamber in 1951. Finally, Mr. President, we draw wisdom and guidance from our Creator, for it is He who will finally judge the performance of our oath of office on the Senate floor.

The yearning to live and be free is imperishable in the hearts of men and women, and again must assert itself.

In conclusion, Mr. President, and with all the conviction which I am capable of expressing, I urge the Senate to remember that we are but the trustees of the Constitution. We have no right to divest ourselves of constitutional power no matter how compelling the needs of the moment may seem. When the roll is called on the motion to recommit, remember that it is the most important vote we shall ever cast in this body. We can wipe out all traces of communism in the world, but if we lose the Constitution we are doomed to slavery. Do not flatter Stalin by imitation. Do not destroy the irreplaceable charter of our freedom for lack of political courage. Vote to recommit these meaningless resolutions, and to have them brought back in such form as to have some meaning in the law of the land.

I yield the floor.

Mr. McCLELLAN obtained the floor.

Mr. WHERRY. Mr. President, I suppose the distinguished Senator from Arkansas is speaking in the time under the control of the Senator from Texas, is he not?

Mr. McCLELLAN. I am. I had an understanding with the senior Senator from Texas that I was to speak now.

Mr. WHERRY. Very well. I simply wanted to have that appear in the RECORD.

Mr. McCLELLAN. Mr. President, a vote on either of the resolutions now before the Senate, the simple Senate resolution or the Senate concurrent resolution, unexplained by the Member who cast the vote, whether for or against, might well be misunderstood. It would probably be just as susceptible to varying interpretations by citizens as is the Senate resolution itself susceptible to different interpretations as has been made evident by the debate on the floor of the Senate. I do not address the Senate now with the idea that I may influence any of my colleagues toward my viewpoint. It is not necessarily for that purpose or with that in mind that I discuss the resolutions. I address the Senate so that my own position and my own views may be made a matter of record, and that my statement will serve as an explanation of votes I may cast on the two resolutions themselves, and also on amendments which may be offered thereto.

Mr. President, the pending business, Senate Resolution 99, and its companion, Senate Concurrent Resolution 18, are identical in their terms and provisions, with the exception that Senate Resolution 99 declares the sense and judgment of the Senate only; whereas Senate Concurrent Resolution 18, which would have to be considered by the House of Representatives, would declare the sense and judgment of the Congress. As between the two, I should prefer adoption of the concurrent resolution, with proper amendments. However, it may be advisable for the Senate to act favorably on both. If the House did not then concur with the Senate in the concurrent resolution, the Senate would be recorded on the vital issues the resolutions present.

Mr. President, there have been suggestions that neither of these resolutions is adequate for the purposes intended to be served, but rather that a joint resolution, which would have the force and effect of law, should be passed by the Congress. I am not in particular disagreement with that viewpoint. We have a perplexing and confusing and controversial situation, which ought to be cleared up. But I can also appreciate that an effort to enact a joint resolution would in all probability require, for its success, a two-thirds vote of the Members of both Houses of the Congress.

Mr. President, I do not agree with those who think neither the Senate nor both Houses of the Congress should take any action regarding the implementation of the North Atlantic Treaty by committing American troops to an international army for the defense of the North Atlantic area. I cannot agree with those who contend that it is solely the constitutional prerogative, duty, and responsibility of the President, as Commander in Chief, to make this grave decision and to order it put into effect.

Section 2, article II, of the Constitution provides:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

It is contended by some, Mr. President, that this provision of the Constitution vests all power in the President with respect to the assignment and disposition of the Armed Forces of this Nation. But I do not believe that such power is unlimited and unrestricted. Paragraphs 11, 12, 13, 14, 15, and 16 of section 8, article 1, of the Constitution give the Congress the power "to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States."

Mr. President, if all power is vested in the Commander in Chief, then the provision of the Constitution I have read is just so much surplusage. It has no meaning if all power is in the Commander in Chief to do whatever he wills, whenever he desires, with the Armed Forces of the Nation.

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

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. McCLELLAN. I am glad to yield.

Mr. MILLIKIN. Of course, I am in complete agreement with the analysis the distinguished Senator from Arkansas has made of the powers of Congress over these military matters. Will the Senator agree with me that the power in the Congress to do the various things the Senator has detailed, as provided in the Constitution, also carries with it the authority to condition the use of such power?

Mr. McCLELLAN. Mr. President, if the words "government and regulation" do not mean the authority to prescribe conditions and limitations, then those words have no meaning. We have the authority, the Constitution says, and the duty to prescribe the "rules for the government and regulation of the land and naval forces." What does "government" mean? If the use of something is not a part of the government of it, then I do not understand the plain import of those words.

Mr. MILLIKIN. Mr. President, I suggest to the distinguished Senator that even if that provision were not in the Constitution, the granting of an original power also carries with it, as a necessary implication, the power to condition that power.

Therefore, may it not be concluded that the Congress, in the exercise of its constitutional powers, may condition the

use of those powers, and that the President under his constitutional power is commander in chief of that which is provided for him by the Congress, conditioned as the Congress may condition it?

Mr. McCLELLAN. Yes; under the conditions and regulations and rules which the Congress prescribes. That is my interpretation.

Mr. MILLIKIN. I agree entirely with the Senator. As he already has said, there would be no sense to those provisions in the Constitution affecting the Congress if that were not true.

Mr. McCLELLAN. If that is not true, we might as well tear out that part of the Constitution and throw it away—if we are simply to say that all the Congress can do is draft American boys, put them in the Army, and provide the money with which to clothe and feed and arm them, but lacks the power to prescribe any other conditions in regard to what is to happen to them. Such reasoning is to be found nowhere, in my opinion, except in totalitarian rule, Mr. President; and that is what we do not want in America.

The power of Congress to make rules for the Government and regulation of the land and naval forces includes, in my opinion, the power of the Congress to determine what disposition and assignment shall be made of the land and naval forces of the United States in the implementation of a treaty that provides for an international army. If there were not these restrictions and provisions in the Constitution of the United States, the Commander in Chief, with unlimited power of control, could any day, at his will and by his command, set himself up as the military dictator of this Nation. The founding fathers who wrote the Constitution never intended that the Commander in Chief of our Armed Forces should be, or should be placed in a position to become, a military ruler and dictator of a free people.

Mr. President, the Congress has not declared war. We are at war in Korea; but Congress has not declared it, and the truth is that we are not fighting it as if it were a war. All of us know that to be true. We are fighting a limited war—just toying around with it. True, our troops, as they always have, are crowning themselves with glory in the sacrifices they are making and the bravery and the heroism that they are displaying on the battlefield. But back here on the political front we are not crowning ourselves with glory or heroism or wisdom or prudence by leaving a sanctuary over there, a haven of refuge, for the war potentials of the very country whose soldiers are slaughtering American boys today. It is shameful.

Mr. President, I know it is not pleasant to say some of these things; but sometimes the performance of one's duty as a Member of the United States Senate, as a Member of Congress, or even as a citizen, becomes unpleasant. There are unpleasant tasks to perform; there are unpleasant duties which are imposed upon us.

What is really involved here, and what we are now considering, is the implementation of a treaty that was entered into by our Government through Constitutional processes—the treaty having been negotiated by the executive branch of the Government, and ratified by a two-thirds vote of the United States Senate. It is proposed that our Government now carry out certain obligations which that treaty imposes and which our Government assumed.

How is the treaty to be carried out? Article 3 of the North Atlantic Treaty, the treaty we are now undertaking to implement, provides:

> In order more effectively to achieve the objectives of this treaty, the parties—

"Parties" means governments—

> separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

That was the objective expressed. Article 5 of the treaty provides:

> The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all—

Such an attack has not yet been made. The emergency would be greater, the danger would be greater, certainly, after such an attack had occurred, than in a period before the attack. Continuing—

> and consequently they agree that, if such an attack occurs—

And it has not yet occurred—

> each of them, in exercise of the right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary—

Note that it is not necessarily even the action recommended by the Council. The Council may recommend, but there is in the treaty a reservation that the Government itself shall determine to what extent it shall aid, the character of the aid which it shall give, whether it shall act individually in providing the assistance, or whether it shall act collectively with the other signatories to the North Atlantic Treaty. I continue—

> such action as it deems necessary, including the use of armed force.

The treaty, in making the reservation, uses the language "that no member of the Atlantic Pact." Neither a member of the North Atlantic Pact nor the Security Council can order us to do a particular thing. To each government is reserved the right of determining what action it shall take, and how it shall be taken, although the treaty contains the over-all obligation to aid and assist.

"Party" or "parties," as used in these articles of the treaty, means one or more of the governments which are parties to the treaty. As "party" applies to the United States, it does not mean the President of the United States acting alone and independently of the Congress. It means action by our Government, by constitutional processes. That is made quite clear by article 11 of the treaty, which provides:

> This treaty shall be ratified and its provisions carried out by the parties in accordance with their respective constitutional processes.

Not only was it necessary, under our processes, for the Senate to ratify the treaty by two-thirds vote, but the treaty itself provides that the obligations of the treaty must be carried out in accordance with the respective constitutional processes of the member governments themselves.

The interpretation which I am placing on the treaty is the interpretation placed upon it at the time the treaty was submitted to the Senate for ratification. It is the interpretation which was placed upon it by the Honorable Dean Acheson, Secretary of State, when he transmitted it to the President of the United States. The Secretary of State, in his letter transmitting the treaty to the President on April 7, 1949, gave an analysis of the treaty. In his discussion of article 9, dealing with implementation of the treaty, Secretary Acheson said:

> Each government—

He did not say "the head of each government," but "each government"—

> Each government remains the judge of what actions it should take in fulfillment of the obligations of the treaty.

If, in transmitting the treaty to the Congress, the President had said, "If the treaty is adopted, I, as Commander in Chief of the Armed Forces of the United States, shall be the one to judge and determine when and if the treaty shall be implemented by committing American troops to an international army," I am wondering whether there would today be a treaty of this character.

The Secretary of State did not say that the President of the United States should be "the judge of the actions" to be taken in fulfillment of the obligations of the treaty. If that had been the interpretation placed upon the treaty at that time by the Secretary of State and by the President of the United States, I dare say the Senate would not have ratified the treaty. I therefore disagree with those who now give the treaty such interpretation, and I shall not be governed nor influenced in my actions by that interpretation of it.

It is my view that the President of the United States should not only consult and collaborate with the Congress, but that he should have congressional approval of any further action taken in implementation of the treaty that involves the assignment of troops to an international army. Congress should approve the sending of troops to Europe, and the President should not commit Armed Forces of the United States to an international army set-up under the treaty without the approval of the Congress. For that reason I am of the opinion that the committal by the President of the United States as Commander in Chief of Armed Forces to an international army in implementation of the treaty without congressional approval would be a usurpation of power, in violation of the Constitution and the plain provisions and intent of the treaty itself.

Mr. President, if I should perchance be wrong in the legal conclusions I have

expressed, I should still favor and insist that the Congress should approve any major action taken by our Government to implement the North Atlantic Treaty. In my opinion the President of the United States should want congressional approval. He should not only welcome the sharing of the responsibility by Congress, but in my judgment he should seek and insist upon its sharing it.

Mr. President, there may well be involved in this grave issue that confronts us not only the welfare, best interest and security of the American people, but also the future course and destiny of our freedom and civilization. The course we and our partners in this treaty take, what we do or what we may fail to do, may well determine whether there shall be peace or war. The lives of millions of Americans may be involved. Untold sufferings of humanity may be at stake here. The proper implementation of this treaty may mean peace, it may deter the totalitarian aggressors, hold them at bay, and give us time and opportunity for a solution of those international controversies and clashing ideologies that will avert war and lead the world to peace. That is what we hope for. On the other hand, Mr. President, what we propose to do could mean war. I do not think it will. I think this is the safest course to pursue in order to prevent war; but we must bear in mind that our hopes and aspirations for peace and our best efforts and labors to that end may fail. If in these efforts and the course of action we take in the hope of preventing war we are not successful, we shall know that war is and was the plan and purpose of Russia, and that she does make and has made war inevitable.

Mr. President, there was serious apprehension when it was first proposed to send troops to Europe to constitute this international army. I shared the apprehension which was in the minds of many persons, that if we were at this late hour to start constituting an international army in Europe for the defense of Europe, it would simply provoke war, that it would cause Russia, if she was much better prepared than we, immediately to undertake to march to the sea. That sounded very logical. The only thing that would deter her from doing so would be the punishment and torture which we could deal out to her with our atomic weapons. But if by building up the defenses of Europe under the Atlantic treaty and its implementation there is such a provocation as to incite an aggressive attack upon these nations now or in the near future, then, Mr. President, we can be sure that the attack would have come in due time, whether we undertook to defend ourselves and to defend our allies or not. I am no longer much concerned about that; I no longer entertain that apprehension. We shall certainly be no worse off by having made this start. We are not jeopardizing our position by doing so. If war should come and we should eventually be driven from the continent of Europe, we would be no worse off than we would be here in Fortress America, never having participated in it.

One reason why I support what is proposed is that the only thing the totalitarians understand is the language of superior force and power.

We cannot get along with Russia by appeasement, or by retreating, or by evidencing fear. In that connection, Mr. President, I think we have a pretty fair example of what I am talking about in the headlines of today's newspapers. We do not convince other nations by indicating that we are unwilling to fight or do not want to fight. They consider that a sign of weakness. That is how Red China is treating General MacArthur's offer to meet on the battlefield and try to settle the bloody and horrible conflict in Korea. They have scorned it; they sneer at it. If we should fight this war as it should be fought, these sneering smiles would turn into painful agony and distress.

In the light of international events that have transpired since the end of World War II, the conduct of Russia and her satellites in the United Nations and elsewhere, with world conditions as they exist today, I believe, Mr. President, we have no alternative except to join with our partners in the Atlantic Treaty in making adequate preparation immediately for our common defense. It is with deep sorrow and regret that I now believe circumstances and conditions compel the forming of an international army by the Atlantic Treaty nations in preparation for their common defense and survival.

I had hoped this course of action would not be necessary, but I am convinced it is necessary. For that reason, I am in general agreement with and support the purposes and policies expressed in these two resolutions. I agree, Mr. President, to the immediate assignment of four divisions of ground troops to the international army under the command of General Eisenhower, but by consenting to the immediate committal of four divisions of ground troops in Europe, I do not agree that the Congress of the United States should or does approve or consent to a policy of permitting the President of the United States as Commander in Chief henceforth to make additional commitments of our troops and implementation of the treaty without the approval of the Congress.

I believe the Congress has the responsibility—that it shares that responsibility with the Commander in Chief. I am unwilling, Mr. President, for the Congress to abdicate its constitutional responsibilities; therefore I shall offer an amendment to section 6 of the resolutions saying that it is not only the sense of the Senate and the Congress that in the interest of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of "(a) any policy requiring the assignment of American troops abroad when such assignment is an implementation of article 3 of the Atlantic Treaty, but also that it is the sense of the Senate and the Congress that Senate and Congressional approval should be obtained for the assignment of any additional numbers of such troops in pursuance with any such policy."

I believe, Mr. President, that approval by the Senate or by the Congress of sending any troops in addition to the four divisions which these resolutions now approve is absolutely necessary in the interest of sound constitutional processes, and of national unity and understanding. As I stated in the beginning, I think Congress should approve it, not merely one body of Congress.

Mr. President, as I interpret paragraph 6 of the resolutions, together with the other provisions they contain, it has the effect of the Senate, under the Senate resolution, and of Congress, under the concurrent resolution, approving the policy of implementing the North Atlantic Treaty by the assignment of American troops to the international army that is now being constituted. That is where the emphasis is on approval of policy in that section. It is Congress or the Senate, as the case may be, approving the policy. We may approve the policy with reference to the four divisions, but are we approving the policy of sending four divisions, and at the same time approving the policy that the responsibility, the power, and the authority to determine how many more divisions may be sent shifts to the President as Commander in Chief? If the resolutions are adopted in their present form, they would at least be susceptible of the interpretation that, inasmuch as the Senate or Congress shall have approved the policy of such assignment of troops and present plans to send four divisions of ground forces to Western Europe, further approval by the Senate or by Congress of the sending of additional troops will not be required. Many Senators are placing such interpretation upon paragraph 6 of the resolutions, because it approves the policy of implementing the treaty by contributing ground troops to an international army.

Other Senators have a different viewpoint. It is not clear. That is why I said in my opening remarks that a vote for or against the resolutions in their present form might be interpreted in many different ways. I favor the general objective of the resolutions, which is to have Congress approve the implementation of the treaty. I am ready to go along so far as it has been indicated up to this time and as has been recommended that we should go. However, I am unwilling to leave the door wide open by approving a policy and then having no control over the implementation or the carrying out of the policy. It is to clarify and to make certain just what we mean that I propose the amendments.

I have interrogated some members of the Armed Services Committee and the Committee on Foreign Relations who are supporting the resolutions. They think further Senate or congressional approval, as the case may be, will be required under the terms of the resolutions as they are now drawn for the sending of additional ground forces to Europe. Mr. President, if they think so, there can be no objection, as I see it, to writing that into the resolutions and saying so in plain and unmistakable terms. There would then be no question

about it. We would know what it meant. It would not be difficult then to vote on either resolution. One either favors further congressional approval, if other troops are to be committed, or one does not. A simple amendment to the resolutions would clarify the whole issue.

Other members of the committees contend that under the resolutions no approval of Congress is required, and that all power is vested in the President as Commander in Chief. They contend the resolutions have no legal or binding effect, and that the President is at liberty to send such ground forces to Europe and commit them to this international army as he may desire, irrespective of the will or approval of Congress. Therefore, Senators who voted to report the resolutions from the committee have definitely different opinions as to the correct interpretation of the resolutions, particularly as to what paragraph 6 of the resolutions means. The position is questionable. The issue is debatable. However, whether the resolutions have any legal or binding effect, I want them to say that it is the sense of the Senate and the sense of the Congress "in the interest of sound constitutional processes and of national unity and understanding" that congressional approval should be obtained before any additional ground troops are sent to Europe.

Mr. President, the resolutions at least would carry with them such constitutional advice. They would advise the Commander in Chief that Congress says, "You shall not send them; you shall not commit them until you get the approval of Congress. If you do, you are going against the advice of the majority of the elected representatives of the American people."

The President may want to take that chance. He may arbitrarily disregard that character of advice, and the source of it. I do not know. If he does, he would be acting contrary to the expressed views of Congress. In doing so, Mr. President, he would be directly accountable to the American people, and Congress certainly would have absolved itself by trying to protect the integrity of constitutional processes of government. That is what I propose to do in my amendment, if I can get sufficient support from my colleagues in this body and in the other legislative body to adopt it.

The treaty we are undertaking to implement is in effect a partnership agreement between the governments that are signatories thereto. The governments under the treaty assume mutual obligations. An enterprise for joint protection and security can hope to succeed only if all the partners perform and in good faith fulfill the obligations they have assumed. We hope they will do it, but we have no absolute assurances that they will do it.

We do not want a repetition of the character of performance and fulfillment of obligations such as we are now experiencing in Korea with some of the governments under the United Nations Charter, some of which are parties to the Atlantic Treaty. Mr. President, if Korea is a fair sample of their performance and fulfillment of obligations, what we now witness in Korea should be a warning signal to us and to Congress to exert all our power to retain some control over the fate and destiny of this Nation. In Korea we are today fighting a war against Red China in the name of the United Nations. If we win the war against Red China it will be a United Nations victory. If we lose that war, it will be a defeat for the United States. That is how the scales are balanced. If we win, we win under the United Nations flag. If we lose, we lose in the name of the United States, primarily.

Mr. President, in the Korean war we are doing more than 90 percent of the fighting, paying more than 90 percent of the cost, and making more than 90 percent of the sacrifices in human lives. Whose war is it? For all practical purposes, and from the standpoint of human suffering and human sacrifices, the war in Korea today is the war of the sons of American fathers and mothers. We are the ones who are paying the price. We are operating under the United Nations. That includes the Atlantic Treaty nations, for whose benefit it is now proposed that we acknowledge the power of the Commander in Chief to send unlimited forces to the potential battlefields of Europe.

Mr. President, I favor the Atlantic Treaty, and I favor an international army under it; I want to see it constituted; but I do not want to see it constituted out of the flesh and blood and lives of Americans only. When the day comes, if it ever comes, that a battle must actually be fought, I want to know that the other countries have made their fair share of contributions.

Judging from my experience and observation, if we take the lead and carry a part of their fair share of the load, they will let us do it. Make no mistake about it. Some of our partners in the North Atlantic Treaty have corresponding obligations under the United Nations Charter to help fight the war in Korea. I consider that they have not fulfilled those obligations. For that reason I am unwilling to agree that the Commander in Chief of our Armed Forces has or should have the power and authority to commit, at will and at his discretion, the lives of American soldiers to the defense of Western Europe and other Atlantic Pact nations, irrespective of whether the other governments who are parties to such treaty carry out their obligations under it.

Mr. President, I want this program to move along evenly this time. I do not want to see happen what has happened in Korea. We march out in front and say, "Come on," and when we look behind us we see very few following us. I am willing, under present conditions, that four divisions of American troops be assigned to Europe now; but in my judgment those four divisions, whose assignment we are willing to approve, together with the two divisions we already have over there, will constitute our fair share of an international army of at least 30 or 35 divisions of ground troops. We are going that far in advance. We are taking the lead. We are showing our good faith. We are contributing six divisions now. I dare say that at this moment not more than that number have yet been contributed by all the other nations.

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

Mr. McCLELLAN. I yield.

Mr. WATKINS. I find myself in agreement with much of what the distinguished Senator from Arkansas has said. I noted a moment ago that he stated that he wanted the whole program to proceed in an orderly way.

Mr. McCLELLAN. What I meant, if I may clarify my remark, is that I do not want the United States to put up 25 or 30 divisions and let the other nations provide less than that number, or just that number. I think that would be out of balance. If we provide 6 divisions, my own thinking is that they ought to contribute 30. That is only a rough estimate. There may be some factors which enter into the determination which would make their contribution a great deal more or a little less, in the correct interpretation of what their fair share means. But I do not regard our share of ground troops to mean 49 percent. I do not wish to have the United States contribute 49 percent, or more than 50 percent, and let the other nations drag along behind. I want them to contribute as we contribute.

Mr. WATKINS. Does not the Senator feel that, as between the United States and the other members of the Atlantic Pact, there ought to be some type of over-all agreement marking out the participation of the various nations, particularly with reference to the furnishing of armed forces?

Mr. McCLELLAN. I intend to make some reference to the fair share in my remarks. I believe, of course, that these questions should be settled as we go along. That is why I am placing the emphasis on my position. However, these questions cannot all be settled at once. There must be some elasticity, so that adjustments may be made from time to time. I can well appreciate that. However, I do say that we could very easily get ourselves into a position similar to the position we occupy in Korea today. That is what I want to see avoided.

Mr. WATKINS. Is not that the question which is bothering many people in this country with respect to this program? There seems to be no safeguard to keep us from being gradually sucked in until we have 90 percent of the personnel on the war front.

Mr. McCLELLAN. That is why I take the position I assume. That is probably the most important reason why I take such a position. It is to protect our country. We must let the other countries know that we are going to determine, on the basis of what is right and just, what our fair share is. If they do not measure up, and contribute along with us as we build this international army, then we had better let it fold up now, than to commit ourselves and get our boys abroad and expose them to attack without much support from the countries with which we are in alliance

in undertaking to provide mutual aid and protection.

Mr. WATKINS. Does not the Senator consider that it would be wise to have some kind of agreement before we send too many troops to Europe?

Mr. McCLELLAN. I agree with the Senator.

Mr. WATKINS. We should indicate very clearly approximately what the other nations should do, and what we intend to do, so that there may be no question of gradually pushing us in until we reach the point where we are furnishing 90 percent of the troops.

Mr. McCLELLAN. That is exactly what I am trying to avoid. That is why I take the position I have indicated. I am willing to go that far. They cannot question our good faith until they have contributed their fair share.

I may be mistaken, but, frankly, I do not believe there is a single division of troops yet definitely assigned to General Eisenhower's command by any of the other countries. There is a great deal of testimony in the hearings about how many divisions each country expects to have in 1952 or at some other time in the future. However, the point is that having 25 or 30 divisions of troops not under the command of General Eisenhower does not fulfill the letter, the spirit, or the intent of the treaty. They should be committed to him, just as we are committing our troops to this international army. It is the number they commit about which we should be concerned, together, of course, with the number they may have in reserve. But under this treaty there should be a committal of a number of divisions of troops, with fair ratio bases as between those countries and ourselves.

Mr. WATKINS. I think I agree with the Senator from Arkansas. But I should like to ask him if he has considered the program that was outlined by the Congress in implementing the United Nations Charter in 1945, when Congress passed the United Nations Participation Act, when it declared that the President was authorized to negotiate agreements with the Security Council as to our participation, covering the number of troops we were to put in, the disposition of them, and so on. Is the Senator familiar with what was done in 1945 about the implementation of the United Nations Charter?

Mr. McCLELLAN. Yes; but the truth about it is we were never able to constitute an army under the United Nations. But when an assault came, when an attack was made on South Korea, the United Nations Security Council took action, and asked all member nations to undertake to defend South Korea, and we went right on in, assuming, I am sure, that other nations, certainly the larger nations, those with membership on the Security Council, would join with us in that effort. But, Mr. President, according to my evaluation, they have made only a token contribution to the war effort in Korea. In my opinion Great Britain is thinking today in terms of business as usual with Red China, and is more concerned about that than she is about bringing about an end to the war in Korea with a victory that will teach the Communists a lesson.

Mr. WATKINS. I may say I agree with the Senator in his conclusions with respect to that matter. I should like to point out, however, that we do have a pattern for the implementing of these international agreements beginning with the United Nations Charter. I have been going over the history and checking what was done at the time we ratified the Charter, and I find that the Congress, in close cooperation with the President, implemented the United Nations Charter, or attempted to implement it, by authorizing the President to enter into agreements with the United Nations Security Council for the furnishing of our Armed Forces, armaments, and what not, to this international police force. The President himself told the Congress that he wanted it that way, and he assured the Congress that he would cooperate, and that if these implementations were authorized, he would send the agreements to Congress—not to the Senate, but to the Congress—for approval by passage of a joint resolution or a bill. That was the purport of his letter to the Congress; it is not exactly the wording of the letter, but that is its meaning in substance. The Congress—and I believe the Senator from Arkansas himself—voted for that kind of a program.

Would not the Senator consider it to be a practical proposition even now, in carrying out the provisions of the Atlantic Pact, as provided in article 11 for implementing it in the long run, that we have the President negotiate an agreement of that kind, bring it to the Congress, and let us approve it? I do not think he should be required in the agreement to specify the exact number of troops or anything of that sort, or when they were to be sent, there should be a great deal of elasticity in the agreement; but there should be some kind of understanding with the various nations who do not do their part and have not done their part, so that we will be sure that they will do it before we get sucked into a condition where our troops are doing 90 percent of the fighting and dying, and we are putting up the money to pay the expenses of the war.

Mr. McCLELLAN. The Congress should be sufficiently informed regarding foreign policy and international proposals which commit this Government, so that the Congress can wisely exercise its constitutional functions, where it has responsibility, so as to prevent future misunderstandings, and also to prevent possible disasters. The Congress has a responsibility in this field, and the Chief Executive has a duty to inform the Congress of the proposals submitted.

Mr. WATKINS. Should he not ask that they be approved by the Congress?

Mr. McCLELLAN. That is what I am saying exactly, as is shown by the position I am taking with respect to the resolutions. I think Congress should approve them.

Mr. WATKINS. I agree with the Senator fully. I point out that in 1945 the President of the United States and the Congress, by almost unanimous vote, set up the pattern for the implementing of a treaty of this kind by the procedure I have outlined. That is the purpose of the joint resolution I have presented, which asks that the President now go along with us and help us put over that kind of a formula. I believe such action would unite the country and make an effective defense as against our enemies.

Mr. McCLELLAN. I thank the Senator.

I am willing under present conditions that the four divisions of American troops be assigned now; but, Mr. President, in my judgment, these four divisions—whose assignment we are willing to approve, together with the two divisions we already have over there—will constitute our fair share of an international army of at least 30 to 35 divisions of ground troops. And until and unless the other governments commit the remainder of that number of divisions to this army, I oppose our contributing additional armed forces to it.

The term "fair share," as used in these resolutions, Mr. President, is a very loose term. It does not fix a ratio. Maybe the fixing of a ratio for contribution of each nation at present would be difficult and inadvisable. But we can certainly indicate to the other governments involved what we regard as our fair share and insist that they measure up to their responsibilities and demonstrate their good faith and purpose by making substantial major contributions of manpower of which we know they are capable.

I have heard many arguments, Mr. President, about building up the morale of these other countries and stimulating in them the will to fight. That is well and good, but morale and will to fight are not something peculiarily required in Europe alone. The morale of the American people is also important and necessary. We must think, too, of their will to fight, and I am of the opinion that the morale of the American people will be strengthened, and their will to fight, if it becomes necessary to fight in this joint defense effort, will be greatly augmented if they can know and be made to realize that the other countries in this pact with us are likewise doing their fair share and are contributing fighting forces comparable to our own, and of which they are capable.

