Those two actions, if finally ratified by Congress, might cause greater damage to the American economy, and the American freedom system, than any defeat ever suffered by American troops on the field of battle.

Everybody knows that the economy is now wheezing and creaking perilously under the strain of American rearmament.

This strain is so great that the Administration is demanding ever-tightening controls over almost everything that is bought and sold in America. The President contends that unless he and his little men are given vast "emergency" powers, everything will crack wide open.

Nevertheless, he blithely demands that the people dig up another eight and one-half billions—to be given to other nations in Europe, Asia, Africa, and South America.

That is far more than Franklin D. Roosevelt's government spent for all purposes in 1934 or 1935. And Mr. Roosevelt, in those years, was known as a quick hand with a dollar.

Why is this huge sum to be given away?

Because, said Mr. Truman, various countries need it and are asking the United States to help them out. And because if the United States donates to them hugely, both in economic aid and military supplies, maybe they will turn out to be friends in time of need.

The force of that last argument is well illustrated by the case of Great Britain, which has received and will continue to receive the lion's share of America's give-away billions—and which, since trouble started in Korea, has been fronting constantly for America's enemy, Communist China.

The new tax bill which is offered as a means of paying for Mr. Truman's fantastic spending program represents a long step forward by those who are trying to socialize America.

The payments on individual incomes are increased by a flat 12½ percent. This is supposed to be a great favor of the small income tax payers, but whether they will rise to their feet and cheer remains to be seen.

Corporations, however, get the heavier jolt. Both the normal-tax rate and the excess-profits rate are whooped up—and the maximum which may be collected from any corporation by both taxes combined is raised to 70 percent. Many long-established firms will pay that rate, or close to it.

Corporations, of course, are soulless things and are regarded as fair political prey.

Nevertheless, when 70 percent of their profits are seized by the Government, they have little if any inducement to expand, or to gamble on new enterprises. Taxes of the sort now proposed on both individuals and corporations will choke off enterprise, and as a result tend to reduce American productivity. Thus they will make America weaker rather than stronger.

The pestilential bureaucrats apparently aim to share America's wealth both abroad and at home. And they propose to do it, not by plainly labeled socialistic measures, but by coordinated programs of give-away and taxation.

In the opinion of this newspaper, and the opinion also of many other Americans, this presents a danger no less grave than the Communist peril in Korea or in Europe. Socialism is a first cousin to communism, and if this country backs into socialism its conflict with communism will be a quarrel between Tweedledum and Tweedledee.

Every rational American wants to take prudent steps to defend the Republic against aggression. But nobody in his right mind wants to wreck the national economy by setting up costly and probably futile boondoggles the world around. Let Congress beware.

MIDSHIPMAN WILLIAM D. SHAUGHNESSEY

Mr. LODGE. Mr. President, it gives me pleasure as a Massachusetts citizen to be able to announce to the Senate that one of the three top-honor men in the class at the Naval Academy at Annapolis which graduates today is Midshipman William D. Shaughnessey, of Waltham, Mass. Midshipman Shaughnessey attained a 93-percent average and is the first man in 14 years to head his Academy class for the full 4 years. I understand that he entered the Academy in June 1947 after 2 years at Holy Cross College and that he represented the Academy in the 1950–51 edition of Who's Who Among Students in American Colleges and Universities. He held the five-stripe rank of midshipman commander in the first group of brigade officers and midshipman lieutenant serving as commander of the Third Company in the final group. He will receive life membership in the Naval Institute for excelling in history, a wrist watch for standing highest in English, a wrist watch for being highest in marine engineering, a camera for seamanship, a clock and another watch for leading the class. It is a pleasure for me to tell the Senate about this young man and to extend to him my congratulations and best wishes for a distinguished naval career. He is a great credit to Massachusetts and to the Nation.

Mr. SALTONSTALL. Mr. President, I, too, as a citizen of Massachusetts, am very proud of this boy's record at the Naval Academy.

RECESS TO MONDAY

Mr. HILL. I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 16 minutes p. m.) the Senate took a recess until Monday, June 4, 1951, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1 (legislative day of May 17), 1951:

COLLECTOR OF CUSTOMS

William J. Storen to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C.