The American people are not at all happy, Mr. President, about this war in Korea. Many feel that we have figuratively speaking been sucked in and been left holding the bag. We are going to win this war in Korea. I do not believe Red China can possibly defeat us. We must win now that we are in the fight, but we should learn from this experience. The American people do not want and they will not tolerate a repetition of what has happened in Korea. These other nations must do their part; they must cooperate, contribute, and sacrifice along with us according to their several capacities in this joint enterprise of mutual help, protection, self-defense, and security. I say, Mr. President, it is the responsibility of the Congress, the elected representatives of the people, to make certain that other Atlantic Pact nations cooperate and make

their fair share of contributions and sacrifices. The American people will hold the Congress as well as the President of the United States accountable if we permit other Governments to refuse or fail to do so. The Congress should not abdicate its responsibility to the President as Commander in Chief. Let us accept it and declare in these resolutions that it is the sense of the Senate and the Congress that approval should be obtained before additional American lives are committed to potential battlefields in Europe.

Mr. President, I send to the desk two amendments, one to each of the two resolutions, which I have discussed, and I ask that they be printed and lie on the table.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The amendments will be received, printed, and lie on the table.

Mr. McCLELLAN. Mr. President, I now ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, two editorials, one of them being entitled "Our One-Sided War," published in the March 26 issue of the Washington News; and the other is entitled "Let Britain Take Over." This editorial was published in the Washington News for March 28, 1951. Mr. President, these editorials very largely express my sentiments.

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

[From the Washington Daily News of March 26, 1951]

OUR ONE-SIDED WAR

When Gen. Douglas MacArthur called upon the commander of the Communist forces to meet him in the field to discuss an end of the Korean war, he warned that Red China faced military disaster if the United Nations dropped its tolerant attitude and decided to authorize direct action against the Chinese mainland.

But the Chinese Communists were promptly told by our own side that they had nothing to fear.

In Washington, the administration disassociated itself from General MacArthur's declaration and said the political issues would be dealt with by the U. N. At the same time a spokesman for the United States delegation to the U. N. repudiated the general's warning by saying the United States had no intention of carrying the war to Red China, even if the truce proposal were rejected.

So the Chinese Communists can continue their war against the Republic of Korea with the knowledge that their homeland will be safe from attack.

It's a nice way to fight a war—for the Chinese Communists. And for the British, too, because they are piling up profits by trading with the Reds at Hong Kong. But it's an outrageous handicap to impose upon the U. N. forces in the field.

This situation stems from the fact that while Americans and South Koreans are doing most of the fighting, war policy is being dictated by governments such as Britain which is supplying one-tenth of the troops, or those not supplying any troops at all, such as India.

This was the bill of goods Prime Minister Attlee sold to President Truman when he recently visited this country.

We are so boxed in that if we win the war it will be a United Nations victory, while if we lose it, it will be an American defeat. Meanwhile we will continue to suffer most of the casualties. If anything can destroy American confidence in the integrity of our international relations, this kind of an arrangement is most likely to do it.

[From the Washington Daily News of March 28, 1951]

LET BRITAIN TAKE OVER

The Joint Chiefs of Staff have instructed General MacArthur to clear all future statements of a political nature with official Washington.

Thus the general, who has been fighting with his hands tied, now has been gagged as well.

This is strictly unofficial, of course, and is credited only to the familiar authoritative source. No one in high official position seems to have the temerity to take direct issue with General MacArthur and meet him in the open on equal terms. To do that would be playing with dynamite. So another effort is being made to cut the general down to size by unofficial statements inspired by official sources.

The diplomats are angry because General MacArthur has been trying to force them to make an articulate statement of the United Nations war aims and say how they are to be accomplished. There has been a studied silence on that score since Red China's intervention last November.

Such a statement is long overdue and cannot safely be withheld much longer.

When General MacArthur first crossed the thirty-eighth parallel, some months ago, it was under authority of the British-sponsored resolution, passed by the U. N. General Assembly on October 7, which directed him to take all appropriate steps * * * to insure conditions of stability throughout Korea. That was universally interpreted as meaning North Korea as well as South. This resolution has not been repealed or modified. Yet the British now take the position that the general cannot again cross the parallel without allied consultations.

Meanwhile, to confound existing confusion, an official French declaration has been made that the one purpose of the United Nations has been to resist aggression, not to win a war. A soldier in the field could not be expected to make sense out of that.

Nor is there any immediate promise of a clarification of Korean war issues. According to the United Press, the statement of war aims which the State Department has prepared and is circulating among the 13 nations contributing to the fighting, clearly indicates United Nations willingness to end the war on honorable terms drafted by the U. N., reaffirms the U. N.'s intention to continue the fight against aggression if peace negotiations cannot be started, and does not, as General MacArthur implied, threaten to extend the war into China.

All of that has been stated again and again, and what has it accomplished other than to encourage the Communists to new adventures? It was just this kind of pretty-please eyewash that invited Red China's intervention in the first instance.

Since it is the British who have insisted that this war be so conducted as to avoid offending the Chinese Communists, why not ask Britain to take over, with British troops under a British commander? Britain, the principal sponsor of the appeasement policy, should be willing to take responsibility for it.

Mr. WELKER. Mr. President, speaking on behalf of the minority leader, the junior Senator from Nebraska [Mr. WHERRY], and acting as minority floor leader at this time, I now yield to the junior Senator from Illinois [Mr. DIRKSEN] whatever time will be sufficient for his purposes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I suppose about 5 or 6 weeks from now the delicate color of the bluebells will be manifest in the timber again; and I suppose that I live in memory of the days when, as a youngster, I used to go into the woods and dig up devil-in-the-bandbox and jack-in-the-pulpit. It will be in that season of the year, Mr. President, when we shall be observing the sixth anniversary of VE-day.

Mr. President, as one looks back upon them, the things which have happened in the 6 years which have been encompassed since hostilities came to an end in the European theater seem rather singular, rather fantastic, and rather weird. I fancy that every thinking person in this country has at one time or another contemplated what has gone before, and then has rationalized it in terms of what is on the horizon of the country today.

So, Mr. President, I fashion for myself, a conviction—and I suppose I express an unorthodox and an individual opinion—which goes infinitely further than many of the opinions which have been expressed on this floor. I think I can express it in the terms of an experience which a very distinguished and scholarly gentleman had in Great Britain at the end of World War I. He was not in uniform in that war. Someone said to him, "What did you do about the war?"

He replied, "My good sir, I protested."

Mr. President, today, when echoes of the great debate somehow find a place in every corner of the country, with the one voice and the one vote that I have—and I have only one—I think I shall protest some of the things which have been said and some of the policies which are in contemplation. I do so only because of my affection for and my devotion to my country.

So, Mr. President, that shall be my thesis today; and in so doing, I will try to hack at the roots, instead of the branches.

Mr. President, I am sure that at one time or another in your scholastic days you must have pursued some of the interesting things which were written by Henry David Thoreau, the old philosopher. I used to read a good deal about how he tended the bean rows at Walden Pond, near Concord, Mass., and how he could dip his hand into the water, and, with some strange instinct he seemed to possess, could bring out a fish. He tells in some detail about how he constructed a rude shelter there. I always thought he was one of the philosophers who loved nature perhaps more greatly than has any other person I know or ever knew of. He said, "For every person who hacks at the roots, there are 100 who hack at the branches."

Mr. President, I am not going to hack at the branches this afternoon. What I have to say goes to the question of policy. What I have to say goes to the whole question that is in the air today, the question of somehow riding our country down the dusty pathway to disaster all over again; and, Mr. President, I protest.

Of course, it is strange that this issue comes at a time when there is so much

confusion in the air. During the campaign I used to say, somewhat facetiously, up and down the broad, undulating prairies of Illinois, that confusion in the Nation's Capital had reached the point of being placed on an organized basis. Mr. President, I think that now confusion has reached the point of being placed on a calculated basis. In that connection, I ask unanimous consent to read into my remarks this afternoon something which was written by our old friend, Constantine Brown, who writes a column for the Washington Star, and whose capacity as a reporter is familiar, I think, to nearly everyone at either end of the Capitol. This article appeared in the Washington Star on March 21, 1951, and it bears the caption "Pressure Confuses Lawmakers." Frankly, Mr. President, it not only interested me, but it intrigued me a good deal. Let me read it now, in case some of my colleagues missed it. Constantine Brown wrote this:

PRESSURE CONFUSES LAWMAKERS—JUMBLED THINKING MARKS SENATE FLOOR DEBATE ON SENDING OF AMERICAN TROOPS TO EUROPE

Complete confusion of thinking has marked the debates on the Senate floor on the resolutions which deal with the sending of American troops to Europe.

The great debate has brought out the fact that while the President of the United States, as Commander in Chief of American Armed Forces, can send them wherever he pleases under article III of the Atlantic Pact, the administration has pledged itself not to send Armed Forces to Europe in peacetime.

This pledge was given by Secretary of State Acheson during the hearings on the pact before the Senate Foreign Relations Committee. It was further confirmed by Senator CONNALLY on the floor of the Senate before the Senators voted their approval.

The contention of those who oppose sending troops to Europe without congressional approval is that without these assurances from the highest spokesmen of the administration, an amendment would have been offered to provide special permission for the use of large bodies of American forces in Europe before an aggression occurs.

At the end of the great debate, after headline civilian and military personages had testified, the Foreign Relations and Armed Services Committees of the Senate agreed on two resolutions. The language is so confused and involved, however, that the authors themselves are not quite clear on the meanings.

This is understandable. Some Senators had pledged themselves to support the administration's point of view. Others decided to follow their own line. But both groups were under considerable pressure. Those who wanted to restrict the power of the President were mindful of the attacks on them by the administration's propaganda organizations. They were afraid they would be denounced as diehard isolationists.

Mr. President, at this point let me interject, parenthetically, that as I went up and down my own State all last year, there was an attempt to put the isolationist tag on me. I do not know that those who attempted to do so were able to make it stick. They may have done so to their own satisfaction, I may say to the Senator from Ohio [Mr. BRICKER], but not to the satisfaction of nearly 300,000 people who turned in a Republican majority. I thought that was a good answer. When people say, "Why, the gentleman from Illinois is an isolationist," I always think of what Lincoln once said to an old crony. He said, "If you call a sheep's tail a leg, how many legs does the sheep have?"

Without hesitation, his friend said, "Five."

Lincoln said, "Oh, no, my friend; calling a sheep's tail a leg does not make it a leg."

So, Mr. President, calling a man an isolationist does not make him an isolationist. However, that is only an interpolation which I insert as I read the article by Constantine Brown.

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

Mr. DIRKSEN. I yield.

Mr. BRICKER. Has the Senator from Illinois a definition of an isolationist?

Mr. DIRKSEN. Frankly, I have not. I wish to say to my friend that I think it is nothing more than the confession of a small mind when one has to take refuge in a tag as an argument.

Mr. BRICKER. And in name calling?

Mr. DIRKSEN. That is right.

Mr. BRICKER. I should like to ask the Senator from Illinois another question, if he will yield again. The Senator, in quoting from Mr. Brown, says there is confusion in the minds of those who are proponents of the resolution as to what it really means. Judging by the absence of Senators on the other side, and even Senators on our side, and by the absence of all members of the committee, does it seem that any effort is being made to clarify the arguments so there can be an understanding of what the proponents of the resolution have really said?

Mr. DIRKSEN. Insofar as my experience goes, I think not. I believe that is a fair and candid statement of the situation.

I resume the reading from Mr. Brown's article:

On the other hand, those members of the two committees who strongly favored a completely free hand for the Commander in Chief received a great volume of mail asking that the sending of troops to Europe be submitted to a vote in Congress. And since some of these legislators will come up for election in 1952, they could not ignore the letters and telegrams.

The result to this pressure was that two jumbled resolutions were presented to the Senate.

I may interject that that bears out what the Senator from Ohio said this afternoon, and what he has said upon other occasions in this Chamber. To continue with Mr. Brown's statement:

Because Senators reecived thousands of communications asking that the House, as well as the Senate, have a voice in any decision to send troops across the Atlantic, one resolution meets such a request. But here the thinking of the Senators became badly muddled. A joint resolution would have been binding on the President—

That is the point made by the Senator from Ohio today. A joint resolution would have been binding on the President—

since he would have to approve it. A concurrent resolution is a mere pious expression of wish which could be ignored by the Chief Executive if he chose to do so.

Let me interpose at that point, to make a response to what the Senator from Arkansas [Mr. MCCLELLAN] said a little earlier today. He said, with some emphasis, that the resolutions ought to be an admonition to the Commander in Chief. But the Commander in Chief has shown a strange allergy to admonitions from the Congress, not only now, but in other days. As a matter of fact, as the Senator from Ohio so well knows, he showed a strange allergy to the report on the Reconstruction Finance Corporation, which he called asinine, and he has been known to be allergic to other recommendations and suggestions from the Congress. So, if the action is not binding, what is to prevent the Commander in Chief from ignoring it?

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

Mr. DIRKSEN. I yield with pleasure.

Mr. BRICKER. I think the President also showed considerable allergy to the report of the Congress in regard to the investigation of Alger Hiss, did he not?

Mr. DIRKSEN. Indeed so; and I should remark, it is going to be a strange experience for a "red herring" to be in jail for 5 years. We have got him a long way from water now, and it is going to be a strange biological phenomenon, I should say.

To continue with the article:

The resolutions before the Senate approve President Truman's prospective dispatch of four divisions to Europe, because they have already been committed.

I wish to say to the Senator from Ohio that as I think about this precommitment, and the ratification ceremony which is proposed for four divisions, it almost makes the Congress, if it could speak bindingly under this resolution, a sort of accessory after the fact, as a lawyer might say; and what an unhappy rear-guard situation that is.

To continue:

But the resolution drafted by Senator SMITH of New Jersey requires congressional approval of any policy to send more troops across the Atlantic.

It appears that nobody, not even the author of that masterpiece, is quite clear about the meaning of these words. Some Senators believe that the President will have to have congressional approval for any further movement of large American forces under article III of the Atlantic Pact.

But Senator SMITH contends that these words do not mean a congressional veto over any future troop movement ordered by the Commander in Chief.

In heaven's name, what does it mean? I wonder what the country thinks about this, Mr. President. If there is so much confusion in Washington, then there must be confusion confounded and compounded as people lift their voices, and as they send emphatic expressions of their sentiments by the thousands to their Senators, and insist that the Congress, the National Legislature, take unto itself the question of approval of foreign policy.

Mr. BRICKER. Mr. President, will the Senator yield again?

Mr. DIRKSEN. I yield.

Mr. BRICKER. I dislike to interrupt.

Mr. DIRKSEN. It is quite all right, I may say to the Senator from Ohio.

Mr. BRICKER. I have a thought regarding which I want the comment of the Senator from Illinois. From the letters I have received—and they have come in by the thousands from people throughout my State and throughout the United States—in regard to the simple resolution and the concurrent resolution now before the Senate, it has been clear that those who write the letters expect Congress to take positive action about this issue, and pass a measure which will mean something more than simply, as Mr. Brown says, the expression of a pious hope or request, or a sympathetic statement. I am wondering how the Senators who favor either the concurrent resolution or the simple resolution, and who are supporting one or both of them, are going to answer their mail. It seems to me their answer would be something like this:

> I have received your letter in regard to the crisis now pending, and the sending of troops to Europe, and the resolutions before the Senate. I agree with you, if you are for them. I agree with you, if you are against them. But always remember that this is solely within the power of the President, and there is nothing the Congress can do about it.

I see no other position which can be taken by the proponents of the two resolutions other than to admit their impotency and their complete defiance of their own oaths and their complete abdication of their own power, by turning it over to the President of the United States.

Mr. DIRKSEN. There is no other logical conclusion to be reached than the one suggested by the Senator from Ohio. I would not know of any other conclusion, if one starts from that premise.

Mr. DWORSHAK. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. DWORSHAK. I should like to call the attention of the Senator from Illinois to the amendment offered by the majority leader, the Senator from Arizona, in which an appeal is made, in the interests of national unity and understanding, that there be the fullest collaboration between the Congress and the President. Might not that be a wonderful vehicle to enable the President to seek any objective whatever, in sending troops abroad, while at the same time he might call on the telephone one of his old cronies on Capitol Hill, and thereby collaborate fully, and reach an understanding in that way?

Mr. DIRKSEN. It is quite all right, except that it usually turns out to be one-way collaboration. That has been the difficulty heretofore.

There is but little left of Mr. Brown's article; but this is to me a rather interesting sentence. Referring to the resolutions, he said:

> They are not even intended to be binding on the President.

Mr. President, the people of the country will read that they are not even intended to be binding. So I wonder what the people of the Nation, as they look with solemn hearts and high hopes to the National Legislature, in an hour which has been described as critical, think about what is here proposed. It would be rather interesting to know. Of course, the answer is found every morning in our mail. Then, the concluding sentence:

> In other words, the whole resolution is meaningless and was drafted merely to show some activity on the part of the two committees after the great debate was ended.

Mr. BRICKER. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. BRICKER. I should like to ask but one more question. I said a moment ago that these resolutions constitute a fraud and a hoax upon the American people. Does the Senator interpret Mr. Brown's article as confirming that statement?

Mr. DIRKSEN. Exactly so. He says in so many words that virtually the resolutions represent just a lot of shadow boxing—and it can be spelled with a capital "S." The Senator from Ohio knows that I concurred fully in the sentiments which he expressed here the other day, and also this afternoon.

But let me ask this question. When all is said and done and we come to wrestle with the fundamentals of truth, why is Senate Resolution 99 here? To be sure, the Senator from Nebraska had introduced a resolution earlier in the session hoping that at long last there might be a formalization of our foreign policy. So that resolution was taken into the bosom of the committee, and this is the result.

But it is rather interesting, I will say, to inquire as to why the resolution is here. I shall give the Senator from Ohio one answer. It is because of the distrust of the man at 1600 Pennsylvania Avenue. I have no doubt about it. After all, people remember that, without counseling or consulting with the Senate or the House of Representatives, he rushed from Independence, Mo., back to Washington on a week end, secured the concurrence of the United Nations, and then told General MacArthur to start dispatching troops to Korea. Of course, it was a lovely picture for a time. So long as the fight was running nicely and so long as it looked as if there would be a quick liquidation of a difficult situation, it seemed to be all right. But people today see the casualty list containing the names of 60,000 young Americans, and that is a pretty dismal thing to take. They are beginning to wonder. So distrust is rising in the country. It has been coming on and it has been mounting in intensity and volume for quite some time.

One of the reasons why the resolution is before the Senate is because that distrust is evident. We are not going to wash it out and we are not going to satisfy the people on that point with something which is just as innocuous, so far as legislation is concerned, as is a glass of chocolate milk. The resolution has no more kick in it than has a glass of chocolate milk.

There is another reason why the resolution is before the Senate. I think it is because of frustration. I go back to my rather bucolic thinking about the bluebells, the devil-in-the-bandbox, and the jack-in-the-pulpit which I used to gather in the woods, and I think about VE-day. I was a soldier in the First World War. I started as a private in the artillery, and I finally wound up in France, I will say to my good friend, the Senator from Idaho [Mr. DWORSHAK] as a "shavetail" in the artillery. After that I landed on the western front as a balloon observer. So I think back to the days when I was a soldier in the war which was to make the world safe for democracy. That was a hoax and a myth. We got into the next war—the war to end all wars. I think that is what it was supposed to be.

I was in Paris on VE-day. I went to Versailles, a great formal place with its lovely gardens laid out by Louis XIV. I knew that VE-day was to come at 3 o'clock in the afternoon, so I got a GI to haul me to Versailles. I knocked on the door. On the door was a sign reading "Closed." I kept beating on doors until I heard a noise, and finally there came a custodian, an old French poilu who had lost one arm at Poissons. I polished off my best French. He said, "What do you want?" I said, "I want to get in." He said, "What do you want to do in here?" I said, "I want you to take me up to the hall where the Versailles Treaty was signed." He took me, and I looked at all those lovely mural decorations, and I finally said, "My friend, tell we where Wilson sat when he signed his name to the treaty." He said, "Over there." I asked him where the "Tiger" sat, and he pointed out the place. I looked at my watch and found that it was 3 o'clock. I heard a salute from the iron mouth of a 75-millimeter field piece. That was VE-day in Europe in World War II. I was standing precisely in the place where there was signed a piece of paper saying that the war was at an end—the last war. So we look back to VE-day and to VJ-day and get a sense of frustration over the fact that supposedly intelligent and rational people in this generation have thrown away every tangible hope of peace. What a mess they have made of it. The President, the Secretary of State, Dean Acheson, and all the rest have made a superb, consummate mess within the past 6 years; and this Chamber has been resounding every day for 10 days with talk about how critical the situation is and about the inevitability of war.

We hear much about defeatism, the defeatism of this day and age. I do not see it. That is the reason why I am like the old Englishman in World War I who said, "I protest." I protest the spirit and some of the sentiments which have been uttered with respect to the pending resolutions. As I think of the frustration of our people who must be reading what is going on in Washington, I think of a great preacher in Washington, Dr. Joseph Sizoo. Practically every Member of the Senate and House and many other persons have heard him. He preached in the New York Avenue Presbyterian Church before Peter Marshall, who was the gracious and able Chaplain of the Senate. Dr. Sizoo went to New York and took a pastorate there. Every Saturday aft-

ernoon he went to veterans' hospitals and saw veterans who had been washed up in the waves of war. He was making a little talk on a Saturday afternoon, speaking about the frustration that comes in the backwash of war, and one of the boys rose to ask a question. He had had one arm shot off, and had his other arm in a sling, and he would never walk again because a Japanese soldier had shot him in the spine. He said, "Padre, will anything come of it?"

That was a soldier expressing the frustration which is so manifest in America today. It is in response to that feeling that we must find some answer to this question other than this innocuous and meaningless thing which is before the Senate today.

One other thing that may account for the introduction of the original resolution, the intent and purpose of which was correct, as introduced by the Senator from Nebraska [Mr. WHERRY], was that it was a searching and exploring for something that would be responsive to the expressions of the people. They have got to express themselves, and they do. I do not know about the mail of other Senators, but I think my mail runs approximately 2,000 letters a day. Believe me, the country is expressing itself on this issue.

I think another reason why it is necessary that there be some kind of a measure which will deal effectively with this question that challenges the thinking of America today, is the rather weird, haunting, and fantastic picture of the pact. It is in my mind. I served at the other end of the Capitol, and I remember the day when the reading clerk intoned my name on the roll call on the 8th of December 1941, and I said "Yea" and voted my country into war. I had a chance to observe the build-up, the design, and then all the things that came afterward. Frankly, when I say today that I have one vote and one voice, I have only one devotion to anything outside of my God, and that is to my country, and I mean to express it, God willing, the best I know how.

I am not going to vote for either resolution, if for no other reason than as a sheer protest. The haunting past begins to come back. All Senators must remember the strange technique. First, there is the talk of danger. We heard it again this afternoon. We heard it back in 1939, 1938, 1937. It was couched in extravagant language. Franklin Roosevelt spoke on the radio in 1940, and this is what he said:

> Never since Jamestown and Plymouth Rock has American civilization been in such danger as now.

That is symbolic. It is rather expressive. Such extravagant language was employed before we got into war in order to delineate the danger and to scare people. First the dangers were recited in extravagant language. Then there came the lures and the promises. Mr. President, I remember them. He said, in substance: "Again and again and again I say to you your boys are not going over."

We heard it many times.

> This will make America secure. This will keep your sons at home.

O Mr. President, that is the pattern. It is crystal clear. Recite the dangers, use extravagant language, put in the promises and lures. Before getting ready to nurse a piece of legislation through Congress lay the ground work. Then let the salesmen become busy. Do Senators remember the salesmen? Do they remember the Committee To Aid America by Aiding the Allies, or whatever its name was? Do Senators remember the Fighters for Freedom? Oh, the unreserved and unrestrained language that was used in those days. It was all a part of the pattern. Books on contemporary history are filled with examples. The statement was, in substance, "We must do it as one more step. It is just one more step. It is essential. It is essential in the interest of peace."

"Peace" was the great clarion word. How many times have we heard it during the last 10 days in debate on the floor of the Senate? What kind of peace? The blemished interlude which has followed World War II? Does anyone regard it as a peace? It is negative. I call it the absence of war. That is the best one can say for it.

As I observe the pattern, Mr. President, my mind goes back in time. First of all, I remember 1937. We addressed ourselves to the neutrality resolution. I am sure the Senator from Idaho must remember the resolution. Both Houses of Congress were bound and determined to keep this country neutral, as they indicated by overwhelming majorities. Both sides in the civil war in Spain were trying to get arms and weapons. We did not want to be embroiled. We did not want to be sucked into the caldron of conflict. We saw the festering fevers rising on the European horizon. None of that for us, we said. Therefore by resounding majorities Congress amended the Neutrality Act in 1937.

Then we sat back rather contentedly, saying, "We have done a good job. We will have our country secure, safe, peaceful, and serene." That state of affairs did not last long. We began to hear inklings about lifting the arms embargo in the Neutrality Act. What was said? I know what some people said. I know what the then President of the United States said. Perhaps I have before me exactly what he said, so I will not have to paraphrase his statement. This is what the President said about repealing the arms embargo:

> By repeal of the embargo the United States will more probably remain at peace—

That was it—

> than if the law remains as it stands today.

That was in 1939, not so long ago. O Mr. President, the welkin rang. Oh, the speeches that were made all over the country. All were for peace. Congress, having done a job in the field of neutrality, began to toy with it. Two years later, of course, we began to decimate and dismember our handiwork. It was said that it was being done in the interest of peace. Two years later our country was at war.

Mr. President, we all remember the draft act. I think I have some direct quotations on that subject, and some of them are rather interesting. I should like to go back to the quotations from time to time. The draft act was meant to make our country secure. It was designed for our own blessed America. It was not for the purpose of having our boys go forth to fight—nothing like that, Mr. President. As a matter of fact, it was said that we would be assembling our boys for noncombat duty.

What did the President say? He said:

> The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate the matériel and manpower to fill the Army's noncombat needs.

We were not putting them in uniform to fight. We were not training them with Springfields and machine guns to fight. Oh, no. It was to deter other peoples. It was to scare someone.

What did the Senator from Arkansas [Mr. MCCLELLAN] say this afternoon? He said, "This will deter somebody." That is what was said only 10 years ago, when we enacted the draft act. It was for the purpose of deterring someone. We said a great many other things about it. The President said:

> Universal service will bring a wider understanding to enjoy the blessings of peace.

"Repeal the embargo. That is for peace. Let us have conscription. That is for peace." The President said we were preparing to keep the peace. Two years later we were in conflict.

Perhaps Senators wonder about my unbelief as I hear the speeches and as I hear the observations being made on this subject. Assurances are freely and glibly given. The trouble is that the past is too indelibly in my mind. I have lived through this pattern. I share the hope that perhaps fellowship in the baptism of death will not have to be visited upon so many young Americans. The design is set out, and we see the operation ready to start all over again. That sort of thing, Mr. President, I protest.

I suppose I cannot mention names without violating the rule, but do Senators remember what the majority leader of the House of Representatives said? As a humble Member of the House of Representatives, wondering what to do about the bill that came before us under the prophetic number of House bill 1776—I see that the Senator from Idaho remembers, too—I asked, "What does a person do about it? What is the way to go?" One gets very prayerful and very earnest in such moments. The majority leader said:

> This is for peace.

That is what the leaders said about lend-lease.

The then majority leader of the Senate who is now the Vice President of the United States, said:

> We believe this measure offers the surest method by which we can avoid participation actively in this war, and at the same time help those nations which are heroically grappling with a universal enemy.

Nine months later we were at war.

On February 9, 1941, Mr. Churchill said:

> We do not need the gallant armies which are forming throughout the American Union. We do not need them this year or next year

or any year that I can foresee. Give us the tools, and we will do the job.

So we gave them the tools, and then we sent the men to operate the tools. That was in February of 1941. I wish to say to my friend the Senator from Ohio that it is not a happy thing for a person in the National Legislature when the past rises up to assault his convictions. There they are—the arms embargo, the Draft Act, and lend-lease. They were all designed to keep us out of war and to give us peace. By steady steps, it seems that we finally moved on to the grand fallacy of conflict.

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

Mr. DIRKSEN. I yield with pleasure.

Mr. BRICKER. I should like to have the RECORD show that at this time there is not a Member of the Senate on the other side of the aisle; nor, so far as I know, is there present in the Chamber a proponent of these weak, vacillating, and meaningless resolutions, at a time when a most important discussion is going on, and one of the finest and most constructive presentations that has been made in connection with the pending issue is being given.

Mr. WATKINS. Mr. President, the Senator from Ohio will note that the Senator from Alabama [Mr. SPARKMAN] is in the chair. I believe I heard him say earlier in the day that he is on the other side of the question. But he is the only proponent present, so far as I know.

Mr. BRICKER. I am glad to be corrected to that extent.

Mr. DIRKSEN. I see my friend the senior Senator from Ohio [Mr. TAFT] in the Chamber. Let me say, in connection with the discussion at this point, that his viewpoints and convictions have been assailed by some people in this country. However, it is rather interesting, I may say to him, to read the history books and find that history has vindicated his judgment.

When lend-lease was under consideration, the majority leader in the other body said, "This is for peace." The majority leader in this body said, "This is the sure road to peace."

The senior Senator from Ohio [Mr. TAFT] also had something to say. That was 10 years ago. This is what he said:

> Its provisions in effect give the President power to carry on an undeclared war all over the world in which America would do everything except put soldiers in the front lines where the fighting is.

The Senator from Ohio, BOB TAFT, could have said that this afternoon in the Senate Chamber, and it would have been just as factual and persuasive as when he said it prophetically 10 years ago.

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

Mr. DIRKSEN. I yield.

Mr. TAFT. I think it is generally admitted by historians that it was the passage of the Lend-Lease Act which put the United States into the Second World War. I certainly believe that the Senator is correct in calling attention to the fact that the leaders of the administration at that time denied it, and maintained that the Lend-Lease Act was in fact an act to bring peace to the world.

Mr. DIRKSEN. The Senator is correct.

Now I move on. First there was the repeal of the arms embargo. It was said that was for peace; that conscription was for peace, and that lend-lease was for peace.

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

Mr. DIRKSEN. I yield.

Mr. DWORSHAK. I recall that our former Ambassador to Germany, Mr. Gerard, stated when the Lend-Lease Act was passed that it would not be necessary to declare war through the passage by Congress of a declaration; that the Lend-Lease Act was essentially a declaration which would involve the United States in a world war.

Mr. DIRKSEN. The Senator is correct.

Now we come to the United Nations. It excited many high hopes. At long last we were going to wash out all the defaults and mistakes of the past—at least they were called mistakes. The great fraternity of nations came together in San Francisco. Representatives of the various nations solemnly affixed their names to a piece of parchment. Out of it, of course, it was urged there would come majestically all the good things mankind had been seeking. It was for peace. Once in a while I reread the preamble to the United Nations Charter, simply by way of refreshment. But what was the result? After all the promises and all the blandishments, it did not turn out quite so well.

I wish the senior Senator from Texas [Mr. CONNALLY] were in the Chamber at this moment. I dislike to quote him in his absence, but I think it is necessary. In recent weeks I have again read many of the debates which took place both in this body and in the other body of Congress. There is nothing so cold, and nothing so disconcerting, I suppose, as a speech or prophecy which is frightfully wide of the mark.

When the United Nations Charter was under consideration in this body, of course, it was lauded. Many fine things were prophesied for it, including the veto. The senior Senator from Texas, who had returned from San Francisco, got around to a discussion of the veto provision in the Charter on June 28, and this is what he said:

> It must be borne in mind that the mere existence of the veto does not mean that it will be used frequently. In all likelihood, it will be seldom employed.

It has been used more than 50 times, to convert the United Nations into a pious debating society. When it is not engaged in that occupation, it becomes a formidable arena for power politics, with Mr. Stalin playing a major role.

All the wonderful prophecies for peace have not turned out so well. I am sure that the senior Senator from Ohio must remember when the British loan was being discussed. It was to rehabilitate a country. It was to be for peace. A friend of mine, who is now Chief Justice of the United States, came before the Senate committee and said that it would be tragic if the course proposed were not followed. The Assistant Secretary of State, Mr. Clayton, expatiated on the subject. We had to follow that course because it was in the interest of economic healing and in the interest of peace. Fine things were said about it.

I voted against it in the other body. I wanted some collateral put up. I was told, "No; they cannot give any collateral. Besides, that would make it look too much as though we were trying to get a pound of flesh." Always we seem to be Shylocks when we think about our own country a little.

The British loan was supposed to be in the interest of world peace. Has it brought world peace? Not so far as we can notice.

Then came the Greek-Turkish loan. I remember what the President said in the other Chamber in his message on that subject. I went back and read a good deal of the testimony. I read what Secretary Acheson said, and all the beautiful objectives which were held up to our view. It was a pretty costly enterprise for America. But it was in the interest of peace. We were always moving toward that golden objective, somewhere out in the elusive nowhere, as it were. All the proposals which were made were said to be indispensable to the cause. They cost us money and placed us in jeopardy, but always the proposal was in the interest of peace.

I am sure that the Senator from Ohio will remember the Bretton Woods conference. Those of us who expressed the slightest doubt about it were inveighed against. It was indispensable to world well-being. The International Bank and the International Fund were necessary to world peace. How much has the plan amounted to, as a matter of fact? Very little. If it had amounted to anything, would Senators on the other side of the aisle be raising their voices now and talking about the critical fevers on the horizon of the world, which threaten peace and the security of our country?

Then we come to the Marshall plan. I am sure that my distinguished friend from Ohio will appreciate what I am saying, because the man who was my predecessor in this body, and who sat in the No. 1 seat on the other side of the aisle, went up and down the State of Illinois and "peeled" me, as they say in politics. I had voted for the Marshall plan. I had defended it. I said that I wanted to see what would happen. Then, after I had made an assessment of it, I could see a great many things that were wrong, about which the American people ought to know. I stated that if I had been called upon to consider it as of a later time, I would not have voted for it. So my opponent went up and down the State of Illinois and said, "He assails the Marshall plan. It is cheaper than war. Its cost is $15,000,000,000."

So, for good measure, the administration gives us the Marshall plan and a war to boot as a part of the bargain, with 60,000 casualties in Korea. But it was for peace. Dean Acheson and Averill Harriman had the effrontery and the

gall to go to Houston and attack the senior Senator from Ohio. They came before a committee of Congress and said, "This is in the interest of world well-being and of peace." It was all for peace. "Peace, it's wonderful." I think there is a celebrated cleric in New York who uses that as a slogan. He says, "Peace, it's wonderful." It is. But where is it? That is what people want to know.

After all the expenditure of money, after all the steps in the program which started with the repeal of the embargo clause in 1939, in the year of grace 1951, when we are still within the holy shadow of the Easter season, and when the whole holy spirit of the resurrection is with us, and intoned from every pulpit and every chancel and every country in the world is this holy feeling of peace—here we are talking about troops, about the inevitability of war and of deterrents. God save the mark. It becomes a pretty distressing thing.

After what was done, as shown by this whole long recital, there came the Atlantic Treaty, which was approved by this body, and which looms so large today in the discussions that bear upon the two pending resolutions.

Strange fruit has come out of this crusade for peace, from the repeal of the arms embargo, to the arming of merchantmen, and all that sort of thing—strange fruit, indeed.

I think first of all of Poland dismembered. That great country, with all its fine and delicate culture, which gave many great people to the world, was a kind of a buffer. Poland was not dismembered by the invaders. It was dismembered by the diplomats at Yalta, and our country concurred in it.

It is time to take the cover off the ball. It is time to refresh the thinking of people. It is said, "Oh, do not go back. Do not whirl around the old bones." Why not? It is only through such review that we see the failures and the faults. When they are brought to light there will probably be a lesson for us in an hour such as this. It was at Yalta that those participating in the conference sold one-third of the territory of Poland and 13,000,000 people into the arms of Josef Stalin. Alger Hiss and Franklin Roosevelt and others were there at the polished council tables of Yalta to concur in that action. Yes; that is the naked history. Strange fruit, is it not, as we talk now about saving western civilization and a fine culture in Europe? That is one thing.

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

Mr. DIRKSEN. I yield.

Mr. BRICKER. I wonder if the Senator from Illinois would include at that point a quotation. I should like to refresh his memory by reading a statement the President of the United States made in Eugene, Oreg., on June 11, 1948. He said:

> I went to Potsdam in 1945 with that in view.

Meaning peace.

> I went there with the kindliest feelings in the world toward Russia, and we made certain agreements, specific agreements. I got very well acquainted with Joe Stalin, and I like old Joe—he is a decent fellow.
>
> But Joe is a prisoner of the Politburo. He can't do what he wants to. He makes agreements, and, if he could, he would keep them, but the people who run the government are very specific in saying that he cannot keep them.

Mr. DIRKSEN. That is a rather weird echo from the past. I can add to it, as I talk about Yalta. I happened to be in the British Parliament when Churchill made his report about Yalta to the Parliament. The President of the United States returned to this country and made his report to the joint session of Congress.

I read it, and I presume most of us have read it many times since then. To the Congress at that time the President said about Yalta, on the first day of March, 1945:

> I come from the Crimean Conference with a firm belief that we have made a good start on the road to a world peace.

What kind of a start is it when the yearning for freedom is stifled in the hearts of people who have suffered at least four dismemberments? But it has not liquidated the resiliency of spirit and the devotion they have for freedom. No. But that is part of the fruit of Yalta.

Then there was the unashamed and unabashed business of giving to Russia rights China had in Manchuria since 1907, rights to the Chinese and Eastern Manchurian Railroad, and also giving to Russia the Kurile Islands. Do Senators know what happened to Sakhalin, where oil is located, when Chiang Kai-shek was not invited to participate in the giving away? Great business, is it not, when another man's country is carved up, and he himself is not even invited to sit in to witness the blood-letting? That is a fine business. Today we are reaping in Asia some of the harvest as a result of what happened at Yalta. That is a part of the evil fruit of a design which was a road to war, and, after they got through, they had no real pathway to peace.

It seems a little astonishing to see what goes on in Europe and to hear what has been discussed in connection with these resolutions. When I was over there I had an office in Berlin for a while. I was a sort of an official aide to General Clay for several weeks. I went around the country, talked with many people, sat with the governors, and in the cabinets of the States, to see what it was all about. Do Senators know what they tried to do in the first instance? First of all they tried to pastoralize Germany. How in the name of conscience can a country be pastoralized which is three-quarters the size of the State from which the chairman of the Foreign Relations Committee comes, a country with 70,000,000 people? How can that be done without starving the people to death? It cannot. But it was proposed to pastoralize, to demilitarize, to denazify. Well, we did in part.

In connection with the demilitarizing program, I want to say to the Members of the Senate that I was in the Bremen enclave, which is that little section where we load and unload troops. I asked what was going on there. I said, "What is that noise? What are they doing over there?" I was told, "They are tearing down a plant, dismantling a plant."

"What are they going to do with it?"

"They are going to send it to the Soviet Union."

I said, "What kind of a plant is it?"

The reply was, "Why DIRKSEN, that is the largest submarine plant in the world, where the Germans made snorkel-type submarines."

So, having sent the plant to Russia one of the things that passes like a spectral shadow across the thinking of people today is a fleet of Soviet subs to endanger our security in the Pacific. That is one of the evil fruits of the concatenation of events which went on for so many years, which finally took us into the pathway of disaster, and now which will fairly take us in that direction again unless there is some reorientation of thinking. So, first, the effort was to disarm Germany, and now it is to arm her. That is rather curious. What strange fruit.

Remember the hue and cry, "Oh, you have got to sterilize the military potential of Japan." We did. And now what? In agencies in Government arises the question as to how to rearm Japan. Strange fruit we have inherited from all this business. But do Senators know whose doorstep to lay it on? The doorstep of those who come here today to take another step in a program which may be attended with considerable difficulty.

Then we think of Tito. First we cuss him, then we embrace him. First we cuss him for shooting our planes out of the air. And now he is the fair-haired boy. Instead of embracing Mikhailovich, the great Chetnik leader, we take a little two-bit, Stalinlike Tito and lend him money. If we wish to know how much money we lent him, we have only to look at the report of the Export-Import Bank which came to our offices. That will show us how much money he got, in addition to the things we sent to him. Every time we send him anything, he beats his breast and says, "I am a better Communist than Josef Stalin."

Mr. President, I think history needs a little footnoting. I do not want that sort of thing to go by, so long as I am around, without at least alluding to it. But that is a part of the evil and tragic fruit which began away back with the repeal of the embargo clause of the Neutrality Act, when we were told, and when the President said, "It is for peace."

Mr. President, where is the peace? "Peace, it's wonderful." But where is the peace, Mr. President? That is what the American people want to know, and that is what I want to know, before I embark upon another default in this long list of defaults.

Then as we look at our position in Asia today, it is rather interesting. Some time ago we said to the British, rather subtly: "You have been exploiting India for more than 300 years, ever since the East India Co. took charge there. So why do you not give India

her freedom or dominion status, or turn her loose entirely?" So the British did.

After that happened, we told the Dutch that they had been hanging around Indonesia long enough, and that white supremacy had been rather liquidated in those islands. But then we said to the French, "But you had better stay in Indochina."

Mr. President, what kind of a business is this? Where are we?

I read in one of the newspapers an account that the President of the United States said to Réné Pleven, when he was here, "I am going to give you an aircraft carrier to send to Indochina." However, Mr. President, I did not read that in an official publication, but I read it in a dispatch from France, published in the New York Times when Mr. Pleven made his speech in the Chamber of Deputies in Paris.

So, Mr. President, what kind of a business have we here? It seems to be fish on Friday but fowl on Thursday.

I am not going to embrace it, because it seems to have haunting memories of the design we have pursued ever since 1937, and which we accepted in a measure of faith, and which now comes up to assail the conscience once more.

Just consider some of the fruits of this thing. The war to end all wars. Where is it, Mr. President?

It is a hoax and a myth. It is a myth when people go around girding themselves with all kinds of weapons, sharpening up their swords, so to speak, getting ready to use atom bombs with which to beat out the brains of other peoples—preparing for war all over again—and using the arbitrament of war as a force among nations.

The war to end all wars. Mr. President, it is to laugh, as we hear the discussions here and as we heard the discussions of 3 or 4 weeks ago about an army of three and a half or four million men.

Well, Mr. President, it is for a purpose. As I see all the strange fruit, I think of the Atlantic Charter. You remember, Mr. President: "The Atlantic Charter and the four freedoms." We heard them talked about all over the world. The girl who was a chambermaid in a hotel in Ankara, Turkey, who used to tidy up my room there, could say to me, "the four freedoms."

I could go from Colombo to Kandy, where Lord Louis Mountbatten had his headquarters, in the island of Ceylon, and there a little girl with raven hair and an exposed midriff would whack off the top of a coconut, which was their equivalent of a Coca-Cola, and would say to me "the four freedoms." We heard it everywhere. I heard it all over the world.

Where are the four freedoms, Mr. President? Where is the peace? That is what I want to know. The myth, the hoax, the nonsense about it. I should not want to charge my conscience with that sort of thing.

When Churchill and Roosevelt signed their names to a piece of paper on a vessel on the Atlantic, what did they say? They said, "We believe in self-determination." It took a long time to get around to self-determination for Palestine, and it would not have been determined there yet if the people of Israeli had not fought for it. It took a long time to get self-determination in India.

Incidentally, it takes even longer to get self-determination in Ireland. The other day I submitted a four-line resolution saying that it was "the sense of the Senate"—there is that old nonsense, that old phrase again—that Ireland should be given complete freedom instead of having six counties in the northern part of Ireland under subjugation and domination by the British.

Two days ago I was advised by telephone that a parliamentary committee is going to Ireland to study that question. The resolution I submitted and the statement I made in connection with it seem to have gotten some headlines in Dublin. I do not know how news of what I did reached there.

In any event, a parliamentary committee is going to be sent to Ireland to study that question, and it is thought that perhaps now the British will finally get around to withdrawing their sovereignty from those six counties so that the Irish, too, can be free.

But where is the "self-determination" which was a part of the Atlantic Charter, along with the pledges of no aggrandizement without the freely expressed wishes of the people who are affected by it?

Then I should add a word about lend-lease. I saw the newspaper articles of last week which stated that the official representatives of the Soviet Union have said they simply will not meet our demand for some kind of adjustment in regard to the five-hundred-and-seventy-odd ships, or whatever the number may be, which we sent to Russia under lend-lease, and which the Russians insist were a gift to them.

Mr. BRICKER. Their representatives said that the United States does not need them now.

Mr. DIRKSEN. That is correct; they said we do not need them. What a wonderful footnote that is to something which happened 10 years ago, when the man who presides over this Chamber, as Vice President, and the majority leader in the House of Representatives in 1941, and Franklin Roosevelt, and others said, "That which we do is for peace." It is wonderful, Mr. President, provided four more divisions of troops are made available for Europe.

Many things have happened since we listened to the bells on VE-day. Somehow there was a great spirit of reverence in the hearts of people. They said, "Thank God the war is finished."

Mr. President, I do not know what you thought about on that occasion, but I know what I thought about. I reached into the recesses of memory, to try to find something that was adequate to that time and occasion. It finally came to me, and it comes to me this afternoon, because all of us went to church with reverent hearts on Easter, just a few days ago, to bathe ourselves anew in the spirit of peace and to catch anew the answer to Job's ancient question, "If a man die, shall he live again?" From Easter somehow we get the answer, and a revitalization of faith.

So I think now, in connection with the business in which we are engaged, of a revival of faith, a revival of the spirit. In that spirit I am wondering about this thing called peace, which has been so costly, which has been pursued, by which we have been lured from one step to another. Now in this country we are on the threshold of another step, the full effects and the scope of which it is difficult to assess and measure.

It is the past that talks. It must talk, for it is a part of the American tradition, and it must talk unless we wish to embrace the idea that we live only for today, and do not have to worry about the past or the future. I find that ever so often we have to go back in order to get some orientation for the days which lie ahead, because we are on the same merry-go-round now, the same business, the same recitals of danger upon the horizon, the same extravagant language. Oh, some of the phrases which have been used here.

Haste is urged. It has been indicated that action cannot wait; it has got to be taken now, for Eisenhower, with hot breath, is standing upon the coastline of France waiting for these troops to come. Well, if I have got to go to the devil in a hand-basket, I had rather go leisurely than go in haste. We made too much haste in the past, and Russia did too. But it is said, let us be done with this business now.

I speak only for myself, and perhaps I shall be the only one in this body who will vote as I shall finally vote, but it will be a matter of conviction with me. I measure my course against the things of which I was a part in the days gone by. It is said there is danger. Old Joe Stalin, with a beady eye, is ready next Tuesday to seize upon this country. It is that important that we act promptly. The situation is that dangerous. And General Marshall accentuated it within the past few days. I do not know about it. I should like to see a little of this danger demonstrated. I wish the responsible authorities would haul something tangible out of the files. We have had enough secrecy, there has been enough clandestine business in the Government, I could almost qualify as a resident of Missouri, and ask them to show me, before I go along with some of the proposals which are being made.

And now, Mr. President, we have the same old salesman. In days gone by we had the Fighters for Freedom, the Committee To Free America by Aiding the Allies, and so forth. Now we have a new committee. What is it? The Committee on the Present Danger. They are conducting radio programs. I am going to respond to one of them tomorrow night on some kind of hook-up. So the salesmen are busy now, selling the country the thesis which is being developed by the administration. The same lures are here. What is proposed is a deterrent. It is going to scare somebody. Well, I think a realistic dictator does not scare quite that easily; and, frankly, I have a kind of notion that if he did want to

gobble up Europe, he probably would not have waited this long. Why should he? Militarywise, it would be a strange thing to wait until we got completely ready. But there arises the question—I wonder whether it has raised itself in the minds of other Senators—about armaments. We arm; they arm. We send more divisions, they raise more divisions. So in 1953, 1954, and 1955 we are armed to the teeth, they are armed to the teeth. Where are we? Right where we are now—a stalemate, except when we start carving each other up and dropping a few hydrogen and atom bombs. Then it will be too bad for civilization and mankind.

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

Mr. DIRKSEN. I yield with pleasure.

Mr. WATKINS. The Senator mentioned the Committee on the Present Danger. Does he know that this committee has a registered lobbyist now working with Members of the Congress, by the name of Tracy S. Voorhees, former Under Secretary of the Army?

Mr. DIRKSEN. All I can say to my friend from Utah is that if they did not have, it would be surprising indeed, in the light of what has happened before.

Mr. WATKINS. Does the Senator realize that the Committee on the Present Danger also has enlisted as important members of it certain managers of some of the newspapers in the United States, who see to it that the propaganda issued by the committee gets front-page treatment?

Mr. DIRKSEN. Oh, certainly.

Mr. WATKINS. And that speeches, such as the one the Senator is making, probably will not appear, except through a line or two?

Mr. DIRKSEN. All I know is, I have one voice, one vote, and I shall speak for myself. And whether another Member of the United States Senate besides myself protests against some of these things makes no difference to me. I shall continue to protest. But what the Senator from Utah suggests is a part of the technique.

Mr. President, first, an effort is made to excite the people. Danger is talked about, and reference is made to the survival of our country. The great Governor of a great State, for whom I campaigned in 1944 and 1948, and whom I esteem as a friend, said a few days ago, "Without allies, America cannot survive." Oh, what a despairing defeatist sentiment. I would never say it. I have too much interest and too much faith in the vitality, the genius, and the resources of the United States and its people ever to let my feeble lips utter a despairing note such as Tom Dewey uttered before the two committees of the Senate, sitting jointly. We must have the allies in our corner. Suppose they are not in our corner; then what? Do we go forth and lay an egg and say it is all over? That would be the conclusion, but not mine. As an American citizen, I do not propose to make that kind of tragic defeatist admission. But that is a part of the big-name-salesman technique, Mr. President. They talk about the survival of the country, and about the inevitability of war.

Great God—and I say it reverently—are we not going to talk sometime about the inevitability of peace? If we start with the premise that war is a certainty, I guess we will conjure ourselves into such a state of mind that the rage will get us and finally will reach that phase. I should rather think positively on the side of the inevitability of peace. Perhaps that would get us somewhere. Nevertheless, we are told that we cannot survive unless we do all these things. War is inevitable. Stalin is looking at us out of the corner of his eye, and his hot breath is upon America. Then comes the salesman, the Committee on the Present Danger, and the parade of big names. Mr. President, you will remember what the parade of names was in another generation. I saw it from top to bottom. The gracious gentleman from Tennessee, who once served in this body, former Secretary of State Cordell Hull, testified many times before the House committees. I had a great affection for him, and I still do. I remember he said something to me by way of advice. He met me in a hotel downtown at a time when we were thinking much about subsidies. I was a young Representative in Congress, and he put his arm around my shoulder, and said, "My boy, you see this follows a sort of human philosophy. At first people will demur at the idea of subsidies and accept them very reluctantly, and then, after a while, they will accept them in good grace, and then later on they will demand them." I have seen that statement of Cordell Hull come true. So I think of him, as he came to testify on the Draft Act, on the arms embargo measure, and on other proposals. The big names testified.

Who else came? Henry Stimson, great scholar that he was, fine, debonair gentleman, an able lawyer, with a brilliant mind. He was the big name of another generation. Who else? Frank Knox, from my own State, publisher of a great daily newspaper, the Chicago Daily News, rugged individual that he was. He became Secretary of the Navy. He used to come to testify as did the rather elusive Bill Bullitt, who was at one time our Ambassador to Russia, and the rather ineffable Clark Eichelberger, Mr. President, whom you will remember. Wendell Willkie, for whom I campaigned all over the country, also was one of the big wheels who came before Congress to testify in that generation, 10 years ago.

Now who comes to testify? Harold Stassen—he is one of the wheels—Tom Dewey, Averell Harriman, and Dean Acheson. Merely different names. The technique is the same as it was 10 years ago, the pattern is exactly the same, and there is the same reckless use of precedents.

I wonder how many Members of the Senate have actually looked at the 134 precedents which are cited to document the President's powers as Commander in Chief. I went to the trouble of examining them. I became very curious about them. They go back to 1800. Four or five marines were sent to Cuba to bury one of their comrades who died of fever. Sending them there was an interposition of the power of the Commander in Chief. Six sailors from the battleship *Tennessee* were sent to Paris to defend and guard our exhibit in the Paris Exposition. That is a precedent for the power of the Commander in Chief. Admiral Perry had to have an honor guard when he went to China, so 300 bluejackets went with him. That is an interposition of the power of the Commander in Chief. That is the sort of thing which is thrown around recklessly when we talk about precedents.

I do not accept that reasoning. There is a considerable difference between ordering 90 marines into Nicaragua and sending 200,000 troops to Korea or six divisions to Europe. I am thinking a little about the implications of the question. The fact that the President is the Commander in Chief is one thing, but does it imply a power to put this country into an undeclared war? If so, then let us take out that provision of the Constitution which says that Congress shall have the power to declare war, because maybe from here out, all we are going to have is nothing but undeclared wars.

But here is this pattern on the doorstep today precisely as it was a generation ago, and it begins to alarm me a little as I see it spelled out, and we hear it said, "Oh, this is necessary; it is indispensable. There must be some troops. Air power and naval power cannot do what is necessary." We have to follow out the idea which has been advanced.

So we have before us this kind of shadowy proposal. It either means something or it means nothing; but, meaningless as it is from a legislative standpoint, it will be pretty easy for a good public relations man to take the interesting words of the resolution, including all the "whereases," and make them appear to be what they are not. That is the thing that distresses me most.

There are provisions in the resolution that are innocuous; but the junior Senator from Ohio [Mr. BRICKER] was correct this afternoon when he said there is involved something more than merely this little shadowy thing. There is a real conflict and controversy between the legislative and the executive powers, and it involves the question whether Congress is simply a helpless, frustrated body.

Do Senators receive letters from mothers who say, "What are you going to do about Korea?" I wonder how Senators answer those letters. Do they say, "This matter is having attention," and devote two paragraphs to it and let it go at that? I find I cannot do that, because my correspondents press me, and they want some kind of an answer. So I cudgel my mind and say to myself, "What will you do about Korea?" I did not put the troops there; the President put them there. Of course, he had the sanction of the United Nations, but he did not consult with the Congress. Can Congress get a single soldier out of Korea if the President does not want him to come out? Can the Congress get Eisenhower back to tell us something about the situation if the President does not want him back?

The President went to Wake Island last year, just before the election. I thought it would have been a great thing to have MacArthur come here and tell the Senate and the country precisely what was going on in Korea. I do not know that we can get him back—I have some doubt about it—if the Commander in Chief does not want to have him come back. It is rather doubtful.

So when my constituents say, "What are you going to do about Korea" I shall be honest and say to them, "I do not know." If I want to get them out, how can I get them out? If Members of the Congress were unanimous in wanting to get them out, we could get them out. Under the theory that has been delineated here, the President says, "Keep your hands off. I am the Commander in Chief. I am running this show."

So we say in this resolution, "Please, Mr. President, consult with us." Is not that what it amounts to? We become suppliants. We say, "Please consult with us." I regard the comments of Constantine Brown to be correct in the article which I read into the RECORD earlier this afternoon as a part of my remarks.

The resolution has no legal effect, and the question is, Are we going to continue a kind of shadow-boxing, or are we going to meet the issue head-on and take realistic action about it?

Of course, there are ways of handling it. Congress still has the power of the purse. The Constitution gives the President the power of the sword. I could go to my office this afternoon and, on the basis of experience, write out 24 lines to impound the money we gave the executive branch in past appropriation bills and attach a proviso on the appropriation bills to be considered in connection with the 1952 budget, and say: "No part of the funds herein appropriated shall be used for the subsistence, transport, or maintenance of a single ground soldier in Europe."

I could write it out, and it would be effective, if agreed to. We have some power along that line if we want to use it. I mean to use it, insofar as I can, and insofar as I know how. I humbly admit that I am a newcomer in this body; but if that is the only control we have left, I am going to exercise it as best I know how.

So I see this whole pyramid of events coming from the past, and now we stand on the threshold of new action. Where is it going to lead us? Speaking for myself, I shall not go along with what is proposed. I want to know a few things first. I think the time has come to place the emphasis on peace. Either we mean business or we do not. Either we shadow-box with the issue of peace, or we do not. But let us come to grips with it.

We cannot go around with a morbid countenance and say, "War is inevitable." Perhaps we have not tried. The last time the big power leaders met together was at Potsdam. Is it not about time to get some high-echelon meetings besides those attended by Secretary Acheson? I wish I had more faith in him. He has a great brain, but my faith is a little bit weak when it comes to our present Secretary of State and what he is trying to do. But I do not accept the verdict of the inevitability of war. I think it is high time to talk about the inevitability of peace, and to see what we can contrive out of that as we go along in our deliberations.

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

Mr. DIRKSEN. I yield.

Mr. WATKINS. Judging by what happened at Potsdam, does not the Senator think it would be unsafe to have another meeting like it?

Mr. DIRKSEN. That may be; I do not know. When we think this resolution is here because of a certain distrust of the President of the United States, we may as well be honest about it. Somewhere along the line there must be a catalyst, there must be a cohesive force to get people together. Certainly we cannot do it with a lot of unrestrained language. While we talked about deterring Stalin, a Member of this body gave out a press release which I saw in the Washington Evening Star in which he said, "This will make it possible for us to pulverize the Soviet Union." Our propaganda finally comes back upon us. How can we say in one breath, "We do not hate you folks in the Soviet, but we are going to pulverize you?" We cannot pursue the thesis of peace in that way.

The time has come to put the emphasis on peace, and to develop a little restraint in our language, particularly in view of what has happened in the past.

There is one other point about which I desire to ask the senior Senator from Ohio. There is one thing that disturbs me with reference to the kind of action proposed. It would be possible to close the door entirely to peace in Europe by sending over plenty of troops. I saw a dispatch the other day which said that General Marshall's idea of four divisions is 200,000 troops. We have two divisions there already. If we sent 4 more there would be a total of 300,000 troops.

Will it close the door finally? After all, we are dealing with people whom we think of in terms of being our ideological enemies. One door has been closed. The door in the Orient has been closed.