IN THE ARMY

Lt. Gen. James Alward Van Fleet (major general, United States Army), for appointment as commanding general, Eighth Army, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Lt. Gen. Edward Hale Brooks (major general, United States Army), for appointment as commanding general, Second Army, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. William Morris Hoge, United States Army, for appointment as corps commander, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. Doyle Overlton Hickey, United States Army, for appointment as chief of staff, Far East Command, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. George Ellis Armstrong, Army of the United States (brigadier general, Medical Corps, United States Army), for appointment as The Surgeon General, United States Army, and as major general in the Regular Army of the United States.

IN THE NAVY

Vice Adm. John L. Hall, Jr., United States Navy, to have the grade, rank, pay, and allowances of a vice admiral, while serving as commander, Western Sea Frontier.

IN THE MARINE CORPS

Maj. Gen. Graves B. Erskine to have the grade, rank, pay, and allowances of lieutenant general in the Marine Corps while serving as commanding general, Fleet Marine Force, Atlantic.

SENATE

MONDAY, JUNE 4, 1951

(Legislative day of Thursday, May 17, 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, as our pilgrim feet tread unknown paths, new every morning is the revelation of Thy brooding care. In the Junetide glory of the awakened earth, when common bushes flame with Thee and heaven and earth are praising Thee in newness of life, our hearts come singing: "This is my Father's world." May a spiritual springtime make our own lives as the garden of the Lord. In the beauty of holiness may we serve Thee and our troubled generation with sincerity, tranquillity and self-effacement.

As we face the tasks of a new week, redeem us from insincerity and from all pretense. We pray for light for one step ahead and courage to face criticism if need be for the sake of truth. We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 1, 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 June 2, 1951, the President had approved and signed the act (S. 108) to amend section 28 of the Enabling Act for the State of Arizona relating to the terms of leases of State-owned lands.

COMMITTEES MEETING DURING SENATE SESSION

On request of Mr. NEELY, and by unanimous consent, the Committees on Armed Services and Foreign Relations, meeting jointly, were 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 make insertions in the RECORD and transact routine business, without debate.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

EXTENSION OF AUTHORITY OF POSTMASTER GENERAL TO LEASE QUARTERS FOR POST-OFFICE PURPOSES

A letter from the Postmaster General, transmitting a draft of proposed legislation to modify and extend the authority of the Postmaster General to lease quarters for post-office purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

ELIMINATION OF WAIVER OF RENTALS FOR CERTAIN LEASES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the mineral leasing laws in order to eliminate the waiver of rentals for oil and gas leases (with an accompanying paper); to the Committee on Interior and Insular Affairs.

LAWS ENACTED BY GUAM LEGISLATURE

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the First Guam Legislature (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF MARITIME ADMINISTRATION

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration, Department of Commerce, on the activities and transactions of the Administration for the period January 1 through March 31, 1951 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

EASEMENTS FOR RIGHTS-OF-WAY FOR CERTAIN UTILITIES

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the provision in the act of March 4, 1911 (36 Stat. 1235, 1253) authorizing the granting of easements for rights-of-way for electrical transmission, telephone, and telegraph lines and poles (with an accompanying paper); to the Committee on Agriculture and Forestry.

INTERSTATE MOVEMENT OF CERTAIN DOMESTIC ANIMALS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of May 29, 1884, as amended, to permit the interstate movement, for immediate slaughter, of domestic animals which have reacted to a test for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test for brucellosis; and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease, for the month of April 1951 (with an accompanying report); to the Committee on Agriculture and Forestry.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

Two letters from the Attorney General, transmitting, pursuant to law, copies of the orders of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien and the reasons for granting the applications (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN DISPLACED PERSONS

A letter from the Attorney General, transmitting, pursuant to law, a copy of an order of the Acting Commissioner of Immigration and Naturalization, dated November 16, 1950, authorizing the temporary admission into the United States of certain displaced persons, together with a list furnishing detailed information concerning such persons (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT ON NATURAL FIBERS REVOLVING FUND, DEPARTMENT OF THE ARMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report of the natural fibers revolving fund, Department of the Army, for the fiscal years ended June 30, 1949 and 1950 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

REPORT OF NATIONAL ACADEMY OF SCIENCES

A letter from the President of the National Academy of Sciences, transmitting, pursuant to law, the annual report of the Academy for the fiscal year ended June 30, 1950 (with an accompanying report); to the Committee on Rules and Administration.