It is a singular thing, I say to the junior Senator from Ohio [Mr. BRICKER], that a great Secretary of State by the name of John Hay, a Republican and a classical scholar, opened the door in China. Another great American from the Senator's State, William McKinley, was President of the United States. Fifty years later Truman and Acheson closed the door in China. They closed it very securely, and our headache is how to keep from being embroiled with a country of 500,000,000 people. It is a country in which every conquering force has been assimilated and absorbed over a long period of time. They closed the door, which a great President and Secretary of State from the Senator's State had opened.

By what is now proposed, Mr. President, are we going to close the door in Europe? We get only one chance. It is like putting a little radish seed in the ground; there is only one chance for it. If it is put in too early, it does not come up. Can it be that by what we are to undertake now we may be closing the door? I think that as a matter of common sense it would be a good idea first to end the shooting war, before starting to think about the cold war.

Mr. President, has there been any haste in contriving a peace treaty with Germany? Has there been any haste in contriving a peace treaty with Japan? It seems we must hurry in what we are doing here; but there does not seem to be any hurry in making peace. Mr. Dulles is galavanting around, getting some things together. I hope he will be successful. My heart is interested in it. Why is there not some haste in an effort to end the shooting war, and to get on some good ground in that respect? Perhaps from that point on we may be able to develop a more effective effort.

There is one other thing I should like to mention. It is proposed now that we adopt a pious resolution. I think every student of legislative language and procedure will agree that it would have no honest-to-goodness legislative effect. The President could ignore it. He could send 40 divisions, instead of 4 divisions. If he were as allergic to the admonitions of Congress in this regard as he has been in other matters, who knows whether he would not do it? Before I go along with that kind of business I should like to know what is up the sleeve. I would like to have a few disclosures made. Why can we not get General MacArthur to come back to tell us what is going on in the Orient, before we are involved in Europe? What about the commitment we made in Indochina? What about point 4?

The other day I received a treatise from my good friend Nelson Rockefeller and his International Development Corp. I understand it is to be the foundation for Operation Cosmic. That is the program, Mr. President, Operation Cosmic. It would mean an international WPA. We are going to roll up what is left of the Marshall plan and its functions and other aid programs and technical assistance programs for all corners of the earth, and perhaps we will even put in a little grain for India, and weapons——

Mr. BRICKER. And milk for the Hottentots.

Mr. DIRKSEN. Yes; chocolate milk for the Hottentots. During the second week in April, Mr. President, there will be a great meeting at the Hotel Statler in behalf of a project for which Congress will be asked to appropriate approximately $7,000,000,000. I should like to know something about it. Is that a part of what we are now considering? If it is, I am going to find a jumping off place now, before we are taken too far. I am not forgetting what a White House aide said in substance to a reporter for the Wall Street Journal, namely that we are going to confine Stalin, and are going to police the world. That is what he said, Mr. President, that we are going to police the world. If so, finally the garrison state and the welfare state will bankrupt the United States. From then on we will not have to worry about any

more divisions of troops for Europe or for Korea. After we have gone through the economic wringer there will be nothing left except controls which will make what Mike DiSalle is cooking up now look like a pink tea party on a Tuesday afternoon.

I think the time has come to do some thinking about solvency as we consider Operation Cosmic, with all its implications. Why do they not say, "Here is the whole package; now you know what is going to obtain in the field of foreign policy"?

In addition to the four divisions of troops and the other details that will be gathered up, what are we going to do about the Voice of America? There is a message from the President and the Budget Bureau before the Committee on Appropriations which asks for $97,500,000 for that activity. Senators who are members of the committee will know about it. The purpose of the Voice of America is to tell the people of the world how folks live in Middlebury, Vt.; Marion, Ohio; or Pekin, Ill. I begin to cross my fingers about it. They ask for $97,500,000. Then there is a request for a supplemental appropriation of $1,400,000,000, in addition to the over-all sum of $71,500,000,000. Add to that $7,000,000,000. Then add to it the other supplemental and deficiency appropriation requests which will be sent to Congress between now and the end of the fiscal year. Where does it leave us? I am afraid we will start to run out of money.

I used to tell a story in the campaign about a lady who went to see the governor of a State. She said, "Governor, I want to get my husband out of prison."

He said, "Madam, what is your husband in prison for?"

She said, "For stealing a ham."

He asked, "Is he a good husband?"

She said, "No, sir."

The Governor inquired, "Is he a sober husband?"

"No, sir."

The Governor asked, "Is he good to the children?"

"No; he beats them."

The Governor asked, "Lady, why do you want to get your husband out of jail?"

She said, "Frankly, Governor, we are out of ham again." [Laughter.]

Mr. President, one of these days we will start to run out of ham ourselves. When we do there will be no Marshall plan or operation cosmic for the people of the United States of America, who are already beginning to groan under the load.

I say to my senatorial colleagues: God forbid that the time ever comes when I shall be afraid or ashamed to utter a word for my own country in times such as these. I think someone must stand up and say an occasional word for America. I want to know about these things. Is this proposal to add more troops a part of the pattern which we saw spelled out in detail in a formal way 10 years ago, starting in 1939, with the repeal of the embargo provision of the Neutrality Act? Is this the first step? Does this close the door to peace? Is this the beginning of a new kind of salesmanship which will sell the doctrine of the inevitability of war?

Perhaps it is. However, I shall not approach it with my eyes closed or with the consuming and blind faith with which I accepted a good many similar things at the other end of the Capitol.

Mr. President, I get a rather queasy feeling about some of our allies. I want our country to have allies who are reliable, and who play the game all the way down the road. I wish we were not expressing the sense of the Senate in every paragraph of the resolution, because I should like to put something in it to the effect that either our allies must reliably support us and do it consistently and uniformly, or we will not help them. I do not understand using Marshall Plan money to rehabilitate two or three steel plants in Italy and then having the fabricated steel products made in the steel plants sent to the Soviet Union and her satellites. That is a fine business, is it not? There are a couple of battalions of British troops in Korea. Certainly there must be some casualties among the British troops, as there are casualties among our own soldiers. I wonder what a British soldier on the frozen bosom of Korea must think when a machine gun bullet impinges his flesh and lets his warm blood run out on the cold snow of Korea, as he suddenly realizes that his country sent 66,000 tons of British rubber to the Soviet Union in 1950, and has been sending it in the calendar year 1951.

Is there any doubt about it? Ask the Senator from Maryland [Mr. O'CONOR], chairman of the subcommittee which has been taking testimony. He will tell us that 3 weeks ago someone arose in the British Parliament and defended such practices, stating, "We expect to do business as usual."

Perhaps the French can take our money under the Marshall plan and send steel rails to the Soviet Union, or to China, or to one of the satellites. Perhaps Italy can do it, and perhaps Great Britain can do it. Even Holland sent more than 4,000 tons of rubber. Of course, they are all members of the North Atlantic Treaty Organization.

Are they reliable? Do they play right down the line, and for keeps? I want to know. I am not going to be fooled any longer by diplomatic language, because what has happened in the past has been too impressive. The pattern begins all over again, in pretty much the same vein—with recitals of danger, and use of extravagant language. The salesmen are present. The lures are present, just as they were 10 years ago.

The junior Senator from Illinois does not want any part of it. I wish to be sure, in my lifetime, that before the door is closed and before we completely succumb to the evil and hateful gospel of the inevitability of war, there will be at least another really honest-to-goodness endeavor at high levels before we melt away under the influence of the forces which carry a country and its people down the road to disaster. That is the past, and that is the pattern of the present. If this is the beginning, we can look forward to another series of defaults, which finally will wind up in a stalemate. I am not going to start down that road.

I prefer to embrace the gospel which was uttered by Herbert Hoover, who is still a great American in my book, and always will be. He talked about building up our hemispheric defenses. That sounds pretty good to me If we do not do it, no one else will. Then we should not turn our backs upon western civilization and culture in Europe, but we should get our air bases ready. We should see to our naval power, and be careful about our ground troops, because one untoward incident may be the beginning of a concatenation of forces which will finally lead us to disaster once more.

My colleagues have been very intelligent. I wish to wind up this rather sketchy discourse. In so doing I wish to say that I fought in one war as a balloon observer. I served in Washington during another war. I went over there to see what its impact was upon people and things, and how devastating war can be. Now the atmosphere is charged with talk about the inevitability of war. What confession of lack of vision, faith, and spiritual vitality it is to talk that way.

Mr. President, we have before us a resolution which has no legislative effect, in my judgment, and which may give color of sanction to a power which the President can exercise without consulting with the representatives of the people in the Senate or in the House of Representatives. I am not going down that road. So if the resolution remains in its present form, when we start voting next Monday, and from then on, although such a course may not be very popular, the junior Senator from Illinois by his vote will show that he is not going to embrace that kind of doctrine.

Mr. President, I yield the floor.

Mr. TAFT. Mr. President——

Mr. WELKER. Mr. President, on behalf of the Senator from Nebraska [Mr. WHERRY], and as acting minority leader, I yield to the senior Senator from Ohio any time he needs to address the Senate.

Mr. TAFT. Mr. President, my views on the general subjects involved in this debate have been stated several times. I desire this afternoon to discuss only the question of the power claimed by the President to send troops anywhere in the world and involve us in any war in in the world and involve us in any war in which he chooses to involve us. I wish to assert the powers of Congress, and to point out that Congress has the power to prevent any such action by the President; that he has no such power under the Constitution; and that it is incumbent upon the Congress to assert clearly its own constitutional powers unless it desires to lose them.

It should assert them in the form of a joint resolution. I shall vote for a concurrent resolution if a stronger resolution cannot be obtained; but it seems to me that at this point, in order to clear the record, we should state clearly the reasons why we believe the President has no such power as he claims.

In the long run, the question we must decide involves vitally, I think, not only the freedom of the people of the United States, but the peace of the people of the United States. More and more as the world grows smaller we are involved in problems of foreign policy. If in the great field of foreign policy the President has arbitrary and unlimited power, as he now claims, then there is an end to freedom in the United States in a great realm of domestic activity which affects, in the long run, every person in the United States.

If the President has unlimited power to involve us in war, war is more likely. History shows that when the people have the opportunity to speak, as a rule the people decide for peace. It shows that arbitrary rulers are more inclined to favor war than are the people, at any time. That is no particular reflection upon the present administration.

Mr. President, I think it is necessary that a clear statement be made of the issue which is involved in the consideration of the pending resolutions, particularly because of the claims made by the President of the United States, and in the various documents presented to the Senate by the Committee on Foreign Relations and the Committee on Armed Services.

On January 4, last, President Truman, commenting on the Coudert resolution to bar him from sending more troops to Europe without the consent of Congress, "said emphatically today that he did not need the permission of Congress to take such action."

On January 11, at a press interview, according to the Washington Post:

> Mr. Truman, whose right to send troops to Europe recently was challenged by Senator TAFT, said he had the power to send them any place in the world. This, he said, had been repeatedly recognized by Congress and the Supreme Court.
>
> A reporter asked Mr. Truman in effect what would happen if Congress tried to tie his hands by putting restrictions in the appropriation bills for the forces to be sent to Europe.
>
> That, said the President, was up to Congress. If they wanted to go to the country about it, he said, he would go with them—and he recalled that he licked them once.

At the President's conference a week later, on January 18, according to the press:

> He repeated that his constitutional authority to send American forces to Europe to take up their positions in an integrated European army was clear and did not depend upon the consent of Congress. What he would be glad to have, he said in substance, was a Senate expression that affirmed his constitutional authority.

The latter is one thing he is not going to get, but it seems to me all the more important that we make clear what Congress considers its power to be in this particular field.

Furthermore, Mr. President, a document has been submitted to Congress entitled "Powers of the President To Send the Armed Forces Outside the United States." It is dated February 28, 1951. On the cover is the following statement:

> Prepared for the use of the joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

The document does not have the endorsement of the Committee on Foreign Relations or the Committee on Armed Services. Nevertheless, in the report of those committees it is said that attention is invited to two documents which may be of help in analyzing the matter under consideration. One, prepared by the executive department, sets forth the position of the Executive, and the other, prepared by the House Committee on Foreign Affairs, is a collection of opinions on the subject.

So this document is now a part of the record. It contains the most unbridled claims for the authority of the President in this field that I have ever seen written in cold print. The document begins with a general statement of the President's powers. It asserts that he was acting properly and constitutionally in sending troops to Korea in response to the resolution of the United Nations; that he will be acting lawfully and constitutionally if he sends troops to Europe to implement the North Atlantic Treaty.

It sets forth his constitutional power. It says:

> While the Congress has power to declare war, to raise and support armies, to make rules for the Government and regulation of the land and naval forces, and other powers important and necessary to the conduct of foreign policy and to the defense of the United States * * * these powers are not to be so construed as to curb or cripple the powers of the President as Commander in Chief.
>
> * * * * *
>
> The power to declare war, which is vested in the Congress by the Constitution does not impair the authority of the President, in the absence of a declaration of war, to do all that may be needful as Commander in Chief to repel invasion, to repress insurrection, and to use the Armed Forces for the defense of the United States.

That is a correct statement, I may say. But the implication is that that carries with it the power to send troops to any part of the world and, of course, no such implication from that conclusion or from the authorities cited in this behalf is correct.

Then it cites a number of precedents, and makes this statement:

> While the most numerous class of these incidents is that involving the protection of American property or American citizens in foreign lands, many of them—such as the intervention in Texas in 1845 and in Mexico in 1917, the intervention in Panama in 1903–04, the dispatch of troops to Iceland in 1941—are not concerned with the interests of individual citizens but with the general defense of the United States or the protection of some national interest or some concern of American foreign policy.

In other words, this document asserts that the President thinks that whenever American foreign policy requires it he may send troops to any point throughout the world. The document goes on to say that in sending armed forces to carry out a treaty the President does not require any statutory authority whatever; that the implementation of any treaty or the carrying out of any act may be undertaken by the President.

The document ends up with the most sweeping claims for power I have ever seen. It says on page 27:

> As this discussion of the respective powers of the President and the Congress in this field has made clear, constitutional doctrine has been largely molded by practical necessities. Use of the congressional power to declare war, for example, has fallen into abeyance because wars are no longer declared in advance.

Those who prepared this document wipe out the power of Congress to declare war, and stated in effect that the President can declare war whenever he so desires.

> The constitutional power of the Commander in Chief—

They say—

> has been exercised more often because the need for armed international action has grown more acute.

Apparently they claim that whenever the need for armed international action grows acute the President can undertake such action.

> The long delays occasioned by the slowness of communications in the eighteenth century have given place to breath-taking rapidity in the tempo of history. Repelling aggression in Korea or Europe cannot wait upon congressional debate. However, while the need for speed and the growth in the size and complexity of the Armed Forces have enlarged the area in which the powers of the Commander in Chief are to be wielded, the magnitude of present-day military operations and international policies requires a degree of congressional support that was unnecessary in the days of the nineteenth century.

That is a very gracious concession to Congress. We no longer have any power to act; we are simply given the right to support the President after the President has acted.

Mr. President, I could not well permit this document to remain on the records of the Congress without asserting my belief that it presents an utterly false view of the Constitution of the United States; that most of the claims are wholly unsound; that the authorities cited do not support the conclusions which are reached; that there should be now a distinct repudiation by Congress, in its own action, of the claims made in this particular document.

Mr. President, I was shocked in the very beginning of this controversy by the speed with which blind partisans in the administration rushed to the defense of the proposition that the President can make war and warlike commitments. The Senator from Texas [Mr. CONNALLY], the chairman of the Foreign Relations Committee, made the extraordinary assertion on the floor of the Senate that—

> The scope of the authority of the President as Commander in Chief to send the Armed Forces to any place required by the security interests of the United States—

I repeat that, Mr. President, "required by the security interests of the United States"—

> has often been questioned, but never denied by authoritative opinion.

That certainly is a complete misrepresentation of the whole documentation and any discussion of these constitu-

tional powers which has taken place since the foundation of the Nation.

The distinguished Senator from Texas simply makes a misstatement when he quotes my father as having expressed the view that the President had the right to send forces to any place where, in his judgment, their presence would contribute to American security.

As soon as I made my first speech, the New York Times rushed to get Professor Commager to throw together in a day or two a superficial article, published in its Sunday magazine at that time, in which he asserts that the President has the right to start war whenever he sees fit to do so.

Time magazine makes the offhand statement that history books have listed more than 130 cases where United States Presidents sent United States armed troops into action "to defend the national interest."

The most interesting thing is that there seems to be so many responsible people in this country who follow the party line of the State Department in foreign policy, with complete blindness as to where it may lead, in spite of the fact that it has led us a long way toward disaster recently, and in so doing they blithely dismiss all interest in the maintenance of popular government under the Constitution. They are obviously afraid of popular government, thinking that the people are too dumb to understand foreign policy, and that they might oppose policies which seem to them to lead to war.

I deny the conclusions of the documents presented by the President or by the executive department, and I would say that if the doctrines therein proclaimed prevailed, they would bring an end to government by the people, because our foreign interests are going gradually to predominate and require a larger and larger place in the field of the activities of our people.

When we add to this the danger which results from the wide powers given by treaties to international commissions to interfere in many American affairs, when we add the unlimited power of the President to fix the policy and the operations under the reciprocal-trade agreements, when we add the theory that the President can do anything by executive agreement without submitting such an executive agreement to the Senate for approval, as a treaty; when we reflect on the general ideas prevalent today of a planned economy for the world, I think it is fair to say that if we yield in this field of foreign policy we will find the President of the United States as arbitrary a dictator over the people of this country as were dictators in many other countries where they gradually gained power.

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

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. TAFT. I yield.

Mr. WATKINS. Is it not a fact that only about 5 or 6 years ago the President took the opposite position, and felt agreements of the kind we are discussing must be ratified by the Congress?

Mr. TAFT. Yes. The distinguished Senator from Utah yesterday called attention to the fact that in connection with agreements under the United Nations Charter to provide troops for an international army, the President stated that he intended to and would submit to Congress all agreements involving the sending of any such troops.

Mr. WATKINS. Is not his present stand a complete reversal of the position he took at that time?

Mr. TAFT. I think it is; yes. Of course, the President has wide powers in foreign policy, but the framers of the Constitution provided expressly that only Congress could do certain things. Those powers are expressed in section 8 of article I. Of course, Congress is given the power, and the exclusive power—

> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
>
> To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years.

That reflects a certain and definite suspicion of a possible desire on the part of some President to set up a great permanent military force.

> To provide and maintain a navy.
>
> To make rules for the government and regulation of the land and naval forces.

There are other powers, such as calling forth the militia, and disciplining the militia.

The Constitution also provides that the President shall have the power to make treaties, but only by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur.

The President's relationship to the Armed Forces is stated only in section 2 of article II of the Constitution:

> The President shall be Commander in Chief of the Army and Navy of the United States.

Mr. President, there is one very definite limit—and I think it is admitted by every responsible authority who has discussed the problem—on the President's power to send troops abroad: He cannot send troops abroad if the sending of such troops amounts to the making of war. I think that has been frequently asserted; and whenever any broad statements have been made as to the President's power as Commander in Chief to send troops anywhere in the world, the point has been made that it is always subject to that particular condition.

Perhaps no one has been quoted more often on this general subject than has my father, who usually is quoted from his book, Our Chief Magistrate and His Powers. At the same time when that book was written, he wrote an article entitled "The Boundaries Between the Executive, the Legislative, and the Judicial Branches of the Government." That article appeared in the June 1916 number of the Yale Law Journal. In it he discusses at length the power of the President under the Constitution, and the right of Congress to limit the President in the exercise of his constitutional powers. I read a part of what he said on page 610, because I think it sums up the general position:

> When we come to the power of the President as Commander in Chief, it seems perfectly clear that Congress could not order battles to be fought on a certain plan, and could not direct parts of the Army to be moved from one part of the country to another. The power to declare war is given to Congress. * * * This is necessarily a limitation on the power of the President to order the Army and the Navy to commit an act of war. It was charged against President Polk that he had carried on a foreign war against Mexico before Congress had authorized it or declared it, and it is difficult to escape the conclusion that the act of President Wilson in seizing Veracruz was an act of war without congressional authority, at the time it was committed, though a resolution authorizing it was pending, and had passed one House and was passed in a very short time after the act by the other House, constituting a valid ratification.
>
> It is not always easy to determine what is an act of war. The President has the authority to protect the lives of American citizens and their property with the Army and the Navy. This grows out of his control over our foreign relations and his duty to recognize as a binding law upon him the obligation of the Government to its own citizens. It might, however, be an act of war if committed in a country like England or Germany or France which would be willing to admit that it needed the assistance of another government to maintain its laws and protect foreign relations, but would insist that injuries of this sort must be remedied through diplomatic complaints and negotiations. Of course, the President may so use the Army and Navy as to involve the country in actual war and force a declaration of war by Congress. Such a use of the Army and Navy, however, is a usurpation of power on his part.

Some may feel that if the President can do certain things, there is no sense in arguing that he has no right to do them. However, after all, the limitation of power is the very basis of our constitutional system, and we must determine that question before we can determine what Congress can rightly pass in the way of legislation to restrain the President's authority to send troops in such a way as to involve the country in war.

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

Mr. TAFT. I yield.

Mr. WATKINS. Is it not a fact that among the numerous instances which have been cited of the President's sending our Armed Forces into other countries, many of those acts could have been challenged as violations of the Constitution if anyone had taken occasion to do so?

Mr. TAFT. I think so; and many of them were challenged, so far as that is concerned. I shall refer to the ones that are most frequently pointed out.

Mr. WATKINS. The mere fact that a President did something which was illegal at the time did not make it legal.

Mr. TAFT. Certainly; and certainly that does not prevent the Congress from saying that the President should not do such things, but that he should limit his acts to those affecting the use of our Armed Forces in such numbers as not to involve the country in a war with another country.

Mr. President, most of the cases which have been referred to—some of them referred to by the distinguished Senator from Illinois [Mr. DIRKSEN]—are cases where the use of our troops was limited to the protection of American citizens or to the protection of American property. A number of other cases are cited in that connection.

The Boxer Rebellion is frequently cited; but in that case troops were sent into China because the legations in Peking were besieged, and the legitimate Government of China was unable to defend them against the rebellious Boxers. So the various nations sent their troops there, in order to rescue those who were in the legations. That was a clear effort to protect American lives, to protect American diplomatic lives, which were threatened, contrary to the law of nations; and certainly it was not an act which necessarily involved us in war.

The case of the Mexican rebellion was referred to, and was referred to by my father, who said that President Polk's right was challenged. Of course it was challenged by a very distinguished American, Abraham Lincoln, who on February 15, 1848, wrote his law partner with reference to Polk's use of the Army against Mexico, to this effect:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us"; but he will say to you, "Be silent: I see it, if you don't."

Lincoln said further:

The provisions of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I do not believe history will defend the action of President Roosevelt in seizing Panama. I remember Mr. Roosevelt's own statement, which he so frequently quoted:

I took Panama.

Certainly that was admission of the illegality of that action, which was justified by him under his rather peculiar philosophy on the theory that he was exercising a kind of right of eminent domain to acquire a canal zone necessary for the entire world; but I do not think that is an argument for the legality of that particular action.

Mr. President, I am interested in the citation of what happened in regard to Iceland, because the case in connection with Iceland is a case very much like the present one. The pamphlet to which I referred says rather briefly about Iceland:

None of these provisions were regarded by the President as a limitation on his power to use the Navy in the North Atlantic area or send troops to Iceland and Greenland and other places. * * *

However, whether or not President Roosevelt actually violated either the selective service law or the Lend Lease Act by his use of the Armed Forces in 1941, there was plenty of support in the Senate itself for the view that these statutes could not constitutionally curb his power.

The only support of which I can find any record is that on the part of the distinguished Senator from Texas. But I suppose it is fair to say that plenty of support was given by the Senator from Texas. No one else that I know of stood up and defended the right of President Roosevelt to send troops to Iceland. I went back and found the speech I had made on the subject at the time the President sent troops to Iceland. I was supported by at least one other Senator on the floor at that particular time. I shall read a part of the speech which I made on July 10, 1941:

Mr. President, on Monday the President of the United States notified the Senate that forces of the United States Navy had already arrived in Iceland in order to supplement, and eventually to replace, the British forces now stationed there. This action was taken in accordance with an understanding reached by the President with the Prime Minister of Iceland, frankly inspired, however, according to the Prime Minister, by the British Minister to Iceland, who explained to him that British forces in Iceland were required elsewhere, and suggested that he apply to the United States for forces. The Prime Minister stressed the fact that the United States forces must be strong enough to meet every eventuality; and the President promised that the Government of the United States would immediately send troops, apparently including the United States Army as well as the Navy, to supplement, and eventually to replace, the British forces now there. Judging from the various press reports, it is likely that 80,000 American boys are in course of being sent to Iceland 2,400 miles from any American territory, and substantially a part of the continent of Europe.

In my opinion, the President has no legal or constitutional right to send American troops to Iceland. It is not an agreeable task for me to question the authority of the President to take any action which he has taken in the name of the Government of the United States; but I believe it would be most unfortunate if the Senate of the United States should acquiesce without protest in acts of the President which might nullify for all time the constitutional authority distinctly reserved to Congress to declare war.

* * * * *

There is, of course, no question that the Constitution confers the right to declare war only upon Congress. It has been frequently stated that the President has power to begin a war because he is Commander in Chief of the Army and Navy.

I may say the same arguments were there made then that are being made today. I do not wish to read the entire speech which I made on that occasion, but I pointed out the limitations on the President's power, and I concluded with these words:

It would be a tremendous stretching of the Constitution to say that without authority from Congress the President of the United States can send hundreds of thousands of American soldiers to Europe when a war is raging over that entire Continent, and the presence of American troops would inevitably lead to war. The President cannot make aggressive war. Neither can he intervene in a war between two other nations, because such intervention, even though it does not immediately involve a physical attack on one of the combatants, is clearly the making of war.

* * * * *

There is a peculiarly valid reason why the President should not send naval or air forces to Iceland, or any other European countries, without submitting the question to Congress. The action which has been taken is a distinct violation—I repeat, the action which has been taken is a distinct violation of the President's express promise made to the American people before the election, when he said:

"We will not participate in foreign wars, and we will not send our Army, naval, or air forces to fight in foreign lands outside of the Americas except in case of attack.

* * * * *

"There has been no attack on the United States and no threat of attack. The action of the President is not only beyond the powers which the Constitution has granted to him, but it is a deliberate violation of his pledge to the American people."

So in the present case also, certainly, through his representatives, the President told Congress that the Atlantic Pact did not in any way involve us in an obligation to send troops to Europe. I quote further from the speech I made:

It is quite true that new circumstances may arise which would justify a change in the policy after the election, but surely that change must be submitted to the people who accepted the President's promise that he would not send our Army or naval forces to foreign lands. It seems to me that the course of the administration is a deliberate course involving this country in war without submitting the question to the people, or the people's representatives, because of the fear that the people will not approve.

Mr. President, we come then to the general subject of whether the President's action in sending troops into Korea was a usurpation of authority in the making of war. I believe very strongly that it clearly was such, in that case. That is probably an even clearer case than sending troops to Europe, because the war had actually begun, and the sending of troops to Korea was the distinct entrance into a real war, an action which in my opinion violated all the precedents which have been established as to the limitations of the President's power to make war. I have already quoted from my father's statement as to the limitations which are imposed by one particular provision.

In the pamphlet printed by the House of Representatives, there are numerous other statements of authority; one, for instance, by Mr. J. Reuben Clark, then Assistant Secretary of State; who, regarding the President's power to send troops overseas to safeguard American interests, lays down the following proposition:

1. The use of the forces of the United States in foreign countries to protect the lives and property of American citizens resident in that country does not constitute an act of war, and is therefore not equivalent to a declaration of war.

2. Inasmuch as the use in foreign countries of the military forces of this Government for the purpose of protecting American life and property therein situated does not amount to an act of war or to a declaration of war, it is doubtful if Congress has authority directly to control such use.

Quincy Wright, professor at the University of Chicago, said on the same subject that the President may send Armed Forces to protect citizens. I read from his statement:

A more difficult problem arises when more remote danger or intangible policies are the object of attack. Can the President announce in behalf of the United States such policies as the Monroe Doctrine; the open door in, and the territorial integrity of China; the police power corollary of the Monroe Doctrine; the good-neighbor policy; and United Nations solidarity against aggression, deemed to be in the interest of American defense and prosperity, and use of Armed Forces to maintain them? The announcement of such policies has often carried the implication that forces would be used if necessary. It would appear doubtful, however, whether the President can justify such uses of force without further authorization of law than can be found in any broad terms of the Constitution.

Attorney General Wickersham, with regard to the general problem, claiming that the President could do anything to enforce treaties, said:

It is true that treaties made in pursuance of the Constitution are, equally with act of Congress, the supreme law of the land; but their observance, outside of our own jurisdiction, cannot be enforced in the same way. * * * We cannot send either the Regular Army or the militia into a foreign country to execute such treaties or our laws. Such an invasion of a foreign country would be an act of war.

We have perhaps even more eminent authority to the effect that we have no right to send troops abroad in such a way as to intervene in a war between two nations, and that the President has no such power. When the Germans broke through in France, President Reynaud sent a letter to the President of the United States, asking him for assistance. In return, he received a letter from Mr. Roosevelt, dated the 13th of June 1940, which said:

Your message of June 10 has moved me very deeply. As I have already stated to you and to Mr. Churchill, this Government is doing everything in its power to make available to the Allied Governments the materials they so urgently require, and our efforts to do still more are being redoubled. This is so because of our faith in and our support of the ideals for which the Allies are fighting.