AMENDMENT OF CHARTER OF WAR DAMAGE CORPORATION

The PRESIDENT pro tempore laid before the Senate the following letter from the Secretary of the Senate, which was ordered to lie on the table:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
June 4, 1951.

To the PRESIDENT OF THE SENATE:

I am in receipt of a letter from the Assistant Secretary of the Reconstruction Finance Corporation, transmitting, pursuant to law, two certified copies of an amendment to paragraph 9 of the charter of the War Damage Corporation, adopted on May 28, 1951, which have been placed on file in this office.

Very respectfully,

LESLIE L. BIFFLE,
Secretary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"Assembly Joint Resolution 33

"Joint resolution relating to the completion of the San Diego aqueduct

"Whereas during World War II the United States Navy under congressional authorization constructed an aqueduct connecting the San Diego County metropolitan area with the Colorado River aqueduct of the Metropolitan Water District of Southern California in order that military and defense installations in San Diego County might be supplied with water, portions of such aqueduct being constructed of sufficient capacity to transport the area's entitlement from the metropolitan water district, but most of which was of only one-half of such capacity; and

"Whereas the personnel and employees of military and defense establishments in the San Diego area have been greatly increased in number, and the result of this greatly increased demand, coupled with unexpected and unprecedented lack of rainfall from which exhausted local supplies might otherwise have been replenished, have so reduced the water available as to require the adoption of a water-conservation program and to threaten enforced water rationing; and

"Whereas the completion of the San Diego Aqueduct to full capacity as provided in the original plans is the only means by which a firm supply of water in an amount adequate for present requirements can be assured, and this requires the construction of a second barrel to the existing works within the present rights-of-way belonging to the Federal Government as a continuation of the original project built through the instrumentality of the Navy: Now, therefore, be it

"Resolved, by the Assembly and the Senate of the State of California (jointly), That the Congress of the United States is respectfully memorialized to enact legislation to authorize the completion of the San Diego Aqueduct by the Navy under a contract by the terms of which its cost would be fully repaid to the Government by the San Diego County Water Authority; and be it further

"Resolved, That the chief clerk of the assembly be directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"Senate Joint Resolution 8

"Joint resolution relative to requesting the Congress of the United States to propose an amendment to the Constitution

"Whereas the decisions of the Supreme Court of the United States and of certain State courts have caused uncertainty in the minds of lawyers and of the public generally concerning the effect of treaties and executive agreements on our Federal and State Constitutions and laws; and

"Whereas such uncertainty should immediately be clarified: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Congress of the United States be and it is hereby petitioned and urged to immediately submit to the several States an amendment to the Constitution of the United States, and the following form of said amendment is hereby suggested, to wit:

"1. The representative form of Federal Government, consisting of the Congress, the executive, and the judiciary, the sovereignty of the governments of the several States, the express limitations on the powers of Congress, the guarantees of individual liberties, and the independence of the Federal judici-

ary, contained and guaranteed in and by this Constitution and in particular the first 10 amendments thereto, shall not be abolished nor altered by any treaty or executive agreement.

"2. The power of the Senate to ratify treaties shall be exercised only by two-thirds of the entire membership of the Senate and not by two-thirds only of the Members present.

"3. The Supreme Court shall have original and exclusive jurisdiction of all actions or proceedings brought on behalf of the United States or on behalf of a State involving the validity of any treaty or Executive agreement; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of Maine; to the Committee on the Judiciary:

"Joint resolution rescinding proposal for considering a constitutional convention of the United States or amendments to the Constitution of the United States relating to strengthening the United Nations and limited world federal government

"To the honorable Senate and House of Representatives of the United States in Congress assembled:

"We, your memorialists, the Senate and House of Representatives of the State of Maine in the ninety-fifth legislative session assembled, most respectfully present and petition your honorable body as follows:

"Whereas the Senate and House of Representatives of the State of Maine in the 1949 regular session of the legislature submitted a memorial to the Senate and the House of Representatives of the Congress, to the Members of the said Senate and the House of Representatives from this State, and to the presiding officers of each of the legislatures in the several States approving the principles of world federation; and

"Whereas the said memorial did not favor nor recommend any form of world federalist government; and

"Whereas the Legislature of Maine did not and now does not approve any form of world federalist government.