There was other language to encourage France to stand up against the German attack. Roosevelt authorized Reynaud to publish his first message. Churchill then wanted to publish his last letter to show that the United States really was going to support them in the war. The President, however, refused to permit this letter to be published, but he sent to Mr. Reynaud a message, in which he said:

I am sending you this reply to your message of yesterday which I am sure you will realize has received the most earnest, as well as the most friendly, study on our part.

First of all, let me reiterate the ever-increasing admiration with which the American people and their Government are viewing the resplendent courage with which the French Armies are resisting the invaders on French soil.

I wish also to reiterate in the most emphatic terms that making every possible effort under present conditions, the Government of the United States has made it possible for the Allied armies to obtain during the weeks that have just passed—airplanes, artillery and munitions of many kinds and that this Government so long as the Allied Governments continue to resist will redouble its efforts in this direction.

* * * * *

In these hours which are so heart rending to the French people and yourself, I send you the assurances of my utmost sympathy and I can further assure you that so long as the French people continue in defense of their liberty, which constitutes the cause of popular institutions throughout the world, so long will they rest assured that matériel and supplies will be sent to them from the United States in ever-increasing quantities and kinds.

I know that you will understand that these statements carry with them no implication of military commitments. Only the Congress can make such commitments.

FRANKLIN D. ROOSEVELT.

Mr. President, I omitted a statement made by the distinguished Senator from Georgia [Mr. GEORGE] about the time of the landing in Iceland. He was dealing at the time with the lend-lease bill and the powers of the President under that bill, and he called for a frank submission to Congress of any declaration which would actually take the United States into war. I read from his forceful statement:

The way to national unity is to give our people the assurance that when we are called upon to move into the actual range of fire and send our men there, whether on board naval vessels or in aircraft, the American people themselves will have some opportunity to pass upon that question; in other words, that they will have the ultimate decision, through the machinery to which they have become accustomed, and the only machinery which they have at hand; will be able to pass upon the question of whether an actual state of war shall be brought into being or a formal declaration of hostilities shall be made by the people of the United States. If they are given such assurance, and the hour comes when we are called upon to make further commitments, a little debate may take place here. A few days or even a week, or so of debate may occur here; but when the decision is made the American people will say of the action of the Congress, the Executive, and the American Government, "My Government has spoken, and we will wholeheartedly and enthusiastically support that decision."

The President of the United States might well have taken those words to heart before he involved the armies of the United States in a Korean war, when the American people have never had the slightest voice in determining whether that war should be undertaken.

Mr. President, one of the documents cited very largely by the administration is one by Professor Corwin, of Princeton University, one of the recognized authorities upon the powers of the President. With regard to the general question of whether, even with a treaty obligation, it is necessary to come to Congress, Professor Corwin says:

It is undoubtedly within the competence of the treaty-making power to assume for the United States the obligation of a guaranty treaty.

That is, I may say, if another country is ultimately attacked, we will go to war in its behalf.

Nevertheless, if the fulfillment of such obligations entails action tantamount to war, Congress and not the President is the department of Government that must be first resorted to, unless we treat, as established the broad-gage view of the President's control of the forces; and if we do that, no treaty is needed to piece out Presidential prerogative.

Mr. President, in the case of Korea there was not a treaty obligation of any kind, nor does the State Department contend that there was a treaty obligation of any kind. The only treaty obligation under the United Nations Charter was to furnish troops to an international army under article 25, which provides that members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter. It is admitted by the State Department and by the document submitted by the administration that the Security Council's action on June 27, calling upon the other nations to come to the assistance of Korea, was not a decision which anyone was obligated to follow under article 25. It was merely a recommendation, and has been so referred to by the State Department itself.

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

Mr. TAFT. I yield to the Senator from Utah.

Mr. WATKINS. The recommendation to which the Senator has invited attention was never in the form of a request for various member nations of the United Nations to go to the defense of South Korea, was it?

Mr. TAFT. No. It was in the vaguest general terms. The Council recommended to members that they "furnish such assistance to the Republic of Korea as may be necessary to restore international peace and security in that area." This, according to the State Department, was a recommendation under article 39 of the Charter.

Mr. WATKINS. Is it not a fact that the President had already acted before this recommendation was made?

Mr. TAFT. Yes. The President had certainly acted so far as the sea and air forces were concerned. I am not sure as to the land forces.

Mr. WATKINS. Then it could not be construed as a response to a request to this country as a part of its obligations to the United Nations, could it?

Mr. TAFT. No. Think of what this means. If any recommendation gives the President the right to do anything he pleases, there certainly is no limit to the powers of the President, because he can tell the American representative on the Security Council to vote for the recommendation. If that confers upon the President powers which he never had before, there is no limit to the power the President may acquire. It may be recommended that to secure peace between the Arabs and Israel the nations should rebuild the canals on the Euphrates, or establish a vast Garden of

Eden in the kingdom of Iran. According to the argument made, the President would have power to use all the American forces to establish such an economic project. Certainly under any such theory the President could send troops to Tibet to resist Communist aggression, or to Indochina, or anywhere else in the world. He might wish to send American troops simply because someone in the Security Council had made a recommendation.

I do not believe any such power has ever been claimed. Certainly it was not claimed when the United Nations Charter was pending before the Senate. I do not believe for a moment that there is any authority to claim it.

Mr. WATKINS. We might drop an atomic bomb on Russia if the Security Council recommended it.

Mr. TAFT. Yes. Apparently the claim is that the President has power to make war, regardless of the American Constitution and of what it says about the power of Congress to declare war.

Mr. WATKINS. I think that is a very important point, and I am glad the Senator brought it out, because many persons do not understand the situation.

Mr. TAFT. The Senator from Utah invited attention yesterday to the fact that President Truman sent from Potsdam a message to the Senate of the United States with reference to the President's use of troops without any further authority from Congress. At the time, I suggested that there was no authority except under articles 42 and 43 of the Charter; but the very fact that it was not referred to shows that there was no idea that any such power was conferred under article 39. The distinguished Senator from Utah read the President's message from Potsdam to the Senator from Tennessee [Mr. MCKELLAR], in which he said:

During the debate in the Senate upon the matter of the Senate's giving its advice and consent to the Charter of the United Nations, the question arose as to the method to be followed in obtaining approval of the special agreements with the Security Council referred to in article 43 of the Charter. It was stated by many Senators that this might be done in the United States either by treaty or by the approval of a majority of both Houses of Congress. It was also stated that the initiative in this matter rested with the President, and that it was most important to know before action was taken on the Charter which course was to be pursued.

When any such agreement or agreements are negotiated, it will be my purpose to ask the Congress by appropriate legislation to approve them.

The distinguished former Senator from Illinois, Mr. Lucas, who was at that time the majority leader, said the same thing in referring to the President's message:

Mr. President, the President, with forthright candor and in advance, has sent to the Senate a message in which he advises that supplemental military agreements to the Charter will be sent to the Congress for appropriate legislative action.

His message is timely and constructive.

First. It definitely eliminates any possibility that these military agreements for troop contingents to be used in the future will be implemented by Executive agreement.

Certainly there is no question that it was an assurance to Congress that under the United Nations Charter the President could not do exactly what he did in Korea, namely, intervene in a country on the recommendation of the Security Council without the approval of Congress.

Mr. WATKINS. Mr. President, would the Senator think that under the circumstances in which the country now finds itself, with a threat to the peace of the world, and with the country divided on the question of Presidential powers and congressional powers, it would be very wise for the President to send another letter to Congress restating his view and agreeing to do what he had agreed to do previously?

Mr. TAFT. I think it would be a very good idea.

Mr. WATKINS. Will the Senator yield so that I may put into the RECORD a letter which I addressed to the President of the United States on that point?

Mr. TAFT. I should be very glad to yield for that purpose.

Mr. WATKINS. I have today sent the following letter to the President:

MARCH 29, 1951.

President HARRY S. TRUMAN,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: In 1945 you took a step which helped unite the country and which insured the Senate ratification of the U. N. Charter.

In a letter to Senator MCKELLAR, Presiding Officer of the Senate, you said you would submit to the Congress (not just to the Senate) for approval agreements which might be negotiated with the U. N. Security Council wherein the United States would obligate itself to furnish armed assistance to the U. N. for the purpose of resisting aggression and preserving world peace.

The Senate took you at your word and approved, with only two dissenting votes, United States participation in the United Nations.

Soon thereafter Congress passed with an overwhelming vote the "United Nations Participation Act of 1945" which you promptly signed and approved.

For your convenience, I quote part of section 6 of the 1945 act:

"The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate act or joint resolution providing for the numbers and types of Armed Forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter."

The threat of a veto by the Soviet Union has prevented the establishment of the contemplated United Nations Police force, thereby making ineffective the authorization contained in the U. N. Participation Act.

The failure of the U. N. to act in this field was urged as one of the principal reasons for the adoption of the North Atlantic Pact.

Mr. Acheson, Secretary of State, told the Senate that the Atlantic Pact was negotiated and would operate within the spirit and framework of the United Nations Charter.

The United Nations Charter in article 43, subsection 3, provides that the agreements with the U. N. Security Council for the furnishing of armed assistance to the U. N. by member states are to be approved by these states "in accordance with their constitutional processes."

Let me call to your attention also that article II of the Atlantic Pact provides that its provisions "are to be carried out in accordance with the constitutional processes" of the parties to the pact.

This use of the same language in the two instruments certainly is more than a mere coincidence. In fact, Mr. President, isn't it true that the provisions are identical in substance because it was intended that the Atlantic Pact should be implemented in exactly the same way as the U. N. Charter was to be implemented?

Isn't it a fair conclusion, Mr. President, that since both you and the Congress have construed the language "by their constitutional processes" to mean action by the entire Congress in the passage of an act or joint resolution to implement the armed assistance provision of the United Nations Charter, that the same procedure should be followed in carrying out the provisions of the Atlantic Charter?

The Congress has already passed an act, requested and approved by you, authorizing armaments for our allies in the pact. Is there any good reason, Mr. President, why the sending of military manpower to Europe prior to an armed aggression shouldn't be authorized in the same manner?

Mr. President, may I respectfully urge you to communicate to the Congress as you did to the Senate in 1945, when the U. N. Charter was before the Senate for approval, your willingness and intention that military agreements in implementation of the Atlantic Pact be carried out in conformance with the same constitutional processes as was provided for the implementation of the U. N. Charter.

By doing this, I sincerely believe you will aid in unifying the country behind our national defense program.

Sincerely,

ARTHUR V. WATKINS.

I may say to the Senator from Ohio that I am making the letter public because I believe it is the kind of letter my constituents in Utah would like to have me send to the President. I have heard from several thousands of them. On this question they are overwhelmingly in favor of having the Senate or Congress pass on the question before the President sends any more troops abroad. They seem overwhelmingly in favor of the idea that he should not do so without the approval of Congress.

Mr. TAFT. Mr. President, to conclude my statement on Korea, it seems obvious to me that nothing in the United Nations Charter authorized the intervention, certainly, without an agreement being submitted to Congress. In this case no agreement was even made. So it seems to follow clearly that the President had no power under the Charter to send troops to defend South Korea against the attack which had already been launched by the North Koreans. It seems to me to be clear that that was an absolute usurpation of authority by the President.

The question of sending troops to Europe is certainly much more complicated. There is no doubt about the President's power to send troops to occupied Germany. There is no question that he can send them if he wants to do so, as Commander in Chief of the Army and Navy. Whether Congress could limit the number to be sent is a point which may be open to question. However, certainly he has the power to do so if Congress does not act.

I think he can station troops in a friendly country if such country asks that the troops be sent in order to help preserve internal order. He probably cannot station troops in a foreign country if there is any imminence of attack unless they are stationed there for some possible convenience in repelling a general attack upon the United States itself.

Particularly, Mr. President, it seems to me that the President of the United States may station air forces and may send the Navy to odd places throughout the world, as Presidents have done many times, because the sending of such forces does not necessarily involve or threaten involvement in war. Such forces can be easily withdrawn in case an attack is made upon the country. There is no question about their remaining there and becoming involved in a war if our country determines that it does not wish to become involved in a war.

In the third place, Mr. President, it seems clear to me that the sending of troops to a country under attack, as was done in Korea, is clearly prohibited. The sending of troops under the Atlantic Pact as a part of a defensive operation against Russia appears to me to be also so close to war that it amounts to sending troops to countries that are threatened by an actual attack, which is the very justification and reason for sending the troops. The only reason for sending troops is to defend a country against a military attack which we fear. That, it seems to me, is an involvement in war, and in excess of the President's powers, entirely apart from the general question of the particular international army project which is now before Congress.

Mr. WATKINS. Mr. President, will the Senator yield at that point?

Mr. TAFT. I yield.

Mr. WATKINS. I have understood from what the Senator has stated previously on the floor during the debate that he is not opposed to sending more troops to Europe under the pact.

Mr. TAFT. That is correct.

Mr. WATKINS. If it is done in a proper way, and there is an agreement limiting the number of troops that are to be sent.

Mr. TAFT. The Senator is correct. I do not think a matter of policy would be involved in sending such troops to Europe. The President previously had stated that he would send four divisions. The fact that we have in being such a project, which we have stimulated, I think justifies some American land troop assistance in the general project.

What I am discussing today is the fact that it is assistance that cannot be given except with the approval of Congress. That is the only point I am trying to stress at this time.

Mr. WATKINS. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. WATKINS. I felt very much the same way about our present situation—that possibly there was justification for sending some troops to Europe, at least to encourage our allies under the Atlantic Pact, which I regard as the law of the land. But I have felt all along that it would be dangerous to permit the President to continue asserting his power to do these things, because no one would know in the future what he might do next. The President has shown a disposition to be very impulsive in his actions. I think the action in Korea was the result of an impulse rather than considered judgment. I think it would be very dangerous and unsafe under the present circumstances to acquiesce in the President's contention that he has the power to do these things. I think it is unsafe any time, and I think it is illegal any time, for him to do it; but under the peculiar circumstances of today, in view of the way the President has been acting, I think it would be highly dangerous as a matter of fact.

Mr. TAFT. I agree with the Senator.

This case, however, goes further than merely sending troops to implement the Atlantic Pact. It involves the sending of troops to an international army similar to that which was contemplated under the United Nations Charter. It is an international army established, apparently, by 10 nations, with a commander who is appointed by the 10 nations. It seems to me perfectly clear that the President's power as Commander in Chief does not extend to the delegation of that power to a commander who is chosen by any other nation or any other group of nations. I think it is perfectly clear that he cannot enter into an agreement of that kind to set up an international army without submitting the agreement to Congress.

The practice of the authors of the administration's document to cite out of context and draw false conclusions from the writings of constitutional authorities is clearly demonstrated by the use they have made of the writings of Edward S. Corwin, noted authority on constitutional law and author of many works in this field, who taught at Princeton for 40 years and has been professor emeritus of jurisprudence since 1946. He has also held several posts in the Federal Government, including the Department of Justice and the Library of Congress, where he is now engaged in preparing annotations to the Constitution to be published as a Senate document. Professor Corwin, upon request, dictated the following statement when queried about the free use of his material in the reports prepared by the administration for the committee:

> The outstanding fact about the administration's proposal from the point of view of constitutional law is that it raises a question of first impression. The proposal is novel, unprecedented, and consequently the precedents do not apply to it, except perhaps the case of Iceland in 1941 when Mr. Roosevelt appears to have entered into an executive agreement with the Iceland Government under which forces were sent to Iceland, and that executive agreement doesn't square very well with certain legislation, lend-lease particularly.
>
> The administration's present proposal incurs the danger of precipitating war and it raises vast questions regarding finance and the internal welfare of the country. Congress has the right to safeguard its war-declaring power, and it is duty bound to protect the domestic interests to which its other powers extend. In fact, the right of the President to merge American forces with an army which he cannot exclusively command seems very dubious. Congressional authorization under the necessary and proper clause would seem to be essential.
>
> The power of the President to use force to ward off danger "instant, overwhelming, and admitting of no delay" is conceded. This is a true act of self-defense. (See Moore's Digest, vol. II, p. 24 and p. 409; vol. VI, p. 261; vol. VII, p. 919.) Such a situation is an emergency such as only executive power can cope with as John Locke points out. The present situation is an emergency in no such sense. It leaves time for the operation of our constitutional processes, of which the legislative power is the chief ingredient. It is a situation differing in kind from those in which the President is authorized to act on his own sole judgment.
>
> I agree with Senator TAFT that our invocation of the United Nations Charter in support of the Korean business is totally phony under article 27 of the Charter. I said so at the time. As the Korean operation took on the dimensions of war from the beginning, the Constitution required that Congress should be consulted. Of course, it was not.
>
> I also think that the President would be authorized and morally required to use force to repel an attack on one of our associates under the North Atlantic Treaty, but if the business took on the dimensions of war, then Congress would have to be consulted. I believe that Congress can very effectively limit Presidential power over the Armed Forces even in wartime through its control of the purse. The President can expend funds only for the purpose for which Congress chooses to appropriate them. If Congress appropriates money for sending only four divisions to Europe, then the President can send only four divisions.
>
> The use that has been made of my views by the compilers of the committee print of February 28, 1951, must be considered in view of the fact that I was not at any point discussing the questions raised by the administration's proposal, which is one of first impression. I would also like to point out that the committee has at some points quoted dimensions of Presidential power as Commander in Chief in time of war without noting the limiting implications (p. 4, Hughes; p. 5, Taney).
>
> With regard to the Connally resolution, it is entirely insufficient. What is needed is binding legislation of some kind by both the House and Senate, such as a joint resolution; and also, as I suggested in my New Republic article, the submission of the Brussels agreement to the Senate for ratification.

Mr. President, there is no question in my mind that this is an international army. I think the actions of the administration in this matter are extremely deceptive and wavering. In December, after the Brussels meeting, Secretary Acheson said:

> At Brussels we did several things. We took recommendations which had come from the meetings immediately preceding in London and acted on those recommendations. They had to do with the creation of the united, unified, integrated army which is to provide for the defense of Europe. The papers which came to us laid out the structure of that army, how it should be composed, of what troops, where the troops should come from, how it should be organized, its command structure, the higher command structure which would give that army its direction, and how the supreme commander should be selected and appointed. We dealt with and acted upon all those matters.
>
> The structure was agreed upon, and the force was created.

Under that agreement the President actually appointed General Eisenhower, in a letter in which he stated:

The North Atlantic Treaty nations have agreed on the defense organization for Europe and at their request I have designated you as supreme allied commander, Europe. I view their request as a pledge that their support of your efforts will be complete and unequivocal.

When the President of the United States went that far, he exceeded his authority. Up to that point, what was done at Brussels was a recommendation of the Council under the Atlantic Pact. When the President undertook to carry out that recommendation he exceeded his authority. He had no authority to carry out that particular agreement made at Brussels, without submitting it to Congress.

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

Mr. TAFT. In a moment.

Ever since that time the administration has been trying to get away from the idea that there is any such army, that there ever was such an agreement, or that there is any understanding as to how many divisions we are to contribute, and how many divisions other nations are to contribute. The pending resolution is drawn as if there were no such agreement. It is drawn on the general theory that all we are doing is sending a few divisions to Europe, which we can withdraw at any moment; that all we are doing is entering into an informal agreement; and that if war comes the troops will be used for general defense under the terms of the Atlantic Pact.

In that respect the administration is doing again what it has done right along. Members of the administration are unwilling to tell the people what their project is, and to ask the approval of the people for that project, because they are afraid that the people will not approve it. What we are asked to do in this resolution is to give a kind of general approval to the sending of troops to Europe, in implementation of the pact.

Mr. President, I do not believe that any such army as is here proposed can be provided without the approval of Congress. I think we made it perfectly clear in the United Nations Charter that we had no intention whatever of permitting ourselves to become involved in war or the sending of American troops into an international army until Congress had approved it, and that principle, I believe, applies just as much to the Atlantic Pact as it does to the United Nations Charter.

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

Mr. TAFT. I yield.

Mr. WATKINS. I call the attention of the Senator from Ohio to the fact that I have seen the outline of an organization which, it appears to me, is the result of the so-called agreement at Brussels. I have that document in my possession. It was not marked "classified" when I received it, and I do not think it is classified at all, but it does outline how the army is to be integrated. It sets up a military committee, a military production and supply board, and a standing group, which, in effect, is the group which is to direct General Eisenhower, if the organization is carried into effect.

Mr. TAFT. There is the council itself, which is a council of ten military persons. Under them is an active committee of three which is made up today of an American, a British, and a French representative. They presumably can give orders to General Eisenhower. I do not see how we can avoid that situation. Certainly the attempt to take such action, however, without the approval of Congress, is again a usurpation of authority by the President.

Mr. WATKINS. I have an idea that the document would be of interest to the Senate. I think it ought to be placed in the RECORD so that Senators can read it. Would the Senator from Ohio object if I were to ask and obtain permission at this time to have the document printed in the RECORD at the conclusion of his remarks?

Mr. TAFT. No. I shall be glad to have that done.

The PRESIDING OFFICER. Does the Senator from Utah make that request?

Mr. WATKINS. I make that request.

The PRESIDING OFFICER. Without objection, the document referred to will be printed in the RECORD at the conclusion of the remarks of the Senator from Ohio.

(See exhibit 1.)

Mr. TAFT. Mr. President, it is argued here that the general rule I have discussed regarding the President's power is set aside by the terms of the Atlantic Pact. That question has been argued repeatedly. I do not think I need to repeat my argument. We have had the direct statement of Secretary Acheson, when testifying before the committee, that the pact did not contemplate the sending of any troops whatever to Europe. The whole debate at that time was whether it involved the sending of arms to assist Europe, and it was assumed throughout the debate that it involved in no way the sending of troops to Europe.

The distinguished Senator from Texas [Mr. CONNALLY] also made a statement on the floor of the Senate which is very much to the same effect. The Senator from Texas said:

This bill does not provide, as has been said by some persons, that we are rearming Western Europe. Western Europe will spend $5 or $6 for each dollar contributed by the United States. Let me point out that we are not increasing by this aid the number of armed men in the armies of the North Atlantic Pact nations. We are simply undertaking to modernize their existing armies which they themselves raise by aiding them in obtaining equipment, munitions, and supplies. But we are not sending a single soldier to any of those countries for combat purposes, nor are we insisting that they increase the size of their armed forces.

Secretary Acheson in his appearance before the Senate Foreign Relations Committee said:

It is not proposed to increase the establishments beyond what is already provided in their budgets.

Certainly those statements bear on the interpretation of the treaty and on the interpretation of the powers given under the treaty. In particular, however, upon the insistence of the Senator from Georgia [Mr. GEORGE], there was inserted in the treaty a particular provision that is different from what is found in any other treaty I have ever seen, because it is provided that this treaty shall be ratified and its provisions carried out by the parties in accordance with their respective constitutional processes.

In other words, it is provided that the treaty shall be ratified, and on the insistence of the Senator from Georgia, as I understand, there was added the clause that the provisions of the treaty must be carried out by the parties in accordance with their respective constitutional processes. The treaty is not to be self-executing. If that means anything it means, it seems to me very clearly, that the President has exactly the same powers after the treaty had been ratified as he had before the treaty was ratified. If he had no power to send troops abroad to implement the treaty, without the treaty, then under this particular provision he has no power to send them with the treaty. If the set-up of an international army is not legal without the treaty, then under the provisions of article 11 of the Atlantic Pact it is not legal even after the treaty has been ratified.

Mr. President, I believe very strongly that the position which has been taken and is now being taken by the administration and by the President would practically destroy the power of Congress over foreign relations. It is true that some day, when Congress is asked to appropriate money, it could refuse to make the appropriation. That might result in strangling the American forces in Korea. Congress could conceivably refuse money to support those forces, and that might bring definite destruction upon them, and ruin the enterprise. That, however, represents no practical power in Congress. No Congress is ever going to exercise the power of the purse to that extent.

Obviously the things that begin war are the aggressive actions involved in sending troops to country A with the understanding that they are there to protect country A against an attack which is immediately foreseen by country B upon country A.

Therefore, Mr. President, I very strongly believe that the one great essential today, with a President who apparently is not unwilling to usurp authority, is that at least Congress express clearly its opinion that we have the power claimed; that the President cannot send troops to Europe without the approval of Congress; and we should take action at least by the adoption of a concurrent resolution. I do not think it is enough to take action by way of a Senate resolution, and I really do not believe a concurrent resolution is adequate. I agree fully with the distinguished professor of Princeton, Mr. Corwin, that what is required is the passage of a joint resolution, which actually authorizes whatever action Congress thinks ought to be taken.

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

Mr. TAFT. I yield.

Mr. WATKINS. Is not that exactly what the President said in his letter to the Senator from Tennessee [Mr. McKELLAR] in 1945 when the United Nations Charter was under consideration—that it was necessary that a joint resolution or a bill be passed?

Mr. TAFT. Yes; I think that is substantially the position he took. The President has changed his position since then, however.

Mr. WATKINS. It was agreed to at that time by the President and the Congress and became a policy of the Congress with respect to the implementation of that treaty.

Mr. TAFT. Yes; I agree.

Mr. President, I have said before that I shall vote for the concurrent resolution if it is the best that can be obtained, because it does assert the sense of Congress that in the interest of sound constitutional processes and of national unity and understanding congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is an implementation of article 3 of the North Atlantic Treaty. That means, to me—and I do not see what else it can mean—that it is unconstitutional for the President to send any troops abroad in implementation of article 3 of the North Atlantic Treaty without congressional approval. Congressional approval means, to me, at least, the adoption of a concurrent resolution. I believe that, strictly speaking, it means the passage of a joint resolution.

Mr. President, some amendments have been submitted, and I want particularly to object to the amendment submitted by the distinguished majority leader, the Senator from Arizona [Mr. McFARLAND], for himself, the senior Senator from New York [Mr. IVES], the Senator from Connecticut [Mr. McMAHON], and the Senator from Massachusetts [Mr. LODGE], because it replaces the forthright declaration as to the right of Congress to require its approval before troops are sent abroad with these innocuous words:

The Senate hereby approves the policy of assigning American forces, including ground troops, to Western Europe when such assignment is in implementation of article 3 of the North Atlantic Treaty and hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground troops to Western Europe; to this end it is the sense of the Senate, in the interests of national unity and understanding—

It leaves out the necessity of following the constitutional process—

that there should be the fullest collaboration between the Congress and the President; and it is the sense of the Senate that, whenever either a majority of all the members of the Senate Committees on Foreign Relations and Armed Services, acting jointly, or a majority of all the members of the House Committees on Foreign Affairs and Armed Services, acting jointly, may disagree with any proposed new long-range policy pertaining to the implementation of article 3 of the North Atlantic Treaty, or with the certified opinions referred to in paragraphs 4 or 5, the matter in disagreement should be submitted to the Senate and House for their consideration in such manner as the dissenting committees may recommend.

Mr. President, that amendment, if adopted, would reduce the whole resolution to a complete farce. It would remove from the resolution any declaration by Congress as to its constitutional powers. It would make no reference to any constitutional question whatever. It would simply have us say that there should be collaboration, but that Congress would have no right to pass upon the proposal unless two committees were to decide that Congress should do so—two committees which might not in any way represent the Senate, and which certainly would have no official authority whatever so far as concerns the right of the Congress to assert its position on constitutional questions in regard to the sending of troops to Europe. If that amendment were adopted, I certainly would urge the rejection of the entire resolution, because the amendment would remove from the resolution the only thing which seems to me to be vital in accordance with the argument I make today, namely, that the Senate assert its belief that the Congress also has the constitutional right to authorize the sending of troops to Europe in implementation of the North Atlantic Pact or as a part of an international army.

So, Mr. President, I urge, in the first place, that the Senate substitute for the concurrent resolution, in any manner that is possible in a parliamentary way, a joint resolution.

Secondly, I urge that the McFarland amendment be rejected.

Next, I urge that we adhere to the principle of paragraph 6 of the concurrent resolution.

I think proper criticism has been made of the resolution, namely, that it is ambiguous. I have tried to prepare an amendment which in my opinion would eliminate the ambiguity and would cover the manner in which I feel Congress should act, namely, in the form of a joint resolution.

I shall read that amendment at this point, in concluding my remarks; it is an amendment to paragraph 2, which is really the implementing provision of the resolution:

On pages 2 and 3, strike out paragraph 2, and insert:

"2. It is the sense of the Congress that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any program requiring the assignment of American Armed Forces abroad when such assignment is an implementation of article 3 of the North Atlantic Treaty.

"The Congress hereby finds that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary to implement article 3 of the North Atlantic Treaty by stationing abroad such units of our Armed Forces other than ground troops as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defense of the North Atlantic area, and also approves the present plans of the President and Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe: *Provided*, That the total contribution of such ground forces to be made ultimately by the European members of the North Atlantic Treaty should be approximately nine times the total contribution to be made by the United States."

On pages 4 and 5, strike out paragraph 6.

Mr. President, I send this amendment to the desk and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. TAFT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement with respect to the power of the President to send troops abroad. The statement has been prepared at my request.

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

STATEMENT WITH RESPECT TO THE POWER OF THE PRESIDENT TO SEND TROOPS ABROAD

The most important constitutional issue today is the respective powers of the President and of the Congress to commit American troops to an international army. The ultimate determination of this issue will decide in great measure whether or not future generations of Americans will be governed by elected representatives of the people operating under a written constitution or an elected President operating under all implication he may draw from powers granted him as Commander in Chief and supreme negotiator in foreign affairs.

In support of the unfettered power of the President in this field, the executive departments prepared a memorandum for the use of a joint committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate. An analysis and an evaluation of the conclusions reached in that memorandum are sorely needed to assist the American people in reaching a decision on this all-important issue.

Before entering upon the task of analyzing the administration's memorandum or presenting arguments for or against the respective powers of the President and Congress, a true, frank, and honest statement of the issue is necessary. The power of the President to direct occupation forces is not the issue, for the simple reason that the contemplated forces would not be occupation forces in the true sense of that term in either American or international law. The power of the President to carry out the provisions of the treaty is not the issue, for the simple reason that there is no extant treaty authorizing or requiring such action. The power of the President to see that the laws are faithfully executed is not the issue, for the simple reason that there is no law authorizing or directing such action. The issue is clear—Can the President commit American forces to an international army without enabling legislation by the Congress?

SUMMARY OF CONCLUSIONS OF THE EXECUTIVE DEPARTMENTS' MEMORANDUM

1. "The President was acting lawfully and constitutionally in sending troops to Korea in response to the resolution of the United Nations." This conclusion, of course, is supported generally throughout the memorandum and is supported particularly by part E covering pages 21–25. The arguments presented in part E are: that the President was exercising his constitutional authority and carrying out the recommendations of the Security Council made under the provisions of article 39 of the United

Nations Charter and the provisions of the United Nations Participation Act. The factual statements do not square with the facts and the interpretative reasonings are not cogent. The order of the President, for the participation of our troops, was given in the morning of June 27, 1950, whereas the resolution of the Security Council making recommendations (not for armed intervention) was not accepted until late in the night of June 27, 1940. It also seems questionable, whether these recommendations are within the terms of article 27 of the United Nations Charter. A novel concept of interpretation is invoked in this part, it is to the effect that the defeat of the proposed Wheeler amendment with respect to article 43 and the defeat of the proposed Taft amendment with respect to section 3 of the United Nations Participation Act establishes the constitutional power of the President to send troops to Korea under article 39.

2. "He [the President] will be acting lawfully and constitutionally if he sends troops to Europe to implement the North Atlantic Treaty." This conclusion is supported generally throughout the memorandum and supported particularly by F, covering pages 25–27. The arguments presented in part F are: that regardless of the terms of the treaty the President may send troops to Europe to bolster the occupation forces; that although the treaty may not obligate the President to send troops, it does not prohibit him from sending troops; and that the defeat of Senator Watkins' amendment in regard to sending troops gives the President a free hand. The first of the foregoing grounds is not germane to the issue, which is whether or not the President may send troops to Europe as a contingent of a North Atlantic Treaty army. The injection by the administration's document of the powers of the President with respect to occupation forces into the question of the President's power to commit divisions of our Armed Forces to an international army is as pretty and as big a red herring as any brought forth recently. The second ground is predicated upon tortuous reasoning which is contrary to the underlying philosophy of the treaty, that the signatories will take concerted action for their mutual protection. The third ground is a reiteration of the novel concept of interpretation put forth in part E that the defeat of a proposed amendment in the Senate makes the converse constitutional.

3. "The President's powers in this connection are derived from those portions of the Constitution which make him Commander in Chief of the Army and Navy of the United States, which give him special responsibilities in the field of foreign affairs and which impose upon him the duty to take care that the laws will be faithfully executed. (Constitution, art. II, sec. 2, clause 1; art. 2, sec. 2, clause 2; art. 2, sec. 3.)" The following arguments are asserted in support of these conclusions: that there is no legal precedent to control the situation; that these powers are unlimited; and that past actions of former Presidents in emergencies justify the President in sending troops to Europe as part of the North Atlantic army.

It is readily agreed that this is a case of first impression for which there is no legal precedent nor the probability of a justiciable issue being framed to obtain one. The issue is a completely new proposition and a complete departure from past policy which make all the so-called precedents cited for such Presidential authority in the landing of troops entirely beside the point. That the President, with respect to Korea, or that certain former Presidents with respect to other military operations, have usurped powers that have started wars does not establish the constitutionality of such acts. The fact that the President, in the present instance, may present the Congress and the people with a fait accompli does not make his actions constitutional.

IN RE POWERS OF THE PRESIDENT AND CONGRESS

It is incumbent upon those who are supporting arguments for or against the exercise of the power of the President to commit our troops to an international army, to interpret the respective constitutional provisions in accordance with the well-established rules of interpretation.

One of the cardinal rules of constitutional interpretation is that the general objects of the Constitution are to be kept constantly in view and the language of each separate provision is to be construed with reference to its purpose. (*Gibbons* v. *Ogden* ((1824) 9 Wheat. 1); *Brown* v. *Maryland* ((1827) (12 Wheat. 419, 437); *Maxwell* v. *Dow* ((1900) 176 U. S. 581, 601); *Keokuk Northern Line Packet Co.* v. *Keokuk* ((1877) 95 U. S. 80, 87); and *Legal Tender Cases* ((1871) 12 Wall. 457, 531).) Under this rule of interpretation it is not possible to rationalize that the one specific power granted in article II, section 2, clause 1, designating the President as Commander in Chief and the incidental, but granted applicable powers, of article II, section 2, clause 2, that he shall have power to make treaties and article II, section 3, that he shall take care that the laws be faithfully executed, are paramount to and free of any restraint which the Congress may impose under the powers granted it by article I, section 8, to declare war, to raise and support armies, to provide and maintain a navy and to make rules for the Government of the land and naval forces.

Another cardinal rule of interpretation is that exceptions from the powers granted are not to be implied. *Cohens* v. *Virginia* ((1821) 6 Wheat. 264, 368). The action of the President in committing the Armed Forces of the United States to war in Korea cannot be sustained without making it an exception to the grant of the power of Congress to declare war. It cannot be denied that the military action in Korea comes within the definition of "war" as laid down in the case of *Bas* v. *Tingy* (*The Eliza*) ((1800) 4 Dall. 37, 43), wherein Justice Washington said:

"It may, I believe, be safely laid down that every contention by force, between two nations in external matters under the authority of their respective governments, is not only war, but public war."

It cannot be denied that the administration has failed to convince the many GI's and their families and the many potential draftees and their families that the military action against the North Koreans and the Chinese forces is not war.

It cannot be denied that the President is proposing to commit a certain number of American divisions to the command of an international commander selected not by him as Commander in Chief of the American Army, but by a group of nations. At the moment it is General Eisenhower. Tomorrow it may be a British or French commanding general. The undertaking proposed is far greater than that proposed under the United Nations Charter and much more likely to produce war. It is beyond anything contemplated by the Atlantic Pact. It cannot be sustained constitutionally without making it an exception to the power of Congress "to make rules for the government and regulation of the land and naval forces."

A still further rule of constitutional interpretation is that the powers granted when the Constitution was written do not change but are applied from generation to generation to all things to which they are in their nature applicable. *South Carolina* v. *United States* ((1905) 199 U. S. 437, 448).

The powers granted by the Constitution to the President and to the Congress have not changed. Whatever the right of the President may be, it seems clear that under the Constitution it cannot extend to the deliberate making of aggressive war, and it cannot extend to the commitment of troops to an international command, or to a binding commitment as to when, how, and where we will fight a future war, unless we are prepared to set up a dictator in the United States. The basic liberties of the people of this country are imperiled unless we can retain in Congress the right to pass on policies which involve the very life and being of the American people. It is quite true that in time of war the Commander in Chief of the Army has the right to run the war, and Congress should not interfere, but the Commander in Chief has not the right to commit the entire Nation in advance to exactly the kind of war which is going to be fought, and he has not the right to tie his own hands or those of his successor by obligations to station any particular number of troops abroad. The Constitution confers on Congress the right to raise and support armies and to declare war, and on the Senate the right to advise and consent to treaties with foreign nations. Unless Congress is prepared to abdicate these constitutional powers and make the President a complete dictator over foreign policy, Congress must insist on its right to decide the questions involved in the so-called Brussels agreement.

The principles upon which the Federal Constitution was established, rather than the direct operation or literal meaning of the words used, measure the purpose and scope of its provisions. *United States* v. *Lefkowitz* ((1932) 285 U. S. 452). The language of the Federal Constitution is to be read, not as a legislative code subject to continuous revision with the changing course of events, but rather as a revelation of the great purposes which were intended to be achieved by it as a continuing instrument of government. *United States* v. *Classic* ((1941) 313 U. S. 299). Under these two decisions it is impossible to reconcile the contention of the administration that the designation of the President as Commander in Chief grants him the power to commit American troops in time of peace to an international army quartered on foreign soil and to delegate his powers as Commander in Chief to a commander under the control of a group of foreign nations. It is equally hard to reconcile the foregoing claimed power with the decisions in *United States* v. *Macintosh* ((1931) 283 U. S. 605, 662), *Selective Draft Law Cases* ((1918) 245 U. S. 366), *Tarble's Case* ((1872) 13 Wall. 408), and *Coleman* v. *Tennessee* ((1878) 97 U. S. 511, 514), to the effect that the length and type of service to be rendered in the Armed Forces are within the plenary and exclusive power of Congress.

While the President as Commander in Chief has vested in him the supreme and undivided command of all military forces necessary to the prosecution of a successful war, *United States* v. *Sweeney* ((1895) 157 U. S. 281), and while this is true at all times whether in peace or war, *Johnson* v. *Sayre* ((1895) 158 U. S. 109), it is equally true that the Congress has the right to legislate for the Army, if such legislation does not impair the efficiency of the President as Commander in Chief and when a law is passed having this constitutional qualification he becomes as to that law an executive officer and is limited in the discharge of his duties by the terms of the statute. *McBlair* v. *United States* ((1184) 19 Ct. Cl. 528, 554). See also the *Flying Fish* ((1804) 6 U. S. 107). A limitation on the use of American troops in an international army under the command of a North Atlantic Pact commander, we believe to have this constitutional qualification and therefore a proper

restriction on the powers of the President as Commander in Chief.

The predicate upon which the memorandum of the executive departments was prepared is that the powers of the President as Commander in Chief and the power of the President under the treaty-making provision of the Constitution supersede all other specific constitutional provisions granting Congress power with respect to the control of the Armed Forces. Such a predicate is entirely unrealistic for it is well established that the powers conferred by one provision of the Constitution are not taken away or destroyed by another provision. *Dillings* v. *United States* ((1914) 232 U. S. 282) and that the requirement that the entire Constitution be harmonized, if possible, prohibits the destruction of the powers of Congress with respect to the Armed Forces by the treaty-making power. See *Holmes* v. *Jennison* ((1840) 14 Pet. 540, 569) and *Cohens* v. *Virginia*, supra.

Further, as pointed out in the case of *Duncan* v. *Kahanamoku* ((1946) 327 U. S. 304, 322):

"Our system of government clearly is the antithesis of total military rule and the founders of this country are not likely to have contemplated complete military dominance within the limits of a territory made part of this country and not recently taken from an enemy. They were opposed to governments that placed in the hands of one man the power to make, interpret, and enforce the laws. Their philosophy has been the people's throughout our history. For that reason we have maintained legislatures chosen by citizens or their representatives and courts and juries to try those who violate legislative enactments. * * * Legislatures and courts are not merely cherished American institutions; they are indispensable to our government."

Mr. TAFT. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD, at the conclusion of my remarks, an article by Dr. Edward S. Corwin on the President's power, which appeared in the New Republic for January 29, 1951.

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

[From the New Republic of January 29, 1951]

THE PRESIDENT'S POWER

(By Edward S. Corwin)[1]

When in 1800 President Adams signed a deed conveying property to his "great and good friend, the Queen of Portugal for a legation in the Federal City, he was informed by his Attorney General that only Congress had the constitutional power to dispose of public property. When, 140 years later, President Franklin Roosevelt handed over 50 naval units to Great Britain in return for leases of some west Atlantic naval bases, he was told by his Attorney General, now a member of the Supreme Court, that he was entirely within his rights, that his power to dispose the forces of the United States included the power to dispose of them. These two episodes stand at either end of a course of constitutional development, practical and polemical, which ascribes to the President a truly royal prerogative in the field of foreign relations, and does so without indicating any correlative legal or constitutional control to which he is answerable.

Indeed, our high-flying prerogative men appear to resent the very idea that the only possible source of such control, Congress to wit, has any effective power in the premises at all. Thus, when Mr. TAFT in his speech of January 5 asserted that President Truman "had no authority to commit American troops to Korea without consulting Congress and without congressional approval," and that he "has no power to agree to send American troops to fight in Europe in a war between members of the Atlantic Pact and Soviet Russia," one of the aforesaid high prerogative spokesmen declared that "his [TAFT'S] statements are demonstrably irresponsible. The public "is entitled to know what provisions of the law or of the Constitution have been violated by President Truman in sending troops overseas. From the day that President Jefferson ordered Commodore Dale and two-thirds of the American Navy into the Mediterranean to repel the Barbary pirates, American Presidents have repeatedly committed American Armed Forces abroad without prior congressional consultation or approval."[2]

The proffered demonstration is inconclusive at best. Jefferson, in reporting his action to Congress, explained that he had been careful to authorize only self-defensive measures on the part of our forces, and that when they had captured one of the pirate vessels they had, after disabling it for committing further hostilities, liberated it with its crew. He wished, he said, to have Congress, who exclusively had the power, to consider whether it would not be well to authorize measures of offense. Hamilton expressed great contempt for Jefferson's scruples, but that does not alter the record to which appeal has been made.

As to the cases in which American Presidents have repeatedly committed armed forces abroad without congressional consultation or approval, the vast majority involved fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts, the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border, and the like. Except for Polk's deliberate precipitation of war with Mexico in 1846 and a few cases occurring in the Caribbean area since 1902, they exhibit a uniform pattern of measures undertaken for the protection of American lives and property against impending or actual violence or for punishment of such violence. Such episodes are small compared with Truman's claim of power to put an indefinite number of troops in Europe for an indefinite time in anticipation of war, without consulting Congress.[3]

The power of Congress over the employment of the Armed Forces was repeatedly recognized in early legislation. The President's power to call forth the militia stems immediately from the act of February 28, 1795; and I should like to inform Professor Commager[4] that it was this act and not the Constitution which the magisterial story was construing in the case of *Martin* v. *Mott* (12 Wheat. 19, 1827); also, the President's power to employ the Armed Forces to suppress insurrections and enforce the law rests on the act of March 8, 1807. Formal declarations of war by Congress have always included a clause authorizing and directing the employment of the forces to support the declaration, and it may be remembered that the Conscription Act of September 1940 specifically provided that the forces to be conscripted would not be sent abroad without the consent of Congress. When we were precipitated into the war by the Japanese attack on Pearl Harbor, this consent was given. It is also pertinent to recall that when President Wilson landed troops at Veracruz on April 21, 1941, he consulted Congress, which approved his action the following day; and President Franklin Roosevelt's utmost sympathy message to France, June 14, 1940, contained the caveat that "these statements carry no implication of military commitments. Only Congress can make such commitments."

Besides, the Constitution does not consist primarily of precedents but of principles with which precedents, to be valid, must be squared. The administration's interpretation of the precedents which illustrate routine activities of the executive departments upsets the most fundamental principle of the Constitution, the balance between the departments. It distorts the Constitution.

The fact that a certain power is ascribable to the President does not prove that Congress possesses no power whereby Presidential employment of it may be brought under control and direction. This precise question was involved in the case of *Little* v. *Barreme* (2 Cr. 170, 177; 1804). There Chief Justice Marshall, speaking with reference to the seizure of a vessel under the act of February 9, 1809, suspending intercourse with France, said:

"It is by no means clear that the President of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is Commander in Chief of the Armies and Navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce."

The Court held, nevertheless, that since Congress had acted in the matter the President was bound to follow its directions and that the seizure had been illegal.

While the shadowy line that separates congressional power when raising an Army and creating a Navy or Air Force to specify the purposes for which they may be employed and the President's right to dispose the forces thus brought into existence has come to be drawn in the course of the years inside what was once deemed to be legislative domain, yet there are conceded to be other powers of Congress which are constitutionally unlimited and Congress use of which is capable of upsetting the Presidential applecart at any time. Congress can refuse to raise armies and navies at all, to borrow money, to levy taxes, to make appropriations. It can abrogate, so far as the people and authorities of the United States are concerned, any treaty to which the United States is a party, and has repealed a considerable number in whole or in part. (*La Abro Silver Mining Co.* v. *United States* (175 U. S. 423, 460 (1899)), citing cases.)

What then is the answer? Futile and embittered debate between the holders of powers that must be exercised in close cooperation if at all, or a decent consultation and accommodation of views between the two departments of Government concerned? And surely, it is paradoxical in the extreme to reduce the legislative organ of Government to the level of a mere rubber stamp of policies the professed purpose of which is the preservation of free institutions. Either the Brussels Agreement should be formally submitted to the Senate for approval by a constitutional two-thirds majority, or something akin to COUDERT'S resolution should be adopted. Our foreign policy has been elaborated in a political, and at times an intellectual, vacuum long enough.

[1] Dr. Edward S. Corwin, noted authority on constitutional law and author of many works in this field, taught at Princeton for 40 years and has been professor emeritus of jurisprudence since 1946. He has also held several posts in the Federal Government, chiefly in the Department of Justice.

[2] Arthur Schlesinger, Jr., in the New York Times, January 9, 1951.

[3] On this paragraph see James Grafton Rogers, World Policing and the Constitution.

[4] See his article in the New York Times magazine section, January 14, 1951.

EXHIBIT 1

HISTORICAL BACKGROUND INFORMATION ON MILITARY COMPONENTS OF THE NORTH ATLANTIC TREATY ORGANIZATION—MEETINGS OF THE NORTH ATLANTIC TREATY ORGANIZATION MILITARY COMMITTEE, OCTOBER 24, 1950, AND NORTH ATLANTIC TREATY ORGANIZATION DEFENSE COMMITTEE, OCTOBER 28, 1950

I. INTRODUCTION

The signing of the North Atlantic Treaty at Washington, D. C., on the afternoon of April 4, 1949, was the culmination of events extending over many months. Conversations had been initiated at Washington in the summer of 1948 among representatives of the Governments of Belgium, Canada, France, Luxemburg, the Netherlands, the United Kingdom, and the United States on their common security problems. From these and subsequent conversations there emerged the North Atlantic Treaty.

The treaty has its roots in the common heritage and civilization of the peoples living on both shores of the North Atlantic Ocean. These peoples have ties not only of cultural background but of a common, ingrained faith in the dignity and worth of the individual, in the principles of democracy, and in the rule of law.

(Source: Department of State Publication No. 3497 of June 1949.)

III. DESCRIPTION OF ORGANIZATION

The following information is designed for background purposes on the military components of the North Atlantic Treaty Organization—that is the Defense Committee and subordinate bodies.

Council

The North Atlantic Council is the principal body in the North Atlantic Treaty Organization. In accordance with the treaty, the Council is charged with the responsibility of considering all matters concerning the implementation of the provisions of the treaty. Such subsidiary bodies as are set up under article 9 of the treaty are subordinate to the Council.

It is not the purpose here to expand on the activities of the Council and its immediate subsidiary bodies, that is, the Council deputies, the Defense Financial and Economic Committee, and the North Atlantic Planning Board for Ocean Shipping.

Defense Committee

The Defense Committee was established by directive of the Council on September 17, 1949, and met in its first session in Washington on October 5, 1949. The Committee is composed of the Defense Ministers of the North Atlantic Treaty nations who are as follows: Belgium, Col. E. Degreef; Canada, the Honorable Brooke Claxton; Denmark, His Excellency Rasmus Hansen; France, His Excellency Jules Moch; Iceland, the Honorable Thor Thors; Italy, His Excellency Randolfo Pacciardi; Luxemburg, His Excellency Joseph Bech; Netherlands, His Excellency Wilhelm Frederik Schokking; Norway, His Excellency Jens Christian Hauge; Portugal, His Excellency Fernando dos Santos Costa; United Kingdom, the Right Honorable E. Shinwell; United States, the Honorable George C. Marshall.

In the directive issued by the Council, the Defense Committee is charged with taking the requisite steps to have drawn up unified defense plans for the North Atlantic area. The Defense Committee was also charged with recommending measures for the implementation of articles 3 and 5 of the treaty, in accordance with general policy guidance given by the Council.

Military Committee

The Military Committee was established by the Defense Committee on October 5, 1949, and first met on October 6, 1949. It is the principal military body of the North Atlantic Treaty Organization and is directly responsible to the Defense Committee. It is composed of one military representative (Chief of Staff level) from each nation. Iceland is the exception, being represented by a civilian head.

The committee is charged with maintaining close liaison with the Military Production and Supply Board, providing general policy guidance to the standing group, advising the Defense Committee and other agencies on military matters and making recommendations to the Defense Committee concerning military measures for the unified defense of the North Atlantic area; specifically, this last task requires the development of strategic defense concepts, plans for the integration of forces, and integration of regional defense plans. The committee meets in closed session and to date has had three formal meetings. Representatives on the Military Committee are as follows: Belgium, Lt. Gen. Etienne Baele; Canada, Lt. Gen. Charles Foulkes; Denmark, Lt. Gen. Eric C. V. Moller; France, Gen. Charles Lecheres; Italy, Lt. Gen. Effisio Marras; Luxemburg, Col. Aloyse Jacoby; Netherlands, Vice Adm. Jonkheer E. J. van Holthe; Norway, Lt. Gen. Bjarne Oen; Portugal, Gen. Anibal Valdes Passos Sousa; United Kingdom, Field Marshal Sir William Slim; United States, Gen. Omar N. Bradley.

Military Production and Supply Board (MPSB)

The Council recognized that the question of military production and supply is an integral part of the whole problem of the defense of the North Atlantic area. Consequently they directed the Defense Committee to establish appropriate machinery to consider these matters. Accordingly, the directive to the Military Production and Supply Board was approved by the Council November 18, 1949.

The Military Production and Supply Board is composed of a representative at the subministerial level from each signatory country and reports to the Defense Committee.

It maintains close working relations with the appropriate military bodies under the Defense Committee and looks to them for information on military requirements, working with them to insure that the military production and procurement program supports defense plans effectively.

The Board also works in close coordination with the military bodies on the promotion of standardization of parts and production of military equipment, and provides them with technical advice on the production and development of new and improved weapons. To facilitate fullest cooperation and exchange of information between them on matters of joint interest, the Board maintains a suitable representative liaison group on a working level in Washington with the standing group.

The Board also maintains working relations with the finance and economic machinery of the organization and looks to it for guidance on all relevant economic and financial factors. The present representatives to the Military Production and Supply Board are as follows: Belgium, Mr. Henri Janne; Canada, Mr. S. D. Pierce; Denmark, Col. K. H. Lindhardt; France, Gen. J. J. Balland; Iceland, none; Italy, Brig. Gen. Giuseppe Casero; Luxemburg, M. Francois Wenner; Netherlands, Dr. P. Schoenmaker; Norway, Col. Nils Saebo; Portugal, Gen. Frederico Lopes de Silva; United Kingdom, Sir Harold Parker; United States, Brig. Gen. Dan F. Callahan (acting).

Standing group

The standing group, which was established on October 6, 1949, is, in effect, the executive or steering agent of the Military Committee and is organized to function continuously. It is made up of one military representative each of the United States, United Kingdom, and France. The size of the Military Committee made it mandatory to provide an executive group of this nature for the sake of efficiency.

The standing group is charged with provision of guidance to regional planning groups; coordination and integration of strategic and logistic planning promotion of plans and studies and recommendations of policies of a military nature on issues emanating from the regions; review and consolidation of regional equipment lists; planning for standardization; coordination with the Military Production and Supply Board and the resolution of such other problems as directed by the Military Committee or as deemed necessary by the standing group itself in the name of the Military Committee.

Serving the standing group is an International Secretariat and staff (working teams and committees) under a Director. The Secretariat and staff are composed of military officers of the member nations (United Kingdom, United States, and France). Each nation not represented on the standing group has a military representative accredited to the standing group. These representatives act as liaison officers from their nations to the standing group and are available for consultation with that group and its working units.

The present composition of the standing group is as follows: France, Lt. Gen. Paul Ely; United Kingdom, The Lord Tedder, Marshal of the Royal Air Force; United States, Gen. Omar N. Bradley.

The military representatives accredited are as follows: Belgium, Maj. Gen. Marc H. Fouillien; Canada, Air Vice Marshal Hugh Campbell; Denmark, Rear Admiral Svend Ramlau-Hansen; Iceland, none; Italy, Maj. Gen. Cesare Lovera di Maria; Luxemburg, represented by Belgium; Netherlands, Rear Admiral Jhr. H. A. van Foreest; Norway, Rear Admiral Johs. E. Jacobsen; Portugal, Commander A. M. Belo; the Director, Rear Admiral J. H. Foskett.

Regional planning groups

In order that speedy and efficient planning of the unified defense of the North Atlantic area would be facilitated, five regional planning groups were established. This was done in recognition of the fact that some of the parties were not directly interested in certain areas while others were in a position to make their maximum contribution to the defense of specific parts of the North Atlantic area.

The groups were established in the light of geographical, political, and military considerations and are located and composed as follows:

Northern European group (London), consisting of United Kingdom, Norway, and Denmark. The United States has been invited to participate as appropriate and has consented to do so.

Southern European-Western Mediterranean group (Paris): Italy, France, and United Kingdom. The United States has been invited to participate as appropriate and has consented to do so.

Western European group (London): United Kingdom, France, Belgium, Netherlands, and Luxemburg. The United States, Canada, Italy, and Denmark have been invited to participate as appropriate.

North Atlantic Ocean group (Washington): All signatory nations except Luxemburg and Italy.

Canada-United States group (Washington): Canada and the United States.

These groups are charged with the development and recommendations to the military committee, through the standing group, of plans for the defense of their regions and cooperation with other regional planning groups with a view to the elimination of conflict between and insuring harmony among the various regional plans.

IV. (A) DIRECTIVE FROM THE DEFENSE COMMITTEE TO THE NORTH ATLANTIC MILITARY COMMITTEE

I

1. In accordance with the decision of the North Atlantic Council on September 17, 1949, and in furtherance of article 9 of the treaty there is hereby established a military committee. The military committee shall be convened in Washington on the day following the adjournment of the defense committee meeting. In ensuring the security of the North Atlantic area, it is of paramount importance that requisite steps be taken immediately to have drawn up specific defense plans for that area. It is essential that the parties, separately and jointly, by means of continuous and effective self-help and mutual aid maintain and develop their individual and collective capacity to resist armed attack. Each party must do its part, as determined by its position and its resources, in relation to the common security of all.

II

2. The following general provisions shall govern the operation of the Military Committee:

(a) Organization: The military organization established under the North Atlantic Treaty should be operated with as much flexibility as possible and be subject to review from time to time. The establishment of this machinery does not preclude the use of other means of consultation and cooperation between any or all of the parties on matters relating to the treaty.

(b) Composition: The Military Committee shall be composed of one military representative from each party. These representatives shall be chiefs of staff or their representatives (Iceland, having no military establishment, may, if it so desires, be represented by a civilian official).

(c) Terms of reference: The Military Committee shall (1) provide general policy guidance of a military nature to its standing group; (2) advise the Defense Committee and other agencies on military matters as appropriate; and (3) recommend to the Defense Committee military measures for the unified defense of the North Atlantic area.

(d) Time and frequency of sessions: The Military Committee shall be convened by the chairman and shall meet in ordinary session annually and at such other times as it may be requested to meet by the Council or the Defense Committee, or as required to act on recommendations of the standing group, or when requested by any two or more members of the Military Committee.

(e) Location: The Military Committee shall normally meet in Washington.

(f) Nature of sessions: The Military Committee shall meet in closed session.

(g) Chairmanship: Chairmanship shall be held in turn by the parties according to the alphabetical order in the English language beginning with the United States. Each party shall hold office from date of establishment for a period of 1 year. If any party does not wish to accept the chairmanship, it shall pass to the next party in alphabetical order.

(h) Staff and secretarial services: The Military Committee shall make such arrangements for its staff and secretarial services as it considers necessary and in coordination with any requirements demonstrated by the Defense Committee for a permanent secretariat.

(i) Procedural matters: All other procedural and organizational questions shall be resolved by the Military Committee itself.

(j) Security of information: The Military Committee shall take measures to develop a system for security of information for the entire North Atlantic Treaty Organization and make recommendations thereon to the Defense Committee as a matter of first priority. Pending the report, the host government shall make interim security arrangements.

3. Development of strategy: (a) The Military Committee shall recommend to the Defense Committee a broad concept for the over-all defense of the North Atlantic area in order to ensure early completion and integration of regional defense plans. (b) This concept will be formulated in the light of probable threats to each region, will indicate the initial objectives to be achieved and will serve as a basic guide for regional planning. This concept, and the coordinated regional plans which derive therefrom, will provide a basis for indicating the relative priorities, from the military point of view, for the available supply of materials and forces. (c) The Military Committee shall direct the standing group to prepare and submit this concept at the earliest possible date in order that the Military Committee may make appropriate recommendations thereon to the Defense Committee.