"Whereas a copy of said 1949 memorial was sent to each of the Senators and Members of the House of Representatives in Congress, to each member of the State of Maine congressional delegation, and to the presiding officers of each of the legislatures in the several States: Now, therefore, be it

"Resolved, That we, your memorialists, do hereby rescind and repudiate the said memorial of 1949 and respectfully urge that the same be disregarded.

"Resolved, That a copy of this memorial, duly authenticated by the secretary of state, be immediately transmitted by the secretary of state, by registered mail, to the Senate and House of Representatives in Congress, to the members of the said Senate and House of Representatives from this State, and to the presiding officers for each of the legislatures in the several States."

"Joint resolution making application to the Congress of the United States for the calling of a convention to propose an amendment to the Constitution of the United States

"To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

"We, your memorialists, the Senate and House of Representatives of the State of Maine in the Ninety-Fifth Legislative Session assembled, most respectfully present and petition your honorable body as follows:

"Whereas article V of the Constitution of the United States reads in part as follows: 'The Congress * * * on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States—'; and

"Whereas the Legislature of the State of Maine, in view of the increasing tax problems of the State, caused in large part by the invasion of tax sources by the Federal Government, believes that its problems as well as the problems of other States similarly situated, can be solved only by some restraint upon present unrestrained exercise of the taxing power by the Federal Government; and

"Whereas the Federal Government is using and has been using for a number of years the taxing power to produce revenue beyond a legitimate necessity of a Federal Government, other than defense needs, and has been using the funds so raised to invade the province of legislation of the States and to appropriate in many fields that which amounts to a dole to the States of the money raised therefrom to accomplish many purposes, most of them worthy, but by the described process making the money available only under conditions which result in a control by the Federal Government from centralized agencies in Washington, in many cases unfit, and in other cases unable to administer the laws according to the local needs because of varying conditions in the country as a whole, resulting in inequities in the administration of the very benefits purported to be granted; and

"Whereas State and local needs are disadvantaged because the people are already taxed far beyond the real need for any purpose other than forcing the centralization of all Government in Washington; and

"Whereas the framers of the Constitution of the United States clearly foresaw the possibility of a condition similar to that herein described, and made provision in the Constitution for safeguarding the States against any oppression or invasion of rights by the Federal Government: Therefore be it

"Resolved by the Legislature of the State of Maine, That said legislature, hereby and pursuant to article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

"'ARTICLE —

"'SECTION 1. The power to levy taxes and appropriate the revenues therefrom heretofore granted to the Congress by the States in the several articles of this Constitution is hereby limited.

"'SEC. 2. This article shall be in effect except during a state of war, hereafter declared, when it shall be suspended. The suspension thereof shall end upon the termination of the war but not later than 3 months after the cessation of hostilities, whichever shall be earlier. The cessation of hostilities may be declared by proclamation of the President or by concurrent resolution of the Congress or by concurrent action of the legislatures of 32 States.

"'SEC. 3. Notwithstanding the provisions of article V, this article may be suspended for a time certain or amended at any time by concurrent action of the legislatures of three-fourths of the States.

"'SEC. 4. There shall be set aside in the Treasury of the United States a separate fund into which shall be paid 25 percent of all taxes collected by authority derived from the sixteenth amendment to this Constitution, except as provided in section 5, and 25 percent of all sums collected by the United States from any other tax levied for revenue.

"'SEC. 5. There shall be set aside in the Treasury of the United States a separate fund into which shall be paid all sums received from taxes levied on personal incomes in excess of 50 percent thereof and from taxes levied on income or profits of corporations in excess of 38 percent thereof.

"'SEC. 6. Before paying any sums into the funds created by sections 4 and 5 hereof, the Treasurer of the United States shall deduct therefrom 20 percent which shall be used in payment of the principal of the national debt of the United States.

"'SEC. 7. No tax shall hereafter be imposed on that portion of the incomes of individuals which does not exceed, in the case of unmarried persons the sum of $600 per year, and in the case of married persons the sum of $1,200 per year jointly. A minimum deduction of $600 per year shall be allowed for each dependent.

"'SEC. 8. The Treasurer of the United States shall once in each year, from the separate fund created by section 4 hereof, pay to each of the several States one-fourth of 1 percent of said fund and from the remainder of said fund shall pay to each State a portion of such remainder determined by the population of each State in ratio to the entire population of the several States according to the last Federal decennial census or any subsequent general census authorized by law.

"'SEC. 9. The Treasurer of the United States shall, from the separate fund created by section 5 hereof, pay to each State, once in each year, a sum equal to the amount of money in such fund which was collected from persons or corporations within such State.

"'SEC. 10. Any sums paid hereunder to the several States shall be available for appropriation only by the legislatures thereof. The legislatures may appropriate therefrom for any purpose not forbidden by the constitutions of the respective States and may appropriate therefrom for expenditures within the States for any purpose for which appropriations have heretofore been made by the Congress except such purposes as are specifically reserved by this Constitution for the exclusive power of the Congress. The people of each State may limit the expenditures of funds herein made available to the legislature, but shall not direct the appropriation thereof.

"'SEC. 11. Each legislature shall have power by rule or resolution to provide for the assembly thereof in special sessions for the purpose of considering amendments to, the suspension of, or the ratification of amendments proposed to this article.

"'SEC. 12. Each legislature shall have power to elect one or more persons to represent such legislature in any council or convention of States created by concurrent action of the legislatures of 32 States for the purpose of obtaining uniform action by the legislatures of the several States in any matters connected with the amendment of this article.

"'SEC. 13. The Congress shall not create, admit, or form new States from the Territory of the several States as constituted on the first day of January 1951, and shall not create, form, or admit more than three States from the Territories and insular possessions under the jurisdiction of the United States on the 1st day of January 1951, or from Territory thereafter acquired without the express consent of the legislatures of three-fourths of the several States.

"'SEC. 14. On and after January 1, 1951, the dollar shall be the unit of the currency. The gold content of the dollar as fixed on January 1, 1951, shall not be decreased.

"'SEC. 15. Concurrent action of the legislatures of the several States as used herein shall mean the adoption of the same resolution by the required number of legislatures. A limit of time may be fixed by such resolution within which such concurrent action shall be taken. No legislature shall revoke the affirmative action of a preceding legislature taken therein.

"'SEC. 16. During any period when this article is in effect the Congress may, by concurrent resolution adopted by two-thirds of both Houses wherein declaration is made that additional funds are necessary for the defense of the Nation, limit the amount of money required by this article to be returned to the several States. Such limitation shall continue until terminated by the Congress or by concurrent action of a majority of the legislatures of the several States. Upon termination of any such limitation the Congress may not thereafter impose a limitation without the express consent by concurrent action of a majority of the legislatures of the several States.

"'SEC. 17. This article is declared to be self executing'; and be it further

"Resolved, That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each Member of the Maine delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the legislature of Maine, be sent to each house of each legislature of each State of the United States; and be it further

"Resolved, That this application hereby made by the legislature of the State of Maine shall constitute a continuing application in accordance with article V, of the Constitution of the United States until at least two-thirds of the legislatures of the several States shall have made similar applications pursuant to said article V; and be it further

"Resolved, That since this is an exercise by a State of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and RECORD of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other States, so that the Congress and the various States shall be apprised of the time when the necessary number of States shall have so exercised their power under article V of the Constitution; and be it further

"Resolved, That since this method of proposing amendments to the constitution has never been completed to the point of calling a convention and no interpretation of the power of the States in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the legislature of the State of Maine interprets article V to mean that if two-thirds of the States make application for a convention to propose an identical amendment to the constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have the power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

"Resolved, That the legislature of the State of Maine does not, by this exercise of its power under article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof; nor does it authorize any representative of the State of Maine who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof; and be it further

"Resolved, That by its actions in these premises, the legislature of the State of Maine does not in any way limit in any other proceeding its right to exercise its power to the full extent; and be it further

"Resolved, That the congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures."