4. Development of military strength: It is recognized that the development of military strength, by means of self-help and mutual aid, which will deter attack by making such an attack too costly to an aggressor, is essential for the unified defense of the North Atlantic area. All plans for the development of military strength must be based upon, and governed by, the principle of integration.

5. Military regional planning: It is the responsibility of the regional planning groups to prepare defense plans for their respective regions in the light of the over-all concept, as prescribed further in the regional planning group terms of reference. The standing group is charged with the responsibility for the coordination and integration of regional defense plans for the entire North Atlantic area. Bearing in mind the urgency for the formulation and coordination of plans, the Military Committee will review the progress of planning and keep the Defense Committee informed.

III

6. The Military Committee will require the assistance of certain subsidiary bodies in the task of considering the defense of the North Atlantic area. Accordingly, the standing group and regional planning groups as outlined in the North Atlantic Council's report of 17 September 1949 are hereby established. In order to promptly initiate the work of regional planning groups, it is desired that representatives to the various regional planning groups should convene not later than 1 November 1949 and complete their organization as soon as practicable.

IV

Standing group

7. Composition: The standing group shall be composed of one representative each of France, the United Kingdom, and the United States.

8. Terms of reference: (a) The standing group, in accordance with general policy guidance provided by the Military Committee, shall provide such specific policy guidance and information of a military nature to the regional planning groups and any other bodies of the organization as is necessary for their work. (b) To achieve the unified defense of the North Atlantic area the standing group shall coordinate and integrate the defense plans originating in the regional planning groups, and shall make appropriate recommendations thereon to the Military Committee. (c) The standing group shall recommend to the Military Committee those matters on which the standing group shall be authorized to take action in the name of the Military Committee within the framework of approved policy.

9. It is recognized that it is the responsibility of individual governments to provide for the implementation of plans to which they have agreed. It is further recognized that it is the primary responsibility of the regional planning groups to prepare plans for the defense of their respective regions. Subject to these principles, it is understood that before the standing group makes recommendations on any plan or course of action involving the use of forces, facilities, or resources of a party not represented on the standing group, going beyond or differing from arrangements previously agreed by the party concerned, the party shall have the right to participate in the standing group in the work of formulating such recommendations. It is also understood that when communicating their regional plans to the standing group, the regional planning groups shall be entitled to have their plans presented and explained by any one of their members and not necessarily by a member of the standing group.

10. Time and frequence of sessions: The standing group shall be so organized as to function continuously.

11. Staff and secretarial services: The standing group shall make such arrangements for its staff and secretarial services as it considers necessary.

12. Location: The permanent site of the standing group shall be in Washington.

13. Permanent representation: In order to maintain close contact with the standing group, a party not represented thereon may appoint a special representative to provide permanent liaison with the standing group.

14. Procedural matters: All other procedural and organizational questions shall be resolved by the standing group itself.

V

Regional planning groups

15. Basic principles:

(a) The security of the whole North Atlantic area is of vital concern to all the parties. It must, however, be recognized that some of the parties are more directly interested in, or can make a greater contribution to, the defense of certain parts of the North Atlantic area than other parts. It would, therefore, seem that the speedy and efficient planning of the unified defense of the whole North Atlantic area would be facilitated by the setting up of certain regional planning groups.

(b) The question of which parties should be members of which particular groups depends on geographical, political and military considerations. While some parties are not only directly interested in but in a position to contribute to the defense of the whole North Atlantic area, the contribution which others can make must be restricted to the regions in which they are physically situated. In view of the difficulty of evaluating the political and military considerations involved, the membership of the different regional planning groups shall be established on a geographical basis. At the same time it is agreed that: (1) before any regional planning group makes any recommendation affecting the defense of the territory or involving the use of forces, facilities, or resources of any party not a member of the group, that party shall have the right to participate in the group in the work of formulating such recommendations; (2) any group which considers that a party not a member of the group can contribute to the defense planning of that group's region can call upon that party to join in the planning as appropriate.

16. Composition:

(a) Northern European regional planning group: Denmark, Norway, and the United Kingdom. The United States has been requested and has agreed to participate actively in the defense planning as appropriate. Other parties may participate under the provisions listed above.

(b) Western European regional planning group: Belgium, France, Luxemburg, the

Netherlands, and the United Kingdom. Canada and the United States have been requested and have agreed to participate actively in the defense planning as appropriate. Other parties may, and in particular Denmark and Italy will, participate under the provisions listed above.

(c) Southern European-Western Mediterranean regional planning group; France Italy, and the United Kingdom. The United States has been requested and has agreed to participate actively in the defense planning as appropriate. Other parties may participate under the provisions listed above.

(d) Canadian-United States regional planning group: Canada and the United States. Other parties may participate under the provisions listed above.

(e) North Atlantic Ocean regional planning group: Belgium, Canada, Denmark, France, Iceland, the Netherlands, Norway, Portugal, the United Kingdom, and the United States.

(1) The responsibilities for planning the defense in the North Atlantic Ocean cannot be shared equally by all members of the group. On the other hand, these responsibilities can, to some extent, be divided along functional lines and allocated to those parties who are best able to perform the respective defense functions. Therefore, the North Atlantic Ocean regional planning group, when it meets, shall establish a series of planning subgroups related to specific functions of defense. The group shall determine on which subgroup or subgroups each party shall sit, and the arrangements necessary to insure coordination between these subgroups in the interest of speedy and effective planning.

17. Terms of reference: Each regional planning group shall (a) develop and recommend to the military committee, through the standing group, plans for the defense of the region; (b) cooperate with other regional planning groups with a view to eliminating conflict in, and insuring harmony among, the various regional plans.

18. Intraregional defense coordination: It is recognized that there are problems which are clearly common to the defense of the different areas covered by the regional planning groups. Any combination of these groups may meet together from time to time to insure full coordination and cooperation. In particular, arrangements should be made to provide such meetings among the European groups.

19. Location of regional groups:

(a) The Northern European regional planning group will be located in London.

(b) The Western European regional planning group will be located in London.

(c) The matter of the location of the Southern European-Western Mediterranean regional planning group will be referred to the three Governments concerned for agreement. In the event agreement has not been reached by the time the first meeting should be held, the first meeting will be held in Paris.

(d) The Canadian-United States regional planning group will be located in Washington.

(e) The North Atlantic Ocean regional planning group will be located in Washington.

20. Procedural matters: All questions of procedure and organization shall be left to the decision of each individual group.

IV. (B) NORTH ATLANTIC DEFENSE COMMITTEE DIRECTIVE TO THE MILITARY PRODUCTION AND SUPPLY BOARD

I

1. In accordance with the decision of the North Atlantic Council on September 17, 1949, and in furtherance of article 9 of the treaty, there is hereby established a Military Production and Supply Board.

II

The following general provisions shall govern the operation of the North Atlantic Military Production and Supply Board:

1. The North Atlantic Military Production and Supply Board shall be composed of a representative at the subministerial level from each signatory country. It shall report directly to the Defense Committee.

2. The Board shall establish and maintain close working relations with the appropriate military bodies set up under the Defense Committee. It shall look to them for information on military requirements and work with them to insure that, insofar as feasible, the military production and procurement program supports defense plans effectively. The board shall also work in close coordination with the military bodies on the promotion of standardization of parts and end products of military equipment, and provide them with technical advice on the production and development of new or improved weapons. To facilitate the fullest cooperation and exchange of information between them on matters of joint interest the Board shall establish and direct a suitably representative liaison group on a working level in Washington to work with the standing group.

3. The Board shall maintain close working relations with the finance and economic machinery to be established by the Council, and look to it for guidance on all relevant economic and financial factors.

4. The North Atlantic Military Production and Supply Board is responsible to the Defense Committee for the performance of the following functions, having regard for the principle of self-help and mutual aid in the field of military production and supply.

(a) The review of the military supply situation on the basis of data to be secured from the appropriate military bodies on military matériel requirements and on the current availability of military matériel to meet such requirements.

(b) The recommendation to the Defense Committee of ways and means of increasing available supplies where they fall short of requirements, either from production, surplus equipment, or equipment economically capable of rehabilitation. In preparing such recommendations account shall be taken of strategic factors, of physical capabilities of individual countries to produce military matériel, of the importance of securing maximum efficiency and integration of production, and of the guidance furnished by the finance and economic machinery with respect to financial and economic considerations.

(c) The promotion of more efficient methods for producing military equipment and of the standardization of parts and end products of military equipment, including conservation in the use of strategic and critical materials, and including advice to the appropriate military bodies on the production problems involved in proposed new weapons or modifications in existing weapons.

5. The Board may delegate to any regional supply board which may be established by the governments of a region any of its functions which in its judgment can be better performed by regional boards. Actions of regional boards under such delegations shall be under the general guidance of and in accordance with the general policies laid down by the North Atlantic Board, and shall be subject to its coordination and review.

6. The Board shall provide itself with such subordinate bodies and staff assistance as may be necessary to carry out its functions. In particular, there shall be, in addition to the liaison group in Washington, referred to in paragraph 2, a permanent working staff in London, composed of qualified personnel representing interested countries, to carry on the day-to-day work of the Board. The Board shall have a secretary, with suitable assistance, to perform secretarial and administrative functions.

7. The Board shall meet at such times and places as may be required. Its secretariat and working staff shall be located in London. The Board shall decide its own rules of procedure. Chairmanship shall be held in turn by the parties according to the alphabetical order in the English language, beginning with the United States. Each party shall hold the office for 1 year. If any party does not wish to accept the chairmanship, it is passed to the next party in alphabetical order.

IV. (C) NORTH ATLANTIC MILITARY COMMITTEE—DIRECTIVE TO THE STANDING GROUP

I

In accordance with the decision of the North Atlantic Treaty Council on September 17, 1949, the Defense Committee established the standing group at its meeting of October 5, 1949. The standing group shall initially convene in Washington on October 10, 1949. In order to facilitate the rapid and efficient conduct of the work of the Military Committee, the standing group's organization shall be as outlined in the North Atlantic Council's directive of September 17, 1949, to the Defense Committee, and in the subsequent directive of the Defense Committee to the Military Committee dated October 6, 1949.

II

The following general provisions shall govern the operation of the standing group:

1. Composition:

(a) The standing group shall be composed of one representative each of France, the United Kingdom, and the United States.

(b) It is understood that, before the standing group makes any recommendations concerning the use of forces, facilities, or resources of any party not represented thereon which go beyond or differ from the arrangements previously agreed by the party concerned, a representative properly accredited to the standing group shall have the right to participate on the standing group in the work of formulating such recommendations. In addition, each nation of the Military Committee not represented on the standing group may appoint a special representative to provide permanent liaison with the group. Should an accredited representative desire to make the views of his country known in anticipation of a standing group resolution, he will arrange through the Secretariat for a meeting with the standing group. When the standing group wishes to interview an accredited representative concerning one of the problems mentioned above, arrangements will be made through the Secretariat.

2. Terms of reference:

(a) The standing group, in accordance with general policy guidance provided by the Military Committee, shall provide such specific policy guidance and information of a military nature to the regional planning groups and any other bodies of the organization as is necessary for their work.

(b) To achieve the unified defense of the North Atlantic area, the standing group shall coordinate and integrate the defense plans originating in the regional planning groups, and shall make appropriate recommendations thereon to the Military Committee.

(c) The standing group shall recommend to the Military Committee those matters on which the standing group shall be authorized to take action in the name of the Military Committee within the framework of approved policy.

3. Functions of the standing group:

In accordance with the above-stated terms of reference, the standing group is agent for and will act for the Military Committee and will be primarily responsible for the performance of the following functions:

(a) Review, integrate, and coordinate plans emanating from the regional planning groups, as necessary for their consideration by the Military Committee.

(b) Define and set forth fields of disagreement between regional plans, or on other issues referred to the group, for consideration and resolution by the Military Committee and/or Defense Committee as appropriate.

(c) Prepare and disseminate strategic and logistic guidance to the regional planning groups, or other agencies, as directed by the Military Committee.

(d) Prepare plans, studies, and recommend policies of a military nature on issues referred to the North Atlantic Treaty Organization by the national or regional staffs for multilateral consideration.

(e) Review and consolidate equipment deficiency lists submitted by the regions and make recommendations to the Military Committee thereon.

(f) Establish standards of obsolescence and conduct planning for the standardization of weapons.

(g) Maintain coordination with the Military Production and Supply Board.

(h) Undertake the study of any problems relating to the maintenance of the security of the North Atlantic area which it may deem appropriate and submit its conclusions and recommendations to the Military Committee.

4. Relationship between the standing group and Military Committee:

(a) The standing group will function as an agent of the Military Committee.

(b) Should a requirement exist for formal communication between the standing group and the Military Committee, it should be by direct memorandum from one to the other. Normally, except for those occasions when the Military Committee is in formal meeting, contact with members of the Military Committee will be maintained informally through the accredited national representatives in permanent liaison with the standing group.

(c) The Military Committee will instruct the standing group as to any special subjects upon which it requests the group's advice, recommendations or assistance.

5. Time and frequency of sessions: The standing group shall be organized so as to function continuously, and its permanent site shall be in Washington.

6. Secretariat:

(a) The standing group shall make such arrangements for its administrative and secretarial services as it may consider necessary to discharge its functions. Its members shall be in permanent residence at the location of the headquarters of the standing group. The group shall arrange for the integration of this secretariat as may be required for the performance of its mission.

(b) The pay and allowances of all military personnel assigned to the national representation of the standing group shall be provided by their respective governments.

(c) The standing group will determine and recommend measures for prorating the expenses incident to the costs of common housekeeping, secretarial, civil employees, and other items which may require provision of a consolidated budget.

7. Procedural matters: All other procedural and organizational questions shall be resolved by the standing group itself.

8. Security of information: The standing group shall take measures to develop a system for security of information for the entire North Atlantic Treaty Organization and make recommendations thereon to the Military Committee as a matter of first priority. Pending that report, the host government has made interim security arrangements.

III

As an initial task, in furtherance of the planning responsibilities of the Military Committee, it is directed that the standing group prepare and submit to the Military Committee, as a matter of urgency, a proposed broad concept for the over-all defense of the North Atlantic area in order to insure early completion and integration of regional defense plans.

This concept shall be formulated in the light of probable threats to each region, shall indicate the initial objectives to be achieved and shall serve as a basic guide for regional planning.

This concept, and the coordinated regional plans derived therefrom will provide a basis for indicating the relative priorities, from the military point of view, for the available supply of materials and forces.

IV

The standing group shall, within the authority established by the Council, the Defense Committee, and policies contained herein, take such action as it may deem appropriate to initiate immediately such necessary directives or instructions as may expedite the early development of a coordinated, unified defense plan for the North Atlantic area. Bearing in mind the urgency for the formulation and coordination of plans, the standing group will review the progress of planning and keep the Military Committee informed.

V. CHRONOLOGY OF NATO MEETINGS

September 17, 1949: First meeting of Council, Washington, D. C. Made provisions for future operation and provided for the establishment of subsidiary bodies in the treaty organization, including the Defense Committee, Military Committee, standing group, and the regional planning groups.

October 5, 1949: First meeting of Defense Committee, Washington, D. C. Established Military Committee, Military Production and Supply Board, and regional planning groups. Accepted the principle of integrated defense as the governing factor in NATO planning.

October 6, 1949: First meeting of Military Committee, Washington, D. C. Proceeded with organization, establishment of standing group and regional planning groups, issued directive for formulation of strategic concept.

October 10, 1949: First meeting of standing group, Washington, D. C. (In continuous session since.) Established organization and drafted details for conduct of future operations.

November 1, 1949: First meeting of Military Production and Supply Board, London. Considered details of organization and problems related to future conduct of operations, provided a program for production and sale of armaments and equipment for consideration by the Defense Committee.

November 18, 1949: Second meeting of Council, Washington, D. C. The chief business of this meeting was to approve the establishment of the Military Production and Supply Board and the Defense Financial and Economic Committee.

November 29, 1949: Second meeting of Military Committee, Paris, France. Concluded essential tasks of organization and formulation of agreed objectives necessary to carry out the defense provisions of the North Atlantic Treaty, made recommendations to Defense Committee concerning strategic concept developed by standing group for the integrated defense of the North Atlantic Treaty area, provision of a program for production and supply of armaments and equipment, coordination of planning between regional groups, and reported on progress of planning.

December 1, 1949: Second meeting Defense Committee, Paris, France. Arrived at unanimous agreement on and gave full approval to projects recommended by the Military Committee at their second meeting, called for the preparation of a program for the production and supply of armaments and equipment.

December 12, 1949: First meeting of Military Production and Supply Board permanent working staff, London (in continuous session since).

December 19, 1949: First meeting of the Defense Financial and Economic Committee, London. Considered problems of organization and future operations. Established permanent working staff (continuous session) and liaison with permanent working staff of Military Production and Supply Board.

January 6, 1950: Third meeting of Council, Washington, D. C. This session approved the strategic concept for the defense of the North Atlantic Treaty area which had been agreed upon by the Defense Committee.

March 24, 1950: Second meeting North Atlantic Military Production and Supply Board, The Hague. Reviewed progress of Board since first meeting and made recommendations to the Defense Committee concerning ways and means of increasing available supplies where they fell short of requirements, also assigned additional projects to the permanent working staff.

March 28, 1950: Third meeting Military Committee, The Hague. Acted on recommendations of the standing group concerning the development of an integrated defense plan. The plan emphasized the responsibilities assumed by each nation to participate with the maximum forces it can provide in assuring the continuing security of the territories covered by the North Atlantic Treaty Organization, considered details of organization and planning which resulted from recommendations from regional planning groups and the standing group during the previous 6 months.

April 1, 1950: Third meeting of Defense Committee, The Hague. Approved the plans for collective self-defense recommended by the Military Committee as a "first approximation" and directed that they be kept under continuous review. The Military Production and Supply Board was given specific directives to implement standardization of equipment and insure coordinated production. The Defense Financial and Economic Committee was requested to survey the financial and economic potentialities available for additional military expenditures.

May 5, 1950: Fourth meeting of the Council, London. Agreed to establishment of additional formal machinery in the form of Deputies to the Foreign Ministers and a full-time organization to be set up under the Deputies. Considered the problem of balanced collective forces, greater emphasis on defense needs for the area, economic relations between member nations, and established the Planning Board for Ocean Shipping.

June 6, 1950: First meeting North Atlantic Planning Board for Ocean Shipping, London. Established provisional organization for immediate purpose of gathering data on merchant vessels tonnage and available facilities and services of vessels controlled by government concerned, as well as data from nonmember governments as appropriate.

July 2, 1950: Third meeting of North Atlantic Military Production and Supply Board, Copenhagen. Reviewed progress work to date and directed permanent working staff to set up task forces to implement new methods of meeting requirements in order to increase supplies and expedite production.

July 5, 1950: First meeting Council Deputies, London. (In continuous session since.)

September 3, 1950: Fifth meeting of the Council, New York, N. Y. Agreed upon the establishment at the earliest possible date of an integrated force under centralized command, and the appointment of a Chief of Staff and an eventual Supreme Commander therefor. Directed the Military

Committee (standing group) to be responsible for the higher strategic direction of the integrated force. Requested the Defense Committee to work out the organization of the integrated force and to recommend steps necessary to bring this office into being at the earliest possible time. Further directed the Defense Committee to consider changes and simplifications required in the military structure of NATO and related military organizations. Directed the Defense Committee to make recommendations at the earliest possible date as to the methods by which Germany could most usefully make its contribution to defense of Western Europe.

(NOTE.—The forthcoming meetings of the Military and Defense Committees (October 24–28, respectively) will be devoted to development of and reports on plans drawn up by the regional planning groups and integrated by the standing group, consideration of the many organizational and functional problems generated since the last meeting and the carrying out of the directives issued by the council at its fifth meeting.)

VI. RELATIONSHIP WITH MDAP

The North Atlantic Treaty is in itself a powerful deterrent to aggression by making it clear to any potential aggressor that twelve member nations are determined to defend themselves collectively. Yet, the firmest will to defend is ineffective without the power to defend. To help supply that power each member is pledged to contribute as best he can from the resources at his disposal. The mutual defense assistance program, as it relates to the North Atlantic area, is one phase of the American effort to fulfill its obligations of strengthening the Atlantic defenses.

Although MDAP and the North Atlantic Treaty developed separately, they are complementary. MDAP fits into the treaty to make it stronger. The North Atlantic Treaty sets forth the principles, and provides the machinery for the development of strategic plans for the collective defense of the area. MDAP offers one method of providing the materials to make mutual defense a reality.

The United States Congress has recognized American obligations in strengthening the defenses of the free world by three distinct actions in the past year: the original MDAP authorization and appropriation of $1,314,010,000 for fiscal year 1950 requirements, the fiscal year 1951 appropriation of $1,222,500,000 made just before the Korean invasion, and the supplemental appropriation of $4,000,000,000 passed by Congress in September. Nearly 85 percent of this $6,500,000,000 is earmarked to help bolster the defenses of Western Europe. The balance goes to the geographical areas of the Near East and the Far East.

The organization for the mutual defense assistance program in the United States calls for close interdepartmental coordination between the Department of State, Department of Defense and the Economic Cooperation Administration. At the top level these three participating agencies coordinate MDAP activities through the Foreign Military Assistance Steering Committee (FMASC), composed of the Secretary of State, who serves as chairman, the Secretary of Defense, and the ECA Administrator. At the working level there is continuous coordination through the Foreign Military Assistance Coordinating Committee (FMACC), composed presently of the following top officials on MDAP matters: Mr. John H. Ohly, for State; Maj. Gen. L. L. Lemnitzer, United States Army, for Defense; and Mr. Norman Paul for ECA. This same type of interdepartmental coordination is in effect overseas through the regional European Coordinating Committee (ECC) in London, and at country level where the political, military, and economic aspects are coordinated through the American Embassy, the Military Assistance Advisory Group (MAAG) and the ECA country mission.

VII. "TEXT AND SIGNATORIES OF THE NORTH ATLANTIC TREATY

"The parties to this treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

"They are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.

"They seek to promote stability and well-being in the North Atlantic area.

"They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

"They therefore agree to this North Atlantic Treaty.

"Article 1

"The parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

"Article 2

"The parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

"Article 3

"In order more effectively to achieve the objectives of this treaty, the parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

"Article 4

"The parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence, or security of any of the parties is threatened.

"Article 5

"The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

"Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

"Article 6

"For the purpose of article 5 an armed attack on one or more of the parties is deemed to include an armed attack on the territory of any of the parties in Europe or North America, on the Algerian departments of France, on the occupation forces of any party in Europe, on the islands under the jurisdiction of any party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the parties.

"Article 7

"This treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

"Article 8

"Each party declares that none of the international engagements now in force between it and any other of the parties or any third state is in conflict with the provisions of this treaty, and undertakes not to enter into any international engagement in conflict with this treaty.

"Article 9

"The parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this treaty. The Council shall be so organized as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a Defense Committee which shall recommend measures for the implementation of articles 3 and 5.

"Article 10

"The parties may, by unanimous agreement, invite any other European state in a position to further the principles of this treaty and to contribute to the security of the North Atlantic area to accede to this treaty. Any state so invited may become a party to the treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the parties of the deposit of each such instrument of accession.

"Article 11

"This treaty shall be ratified and its provisions carried out by the parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxemburg, the Netherlands, the United Kingdom, and the United States have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

"Article 12

"After the treaty has been in force for 10 years, or at any time thereafter, the parties shall, if any of them so requests, consul together for the purpose of reviewing the treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

"Article 13

"After the treaty has been in force for 20 years, any party may cease to be a party 1 year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other parties of the deposit of each notice of denunciation.

"Article 14

"This treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

"In witness whereof, the undersigned plenipotentiaries have signed this treaty.

"Done at Washington the 4th day of April 1949.

"For the Kingdom of Belgium: Paul-Henri Spaak, Prime Minister and Minister of Foreign Affairs; Baron Silvercruys, Ambassador to the United States.

"For Canada: Lester B. Pearson, Secretary of State for External Affairs; H. Hume Wrong, Ambassador to the United States.

"For the Kingdom of Denmark: Gustav Rasmussen, Minister of Foreign Affairs; Henrik de Kauffmann, Ambassador to the United States.

"For France: Robert Schuman, Minister of Foreign Affairs; Henri Bonnet, Ambassador to the United States.

"For Iceland: Bjarni Benediktsson, Minister of Foreign Affairs; Thor Thors, Minister to the United States.

"For Italy: Count Carlo Sforza, Minister of Foreign Affairs; Alberto Tarchiani, Ambassador to the United States.

"For the Grand Duchy of Luxembourg: Joseph Bech, Minister of Foreign Affairs; Hugues Le Gallais, Minister to the United States.

"For the Kingdom of The Netherlands: D. U. Stikker, Minister of Foreign Affairs; E. N. van Kleffens, Ambassador to the United States.

"For the Kingdom of Norway: Halvard M. Lange, Minister of Foreign Affairs; Wilhelm Munthe de Morgenstierne, Ambassador to the United States.

"For Portugal: Jose Caeiro da Matta, Minister of Foreign Affairs; Pedro Theotonio Pereira, Ambassador to the United States.

"For the United Kingdom of Great Britain and Northern Ireland: Ernest Bevin, Secretary of State for Foreign Affairs; Sir Oliver Shewell Franks, Ambassador to the United States.

"For the United States of America: Dean Acheson, Secretary of State."

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

Mr. TAFT. I yield.

Mr. MUNDT. I was very much interested in the very persuasive list of recommendations presented by the able senior Senator from Ohio. I would urge that he add to that list of recommendations something with reference to Senate Resolution 99, which also is before us, because it seems to me that if we were to adopt that resolution with section 6 in it, as it now appears on pages 4 and 5 of the resolution, we would be guilty of engaging in some dishonest legislative discourse which would be a calamity, because the country has a right to know just what it is that we are trying to do.

Since the resolution contains a self-contradictory phrase, it seems to me that we certainly should reject Senate Resolution 99 unless that portion of it is clarified and made to express an honest statement of fact.

Mr. TAFT. I agree with the Senator. I was not dealing with the Senate resolution. It gives me a great deal of trouble because, as the Senator from South Dakota says, by adopting that resolution the Senate would say that congressional approval would be required, but then the Senate would turn around and would give that approval by itself, acting alone as the Senate.

Mr. MUNDT. That is correct.

Mr. TAFT. I think that is self-contradictory, and I believe some clarification should be made.

Mr. MUNDT. I think it is purely an inadvertence of draftsmanship; but if we were to adopt the resolution in that form, it would give misinformation to the people of the country, because obviously the Senate should not approve something which the Senate says requires congressional approval.

Mr. TAFT. I fully agree with what the distinguished Senator from South Dakota says.

ASSIGNMENT OF GROUND FORCES TO DUTY IN THE EUROPEAN AREA—JOINT MEMORIAL OF THE IDAHO LEGISLATURE

Mr. DWORSHAK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a joint memorial of the Idaho Legislature, adopted at the thirty-first session of the Legislature of the State of Idaho, on February 8 and 15, 1951, dealing with the issue currently before the Senate, and respectfully urging Congress "to take such action as may be necessary and expedient to prevent the sending of the ground troops of these United States of America to foreign countries by the President of these United States without first obtaining the advice and consent of the Congress of these United States in the absence of a declaration of war by the Congress."

There being no objection, the joint memorial was ordered to lie on the table, and, under the rule, ordered to be printed in the RECORD, as follows:

Senate Joint Memorial 3

To the Honorable Senate and House of Representatives of these United States of America in Congress assembled:

We, your memorialist, the Senate and House of Representatives of the State of Idaho, in legislative session duly and regularly assembled, most respectfully present the following petition, resolution, and memorial, to wit:

Whereas the present world situation insofar as it affects the peace and welfare of these United States of America is at one of its most critical and uncertain stages; and

Whereas the President of these United States of America contemplates sending greater numbers of our ground troops to foreign countries in order to protect said countries against invasion by aggressor nations; and

Whereas we, your memorialists, believe that ground troops of the United States should not be sent to any foreign country for such purpose by the President of these United States, without first having obtained the advice and consent of the Congress of these United States: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the house of representatives concurring), That we most respectfully urge Congress of these United States to take such action as may be necessary and expedient to prevent the sending of the ground troops of these United States of America to foreign countries by the President of these United States without first obtaining the advice and consent of the Congress of these United States in the absence of a declaration of war by the Congress; be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to immediately forward copies of this memorial to the Senate and the House of Representatives of these United States of America and to the Senators and Representatives in Congress from the State of Idaho.

This senate joint memorial passed the senate on the 15th day of February 1951.

EDSON H. DEAL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 8th day of February 1951.

W. L. MILLS,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 3 originated in the senate during the thirty-first session of the Legislature of the State of Idaho.

BRITT NEDRY,
Assistant Secretary of the Senate.

HOUSING CONFERENCE AT ST. LOUIS, MO.

Mr. SPARKMAN. Mr. President, about a week ago it was my privilege to go to St. Louis, to be present at a housing conference there and to speak at that time. The conference was called by the mayor of St. Louis. It was supported by the leading businessmen of the community, including bankers, real estate men, and also by the people of the entire city of St. Louis generally. It was one of the most encouraging meetings I have ever attended.