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Appropriations:

"Senate Concurrent Resolution 56

"Whereas living costs in the Territory of Hawaii are higher than on the mainland, a fact long recognized by the Federal Government by the granting of pay differentials to Federal employees in the Territory; and

"Whereas the Bureau of Labor Statistics this year plans to conduct a survey of living costs in the Territory of Hawaii in comparison with similar costs on the mainland; and

"Whereas the need for food, clothing, and shelter is the same for all Federal employees in the Territory whether or not they happen to be island residents or recruited on the mainland; and

"Whereas the Federal House of Representatives by section 407 of the 1952 Agriculture appropriation bill is contemplating retaining the Federal pay differential for Federal employees recruited from the mainland but eliminating it for island residents: Now, therefore, be it

"Resolved by the Senate of the Twenty-sixth Legislature of the Territory of Hawaii (the house of representatives concurring), That we do hereby protest this display of colonialism through denying island residents Federal pay differentials and the evident intent to treat Territorial residents as inferiors to persons recruited on the mainland both in their bodily needs and social status as measured by their salaries; and be it further

"Resolved, That the United States Senate is requested to amend the 1952 Agriculture appropriation bill and delete this clause discriminating against Territorial residents just as the House of Representatives of the United States deleted a similar provision in the Interior Department appropriation bill; and be it further

"Resolved, That the Congress of the United States if requested to defer taking any action to discontinue or modify the pay differentials granted to Federal employees in the Territory of Hawaii until such time as the results of the survey of the Bureau of Labor Statistics are available, and then to adjust Federal pay differentials accordingly for all Federal employees; and be it further

"Resolved, That certified copies of this concurrent resolution be forwarded to the President of the United States, to the Secretary of the Department of the Interior, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from Hawaii."

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Foreign Relations:

"Senate Concurrent Resolution 37

"Whereas Hawaii has been a symbol of the cooperation of all races since its incorporation into the United States; and

"Whereas Hawaii has always been in the forefront of progressive legislation; and

"Whereas the following resolution has been supported by a large number of the States and is now before the Congress: Now, therefore, be it

"Resolved by the Senate of the Twenty-sixth Legislature of the Territory of Hawaii (the house of representatives concurring), That the Congress of the United States is respectfully urged to support House Concurrent Resolution 64 now pending in the Congress, which reads in part as follows:

"'That it is the sense of the Congress that it should be a fundamental objective of the foreign policy of the United States to support and strengthen the United Nations and to seek its development into an organization of such defined and limited powers as are essential to the enactment, interpretation, and enforcement of world law to prevent aggression and maintain peace'; be it further

"Resolved, That certified copies of this concurrent resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii."

An act of the Legislature of the State of New Hampshire; to the Committee on Armed Services:

"An act approving the act of the Governor in signing the interstate compact for civil defense

"Whereas under the provisions of chapter 304 of the laws of 1949, the Governor, on behalf of the State, is authorized to enter into mutual-aid arrangements with other States; and

"Whereas pursuant to the powers granted to him under the above-mentioned statute the Governor has entered into a mutual-aid arrangement with other States: Now, therefore

"Be it enacted by the senate and house of representatives in general court convened:

"1. Approval: The act of the Governor in signing the interstate civil defense compact for and in behalf of the State of New Hampshire, said compact being deposited with the secretary of state for the State of New Hampshire and with the proper Federal authorities, in accordance with the Federal Civil Defense Act, H. R. 9798 of the Eighty-first Congress, is hereby approved and confirmed and said compact is lawful and binding upon this State to the extent expressed by its terms.

"2. Takes effect: This act shall take effect upon its passage."