The purpose of the meeting was to try to develop some kind of statement of a housing policy which might be put into effect during these days of mobilization, when there is a shortage of many critical materials.

I may say that the mayor of St. Louis, acting as the chairman of the conference, invited mayors from all over the country, representatives of the housing industry, bankers, and persons engaged in the home-mortgage business to attend the conference; and they came from various sections of the United States, and spent 2 days in a series of very helpful conferences, which ended with a dinner on Tuesday evening of last week. It was at that dinner that I had the privilege of speaking to the conference.

There was adopted by the conference a statement of policies and recommendations. I do not wish to read the statement in full, but I desire to point out a few things which were agreed upon by the conference, which was made up of people of naturally divergent views regarding the whole question of housing and the kind of program which ought to be put into effect during these war times.

I ask unanimous consent to insert in the RECORD, at this point, the statement of policies and recommendations of the National Housing Policy Conference, which was prepared at the conference.

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

STATEMENTS OF POLICIES AND RECOMMENDATIONS OF NATIONAL HOUSING POLICY CONFERENCE

The National Housing Policy Conference was sponsored by the mayor and civic leaders of the city of St. Louis. In attendance are industrial, financial, labor, business, housing, religious and civic leaders from 35 States representing virtually all of the principal

communities in the United States. The conference was called to recommend a housing policy in light of our national defense economy.

The National Housing Policy Conference hereby adopts the following statement of policy and recommendations:

1. We are in a war economy which seriously aggravates the housing situation. In order to meet defense housing needs, we support the proposed Housing Act of 1951 as a means of sustaining the defense effort.

2. In addition, we affirm the objectives of the Housing Act of 1949—a decent home in a wholesome environment for every American family—as conducive to the defense effort. We call upon all groups in industry, finance, and business, no matter how divergent their points of view, to unite in efforts to reach the ultimate goal. A spirit of tolerance, understanding, and cooperation, especially in the light of international events, is fundamental.

3. Defense housing is an integral part of national defense. Critical materials should be apportioned to it throughout the entire program. Private enterprise should be given the job of providing as much of defense housing needs as possible. Where private enterprise cannot or will not provide housing within the means of defense workers, the balance of such housing should be provided by public financing. Credit and building material restrictions should be adjusted so as to facilitate construction of all defense housing. Unless appropriate steps are taken immediately, we will have temporary, unsalvagable housing, which is not desirable. All defense housing, whether built by private enterprise or public agencies, must be constructed so as to be a permanent asset in the community. Community facilities should be provided, simultaneously with housing, and with Federal assistance where communities cannot provide them from their own resources.

4. In light of the vulnerability of American cities, the elimination of substandard structures will greatly assist civil defense authorities in their efforts to protect citizens. That is an additional reason why private enterprise and government must cooperate to eliminate blight and to redevelop our urban areas under the provisions of title I of the Housing Act of 1949. This program must be completed as rapidly as possible consistent with the defense effort.

Business, industry, and commerce must also recognize that a blighted city is inefficient and costly and obstructive to the program of national defense. Communities which do not redevelop their blighted areas are bound to stagnate. We therefore urge business, industry, and commerce to take the lead in civic redevelopment as a part of the process of the regeneration of our Nation. We believe it is not wise to slow down on the planning and financing of redevelopment. If areas cannot be physically cleared, every step short of demolition of habitable buildings should be taken, so that there will be no delay in bringing about the final phase of redevelopment.

5. Normal civilian needs for housing by private enterprise and for public housing in fair proportions should be provided to the greatest extent possible consistent with the defense efforts. Private enterprise should endeavor to meet the need for more rental housing not only for defense workers but for normal civilian use. Both private and public housing must give special consideration to the needs of families with children, especially families requiring more than two bedrooms. Although the need for economy is fundamental, there must be sound standards for construction and adequate standards of livability.

6. A great many functions, such as the allocation of materials and financial aids for the construction of defense housing, require a high degree of coordination. For that reason we favor the centralization of all activities affecting the defense housing program under one administrative head who will collaborate with other defense agencies. In addition, the expeditious handling of every phase of the housing programs for defense workers and normal civilian needs, and of the program for urban redevelopment, require a high degree of courage and leadership.

7. We recognize the contributions made to the Nation's housing by both private builders and public agencies. We deplore the intransigent attitude of adherents of both private enterprise and of public housing which fails to present a true picture of the value of each type of program and of the value of a combined program to the American public. There can be no excuse for distorted and misleading statements made and inspired by adherents of either private enterprise housing or public housing. Every effort must be made to prevent public confusion and misunderstanding caused by dubious tactics which seek to obstruct the construction of much needed housing for families in all income groups in the Nation.

8. In order to achieve the maximum economy in the use of materials we endorse all efforts to obtain modern building codes, and favor further Federal aid for research and experiments aimed to improve technological operations of the building industry.

9. The successful planning and operation of all housing programs, and the proper planning and consummation of urban redevelopment programs require the united support of leaders in the building industry, finance, and business, and of officials on every level of government. In addition, these programs especially require the support of citizens in each community. We urge the establishment of local, nonpartisan, nonpolitical citizens' organizations to foster an understanding of how the needs of their communities may be met, and of the truth about urban redevelopment and private and public housing programs, in order that the goal of a decent home in a wholesome environment for every American family can be achieved.

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

Mr. SPARKMAN. I should like to say a word about one other item.

Mr. McFARLAND. I wanted to ask the Senator a question in regard to the matter about which he has just been speaking.

Mr. SPARKMAN. I yield to the distinguished majority leader at this point.

Mr. McFARLAND. Was the statement which the Senator submitted in support of the bill which was reported recently by the committee?

Mr. SPARKMAN. It was not for the purpose of supporting any particular piece of legislation. I would say it was in general support of the bill which the committee reported. It was a statement regarding a general housing program which the country should adopt during this time, and I may say it followed very closely the provisions which are contained in the particular piece of legislation to which the majority leader refers.

Mr. McFARLAND. Inasmuch as the bill which was reported by the committee is to be taken up next, or at least it is planned to take it up when the Senate finishes the consideration of the pending resolutions, I think it very appropriate that the Senator make the statement he is making in regard to housing. I consider housing legislation to be very important. As the defense plants are expanded, since more housing will be needed, housing legislation will become even more important.

Mr. SPARKMAN. I appreciate the remarks of the able majority leader. That was the attitude of those who attended the conference, and who, as I said, represented many divergent views. I think the Senator from Arizona may be interested in the statement that, even though there were groups in the conference who ordinarily attack public housing, the conference recommended that even during this period of mobilization at least a part of the housing program ought to be continued.

One thing which I thought rather remarkable came up following the conference. I shall refer to it very briefly. It had reference to a resolution adopted by the Home Builders Association of Greater St. Louis. I may say that when they first began talking about arranging the conference, it appeared that the home builders were not too much in favor of it, and questioned the wisdom of doing certain of the things proposed. But, following the conference, the Home Builders Association of Greater St. Louis adopted a resolution, which they sent to the Honorable Joseph M. Darst, mayor of the city of St. Louis. I shall not now take time to read the resolution, but I ask unanimous consent that it be printed at this point in the RECORD.

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

Be it resolved by the Home Builders' Association of Greater St. Louis, That—

(1) We commend the mayor of St. Louis, the Honorable Joseph M. Darst, for initiating the National Housing Policy Conference, so successfully conducted in St. Louis on March 19 and 20, 1951.

(2) We commend the housing coordinator of St. Louis, the Honorable Thomas F. Kelleher, for his diligence in assembling a panel of experts on all phases of housing.

(3) We commend the chairman of the conference, Mr. Gale F. Johnston, for his consciousness of public duty and for direction of the conference to an eminently successful conclusion.

(4) We commend the resolutions committee, headed by the Honorable Aloys P. Kaufman, for its excellent statement of policy, and we hereby subscribe to the stated objective of this policy, namely, a decent home in a wholesome environment for every American family.

(5) We make a public expression of faith in the ability of Mayor Darst to lead our community to a better understanding of its housing needs and how they may best be met, and we volunteer our services as an association and as individuals as a civic duty and without compensation to serve in any organizations or committees which may be established to foster understanding by our citizens of their housing needs and to promote our common objective as expressed.

INVESTIGATION OF INTERSTATE CRIME—EXTENSION OF TIME FOR FILING FINAL REPORT

Mr. McFARLAND. Mr. President, I understand that the Senator from Wyoming [Mr. HUNT] desires to submit a unanimous-consent request. I have taken it up with the distinguished acting minority leader, and I understand there is no objection to its being presented at this time.

Mr. WATKINS. Mr. President, will the Senator state the purpose of it, so that I may know whether it is the one I had in mind?

Mr. HUNT. Mr. President, on behalf of myself, the Senator from Tennessee [Mr. KEFAUVER], the Senator from Maryland [Mr. O'CONOR], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Wisconsin [Mr. WILEY], I submit a resolution and request its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution (S. Res. 108) was read as follows:

Resolved, That the committee established by Senate Resolution 202, Eighty-first Congress, agreed to May 3, 1950 (creating a special committee to investigate interstate gambling and racketeering activities), is hereby authorized to expend from the contingent fund of the Senate to carry out the purposes of Senate Resolution 202, Eighty-first Congress, $15,000 in addition to the amounts heretofore authorized for the same purposes.

SEC. 2. Section 6 of Senate Resolution 202, Eighty-first Congress, is amended to read as follows:

"SEC. 6. The committee shall report to the Senate with respect to the results of its study and investigation, together with such recommendations as to necessary legislation as it may deem advisable, and shall make a final report on or before May 1, 1951, in lieu of the requirements in Senate Resolution 203 that the final report be made on March 31, 1951. All authority conferred by this resolution shall terminate on May 1, 1951."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WATKINS. May I inquire of the distinguished Senator from Wyoming whether the resolution merely provides for an extension of the resolution heretofore adopted by the Senate?

Mr. HUNT. I may say to the distinguished acting minority leader that the committee regretted to find it necessary to ask for additional time, but we find it physically impossible to get our final report ready for submission to the Congress by tomorrow, as required by the resolution under which the investigation was made.

Mr. WATKINS. I do not think the Senator caught my question. Is there anything in the resolution he has offered at the present time except provision for a mere extension of time?

Mr. HUNT. Yes; there is a request for an authorization of $15,000.

Mr. WATKINS. In addition to the request for an authorization of $15,000, there is a request that the time be extended for 1 month, is there not?

Mr. HUNT. Yes. The extension of time is for but 1 month. I may say to the Senator, for I think the information should be available to Members of the Senate, that during this time we do not contemplate holding additional hearings, either executive or open. The purpose is merely to provide time within which our staff may prepare the type of report which we think the Senate is entitled to have. We find it physically impossible to complete it by tomorrow.

Mr. WATKINS. If I understand correctly, all that the resolution which is now presented to the Senate does is to grant an extension of time for 1 month, and to authorize an appropriation in the sum of $15,000 for the use of the committee for that month.

Mr. HUNT. The Senator's understanding is entirely correct.

Mr. WATKINS. I may say on behalf of the minority leader, the Senator from Nebraska [Mr. WHERRY], that there is no objection. In fact, he feels that this ought to be done. I personally feel the same way, and therefore I have no objection to the immediate consideration of the resolution.

Mr. McFARLAND. Mr. President, if the Senator will yield, I should like to state that I talked to the chairman of the Committee on Rules and Administration, my colleague, the senior Senator from Arizona [Mr. HAYDEN], who stated he had no objection to the resolution, including the $15,000 authorization included in it. Regardless of what the intention of the committee may be at the present time, I am glad the resolution is not restrictive, that it is a mere extension of time, because the committee might wish to do something in the 30-day period, and we would not want to adopt a resolution which would make it impossible for the committee to do anything within the 30-day period or whatever other period they might want, if it should be done.

Mr. WATKINS. I may say that I think the original resolution was broad enough to give the committee vast powers, and I understand those powers are adequate.

Mr. HUNT. The powers are still retained, with the resolution I have just offered, but it is not our intention to use them. We hope, and we have agreed among ourselves, to have no more hearings, either open or executive.

Mr. WATKINS. With that assurance, there is no objection whatever on the part of the minority leader, or on behalf of myself.

Mr. MUNDT. Mr. President, I wish to commend the Senator from Wyoming and the other members of his committee for the sterling job they have done in connection with a very difficult and disagreeable task. I was hoping the Senator would ask for an extension of 90 days instead of 30 days, and I am bitterly disappointed to hear that the committee does not intend to pursue any of the leads which have been developed, but will simply use the 30 days for the purpose of closing up shop.

It seems to me there is a great deal of unfinished business in the general area in which the committee has made such a very ambitious and important beginning. I wonder whether the Senator from Wyoming has in mind, perhaps, that between now and the concluding date fixed in the resolution there may be presented to the Senate a resolution which will either call for a rather extensive continuation of the committee, or for the creation of a new committee to complete the job which has been so nobly begun.

Mr. HUNT. I will say to the distinguished Senator from South Dakota that the committee does have proposed legislation in mind. It will be in our report. We hope it will involve a plan to carry out in some form the work we have been doing. Just what the form will be, just what the membership of such an organization shall be, I cannot at this time tell the Senator, because the committee has not yet decided that point.

Mr. MUNDT. Would the Senator be willing to give this much of an assurance, that the job at hand will not have been completed by the end of another 30 days?

Mr. HUNT. Does the Senator mean we shall not have thoroughly exhausted all the leads we have developed?

Mr. MUNDT. That is correct.

Mr. HUNT. The Senator is quite correct. We have interrogated 764 witnesses. We have held hearings in 15 cities, and we have had, I believe, something like 264 executive and open sessions. Each of the sessions developed new leads which the committee did not anticipate when the hearing was opened.

I will say that we are finding that the class of work the committee has been doing could be endless. There seems to be no end to it, and we are hoping and intending to try to establish some sort of a committee or commission which will carry on the work.

Mr. MUNDT. Will the Senator agree, further, that it would be a very tragic and unfortunate thing if at the end of 30 days no way were found to complete the job which has been undertaken by the committee?

Mr. HUNT. I would say it would; but it will not be the fault of the committee, because we shall submit to the Congress some definite recommendations.

Mr. MUNDT. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

EXECUTIVE SESSION

Mr. McFARLAND. 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. HILL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. RUSSELL, from the Committee on Armed Services:

Maj. Gen. Paul Henry Streit 06254, Army of the United States (brigadier general, Medical Corps, U. S. Army), for appointment as major general, Medical Corps in the Regular Army of the United States, under the provisions of title V of the Officer Personnel Act of 1947.

The PRESIDING OFFICER. If there be no further reports, the clerk will state the nomination on the Executive Calendar.

DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of James E. Colliflower to be a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1951.

Mr. WATKINS. Mr. President, in the absence of the minority leader, I ask that that nomination be passed over.

The PRESIDING OFFICER. The nomination will be passed over.

Mr. McFARLAND. I did not know that there was any objection.

Mr. WATKINS. I do not know what the objection is, but I was asked to request that the nomination go over.

RECESS

Mr. McFARLAND. As in legislative session, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 30, 1951, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 29 (legislative day of March 26), 1951:

IN THE AIR FORCE

The following-named persons for appointment in the United States Air Force, under the provisions of section 103, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947), as amended by Public Law 514, Eighty-first Congress, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 105, Public Law 36, Eightieth Congress, as amended by section 2 of Public Law 514, Eighty-first Congress:

To be captains, USAF (nurses)

Muriel Ammons, [redacted].
Mary E. Anderson, [redacted].
Juliet M. D. Anton, [redacted].
Elena M. Ardoin, [redacted].
Nellie J. Bailey, [redacted].
Alice R. Bakutis, [redacted].
Madeline Barneycastle, [redacted].
Marjorie E. Beakes, [redacted].
Josephine M. Becker, [redacted].
Adeline T. Bell, [redacted].
Mildred A. Bell, [redacted].
Rose M. Bendetti, [redacted].
Dorothy M. Berendsen, [redacted].
Helen E. Berman, [redacted].
Eleanor E. Bernick, [redacted].
Una L. Black, [redacted].
Janice M. Blount, [redacted].
Jonita R. Bonham, [redacted].
Edith Brandes, [redacted].
Helen L. Brennan, [redacted].
Helen E. Brown, [redacted].
Elizabeth L. Buzan, [redacted].
Katherine G. Cahill, [redacted].
Flora G. Carmine, [redacted].
Barbara H. Carson, [redacted].
Mildred E. Castleberry, [redacted].
Maclovia Cavazos, [redacted].
Dorothy J. Christison, [redacted].
E. Lynne Christy, [redacted].
Helen A. Chupka, [redacted].
Margaret S. Clouse, [redacted].
Eleanor B. Cochran, [redacted].
Catherine A. Coffman, [redacted].
Cora E. Conerly, [redacted].
Elizabeth J. Conroy, [redacted].
Mary I. Cossey, [redacted].
Opal G. Davis, [redacted].
Charlotte B. Detweiler, [redacted].
Aileen A. Dupont, [redacted].
Ona M. Emigh, [redacted].
Marie O. Eyman, [redacted].
Margaret M. Fallon, [redacted].
Florence F. Fintak, [redacted].
Rose M. Fiorello, [redacted].
Pearl M. Fleming, [redacted].
Ruth M. Foley, [redacted].
Josephine E. Fornara, [redacted].
June H. Freedman, [redacted].
Joyce Godard, [redacted].
Viola Graham, [redacted].
Lillian A. Gravis, [redacted].
Anne M. Gregg, [redacted].
Matilda D. Grinevich, [redacted].
Angelica L. Gulick, [redacted].
Edith J. Gunning, [redacted].
Karolyna J. Harrison, [redacted].
Grace J. Hayden, [redacted].
Martha J. Hierstein, [redacted].
Emily E. Hilbus, [redacted].
Mary E. Hoadley, [redacted].
Ethel A. Hoefly, [redacted].
Ernestine F. Hohberger, [redacted].
Helen Humphries, [redacted].
Marguerite L. Jernigan, [redacted].
Josephine Jezek, [redacted].
Esther M. Johnson, [redacted].
Margaret E. Johnson, [redacted].
Martha L. Johnson, [redacted].
Frieda E. Keso, [redacted].
Helen M. Kiley, [redacted].
Helen H. King, [redacted].
Vera D. King, [redacted].
Kathryn E. Kovatovich, [redacted].
Alice R. Krieble, [redacted].
Marguerite M. Laetsch, [redacted].
Marion E. Leeper, [redacted].
Dorothy E. Lonergan, [redacted].
Nara M. Luzietti, [redacted].
Mary C. Lynch, [redacted].
Ethel S. Madden, [redacted].
Jeanne R. Marquis, [redacted].
Edna S. Mattonen, [redacted].
Blanche A. McCloskey, [redacted].
Marguerite E. McDonald, [redacted].
Margaret E. McKenzie, [redacted].
Mary E. McNamara, [redacted].
Dorothy M. Menge, [redacted].
Pauline T. Michalka, [redacted].
Idabelle Miller, [redacted].
Isabelle A. Miller, [redacted].
Kathryn Miller, [redacted].
Mary V. Miller, [redacted].
Elizabeth S. Moritz, [redacted].
Kathryn A. Moyes, [redacted].
Elizabeth A. Murphy, [redacted].
Sara K. Neese, [redacted].
Myrtle N. Nereson, [redacted].
Annice E. Norred, [redacted].
Cecilia E. Obenhoff, [redacted].
Dominica B. O'Brien, [redacted].
Mary E. O'Donnell, [redacted].
Suzanne M. Ottoy, [redacted].
Merilys E. Porter, [redacted].
Barbara W. Preston, [redacted].
Violet I. Price, [redacted].
Alice M. Ragin, [redacted].
Anne D. Reams, [redacted].
Margaret E. Remington, [redacted].
Margaret A. Richey, [redacted].
Winifred M. Robinson, [redacted].
Winnie B. Sanders, [redacted].
Rose N. Slusher, [redacted].
Elinor V. Smith, [redacted].
Elverene N. Smith, [redacted].
Charlotte M. Stein, [redacted].
Melba G. Stone, [redacted].
Esther E. Taylor, [redacted].
Frances J. Valentine, [redacted].
Mary L. Van Horn, [redacted].
Fanny E. Vlahovich, [redacted].
Mabel L. Wakeland, [redacted].
Gertrude M. Walsh, [redacted].
Patricia I. Ward, [redacted].
Bernice V. Wasilewski, [redacted].
Amy R. Webster, [redacted].
Helen O. Weissbeck, [redacted].
Eleanor Welch, [redacted].
Eva J. Wheeler, [redacted].
Mary L. White, [redacted].
Clara D. Whitley, [redacted].
Elizabeth A. Wright, [redacted].
Jane H. York, [redacted].
Emily E. Zack, [redacted].
Alice E. Zayatz, [redacted].
Mabel M. Zibell, [redacted].

To be captains, USAF (women's medical specialists)

Jack LaRue, [redacted].
Mary M. Laughlin, [redacted].
Dellamae Motley, [redacted].
Frances E. Smith, [redacted].

To be first lieutenants, USAF (nurses)

Theresa L. Bell, [redacted].
Thelma L. Dawson, [redacted].
Irene C. Falkenhagen, [redacted].
Katheryne J. Hills, [redacted].
Dorothy H. Janowicz, [redacted].
Evelyn N. Lawrence, [redacted].
Dorothy N. Livingston, [redacted].
Margaret J. Mills, [redacted].
Lyla P. Milroy, [redacted].
Mary M. Mullen, [redacted].
Anna Obletiloff, [redacted].
Mary A. Partin, [redacted].
Jane Saunders, [redacted].
Mary A. Schreiber, [redacted].
Madeline P. Sebasky, [redacted].
Rose M. Shefuo, [redacted].
Lillian M. Soto, [redacted].
Lillian F. Stone, [redacted].
Hilda E. Velasquez, [redacted].
Hope E. Waite, [redacted].
Zada C. Zarling, [redacted].

To be first lieutenants, USAF (women's medical specialists)

Frances M. Gasson, [redacted].
Jean R. Gates, [redacted].
Dorothy M. Griffin, [redacted].
Betty F. Hearne, [redacted].
Doris C. Knausz, [redacted].
Julia V. Skellchock, [redacted].

The following-named persons for appointment in the United States Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 101, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947):

To be second lieutenants, USAF (nurses)

Helen E. Calm, [redacted].
Dorothy M. Horton, [redacted].
Joan E. Kelley, [redacted].

The following-named distinguished aviation cadets for appointment in the United States Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

Charles D. Anderson	William M. Kottas
Kenneth G. Baker	Frank B. McGehee
Frank E. Bennett	James R. Odom, Jr.
Philip C. Davis, Jr.	Tom M. Skillman
Cyril H. Dingwell	Otis A. Sleep
Joseph J. Gyulavics	Paul E. Snodgress
William B. Johnson	William J. Warren

The following-named person for appointment in the United States Air Force in the grade indicated, with date of rank to be determined by the Secretary of the Air Force under the provisions of title II, Public Law 365, Eightieth Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947):

To be captain, USAF (medical)

Paul Bittick, Jr.

The following-named persons for appointment in the United States Air Force under the provisions of section 103, Public Law 36, Eightieth Congress (Army-Navy Nurses Act of 1947), as amended by Public Law 514, Eighty-first Congress, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 105, Public Law 36, Eightieth Congress, as amended by section 2 of Public Law 514, Eighty-first Congress:

To be captains, USAF (nurses)

Janice A. Albert, [redacted].
Myrtle R. Brewer, [redacted].
Bernice E. Britton, [redacted].

Etta Chandler, [redacted]
Margaret E. Daniel, [redacted]
Gussie L. Dowell, [redacted]
Geraldine E. Hellen, [redacted]
Margaret M. Kiefer, [redacted]
Lillian M. Kinkela, [redacted]
Lucile C. Slattery, [redacted]
Clare E. Stanton, [redacted]
Margaret Vizard, [redacted]

To be first lieutenant, USAF (nurse)

Genevieve E. Martell, [redacted]

To be first lieutenant, USAF (women's medical specialist)

Janet E. Cook, [redacted]

The following-named distinguished aviation cadets for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

To be second lieutenants

John C. Fremont	Robert P. King
Bruce E. Graham	James I. Meeker
Virgil I. Grissom	Dallas K. Stephens
Thomas E. Hadley II	Richard J. Swan
Robert B. Hunter, Jr.	Albert H. Ward, Jr.

SENATE

FRIDAY, MARCH 30, 1951

(Legislative day of Monday, March 26, 1951)

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

The Very Reverend J. Hutchison Cockburn, D. D., senior minister, the Cathedral of Dunblane, Scotland, offered the following prayer:

Almighty God, King of Kings and Lord of Lords, from whom proceed all power and dominion in heaven and earth, abundantly bless, we most heartily beseech Thee, these Thy servants set in the high places of government in this Nation. Upon the President, the Vice President, the Senators, and all in authority, look with Thy gracious favor; imbue them with Thy spirit of wisdom, goodness, and truth; and so rule their hearts and govern their endeavors that law and order, justice, and national unity may prevail. Preserve this Nation from public calamities, from pestilence and conspiracy, from rebellion, and from national sins and corruptions. Uphold the people in peace and in war; make them strong in the fear of the Lord and in the love of righteousness which exalt the nations so that, knowing Thy goodness to them and the defense of Thy watchful providence, they may be a blessing to the whole world of men, to Thy praise and glory, through Jesus Christ our Lord.

Lord God of Hosts, stretch forth Thine almighty arm, we pray, to strengthen and protect the soldiers, the sailors, and the airmen of this and the United Nations. Shelter them in danger and keep them in every evil; endow them with loyalty and courage and with the assurance that they strive for ends well-pleasing unto Thee. Give them victory in the day of battle, we humbly pray, that peace may be restored to the earth and Thy kingdom of righteousness be advanced; through our Lord, Jesus Christ.

Now the God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well-pleasing in His sight, through Jesus Christ, to whom be glory, for ever and ever. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 29, 1951, was dispensed with.

LEAVE OF ABSENCE

On request of Mr. McFARLAND, and by unanimous consent, Mr. McCARRAN was excused from attendance on the sessions of the Senate for the next 10 days because of official business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. LEHMAN, and by unanimous consent, the Committee on Labor and Public Welfare was authorized to sit this afternoon during the session of the Senate.

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to present petitions and memorials, submit reports, introduce bills and resolutions, and transact other routine business, without debate, and that the time thus consumed be charged equally to the proponents and the opponents of the pending resolution.

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

PETITION

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from the Civic League of Improvement Clubs and Associations, San Francisco, Calif., signed by Hugh K. McKevitt, president; Col. Gus C. Ringole, chairman, judiciary committee; and Ernest L. West, secretary, commending the activities of the Special Committee To Investigate Crime in Interstate Commerce, and praying for its continuance for another year, which was referred to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services:

S. 285. A bill to amend the act entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," approved April 4, 1944; with amendments (Rept. No. 197).

PROBLEMS OF HEALTH INSURANCE PLANS—REPORT OF A COMMITTEE (REPT. NO. 196)

Mr. LEHMAN. Mr. President, from the Committee on Labor and Public Welfare, I submit, pursuant to Senate Resolution 273, of the Eighty-first Congress, as modified by Senate Resolution 39 of the Eighty-second Congress, a report on the study conducted by the Subcommittee on Health of the Committee on Labor and Public Welfare on the status, methods of operation, types, potentialities, and problems of health insurance plans in the United States, and the activities of State and local governments in the field of health services.

The VICE PRESIDENT. The report will be received and printed.

BILLS INTRODUCED

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

By Mr. LANGER:

S. 1232. A bill to permit the appointment of certain substitute and temporary rural carriers in the rural delivery service to regular positions; to the Committee on Post Office and Civil Service.

By Mr. HUMPHREY (for Mr. MAGNUSON):

S. 1233. A bill for the relief of Mrs. Anna E. Stark; and

S. 1234 (by request). A bill for the relief of Toshiko Konishi; to the Committee on the Judiciary.

S. 1235. A bill to extend to persons entitled to receive medical care by or through the Veterans' Administration, the right to elect to receive chiropractic treatment; to the Committee on Labor and Public Welfare.

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

CHIROPRACTIC TREATMENT FOR CERTAIN PERSONS BY VETERANS' ADMINISTRATION

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Washington [Mr. MAGNUSON], who is absent by leave of the Senate, I introduce for appropriate reference a bill to extend to persons entitled to receive medical care by or through the Veterans' Administration, the right to elect to receive chiropractic treatment. I ask unanimous consent that the bill, together with a letter to Senator MAGNUSON from Omar B. Ketchum, director, Veterans of Foreign Wars of the United States, be printed in the RECORD. In his letter Mr. Ketchum expresses on behalf of the Veterans of Foreign Wars his interest in the bill and requests the senior Senator from Washington to sponsor it in the Senate.

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

The bill (S. 1235) to extend to persons entitled to receive medical care by or through the Veterans' Administration, the right to elect to receive chiropractic treatment, introduced by Mr. HUMPHREY (for Mr. MAGNUSON), was read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That whenever any person is entitled by law or regulation to receive medical care by or through the Veterans' Administration, he shall, if he so elects, have the right to receive chiropractic care and the Chief Medical Director shall make available the services of qualified chiropractors.

The letter is as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Kansas City, Mo., March 6, 1951.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR MAGNUSON: I am attaching draft of a suggested bill which I am