"The State of New Hampshire, through its Governor, Sherman Adams, duly authorized, solemnly agrees with any other State which is or may become a party to this compact, as follows:

"ARTICLE 1

"The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full, and effective utilization of the resources of the

respective States, including such resources as may be available from the United States Government or any other source, is essential to the safety, care, and welfare of the people thereof in the event of enemy action or other emergency, and all such resources, including personnel, equipment, or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The directors of civil defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

"ARTICLE 2

"It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories, of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices, and rules and regulations including:

"(a) Insignia, arm bands, and any other distinctive articles to designate and distinguish the different civil defense services;

"(b) Black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises;

"(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

"(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

"(e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services;

"(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

"(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

"(h) The safety of public meetings or gatherings; and

"(i) Mobile support units.

"ARTICLE 3

"Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil-defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges, and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil-defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil-defense authorities of the State receiving assistance.

"ARTICLE 4

"Whenever any person holds a license, certificate, or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical, or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate, or other permit as if issued in the State in which aid is rendered.

"ARTICLE 5

"No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"ARTICLE 6

"Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from the appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured or other persons, and the exchange of medical, fire, police, public utility, reconnaisance, welfare, transportation, and communications personnel, equipment, and supplies.

"ARTICLE 7

"Each party State shall provide for the payment of compensation and death benefits to injured members of the civil-defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

"ARTICLE 8

"Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or costs; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil-defense forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compenstion for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

"ARTICLE 9

"Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

"ARTICLE 10

"This compact shall be available to any States, Territory, or possession of the United States, and the District of Columbia. The term 'state' may also include any neighboring foreign country or province or state thereof.

"ARTICLE 11

"The committee established pursuant to article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

"ARTICLE 12

"This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

"ARTICLE 13

"This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after the notice thereof has been sent by the governor of the party State desiring to withdraw to the governors of all other party states.

"ARTICLE 14

"This compact shall be construed to effectuate the purposes stated in article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

"Given at the executive chambers in Concord this 29th day of December in the year of our Lord, 1950.

"In witness whereof I hereby affix my signature, pursuant to the authority vested in me as Governor of the State of New Hampshire, by section 5, paragraph V, of chapter 304 of the New Hampshire Session Laws of 1949.

"SHERMAN ADAMS,
"Governor.

"Certified a true copy:

"ENOCH D. FULLER,
"Secretary of State."

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Armed Services:

"House Concurrent Resolution 31

"Concurrent resolution memorializing the Congress of the United States to pass legislation to properly compensate members of the Armed Forces of the United States who are now or will be engaged in combat

"Whereas at the present time, thousands of members of the Armed Forces of the United States are engaged in combat with the enemy in Korea; and

"Whereas these men do not receive any more compensation for their services than do members of the Armed Forces serving in the other foreign areas not subject to the hazards, dangers, and discomforts of combat duty; and

"Whereas in the late World War II members of our Armed Forces engaged in combat with the enemy did receive additional compensation; and

"Whereas the Congress of the United States has several bills under consideration, which, if passed, would partially compensate these brave men; and

"Whereas these men are daily offering and many are giving their life's blood for their country; and

"Whereas we who are at home are contributing little or nothing, the least we can do is urge the Congress of the United States to pass legislation now under its consideration, and in a small way compensate these heroes for the sacrifices they make for our benefit: Now, therefore, be it

"Resolved by the House of Representatives of the Twenty-third Legislature of the State of Oklahoma (the senate concurring therein):

"SECTION 1. That the Legislature of the State of Oklahoma respectfully urges and requests the Congress of the United States to pass either H. R. 261, H. R. 568, H. R. 1753, or S. 579.

"SEC. 2. The secretary of state of the State of Oklahoma is hereby directed to send a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Member of the Congress of the United States.

"Adopted by the house of representatives on the 11th day of April 1951.

"CHARLES OZMUN,
"Acting Speaker of the House of Representatives.

"BOYD COWDEN,
"President Pro Tempore of the Senate."

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"Senate joint resolution ratifying the proposed amendment to the Constitution of the United States relating to the terms of office of the President

"Whereas the Eightieth Congress of the United States of America, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposal to amend the Constitution of the United States:

"'Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President

"*'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"' "ARTICLE —

"' "SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than 2 years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

"' "SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."'

"Be it resolved by the Senate of Alabama (the house of representatives concurring), That—

"1. The proposed amendment to the Constitution of the United States of America as herein shown be and the same is hereby ratified.

"2. Certified copies of this resolution shall be forwarded by the secretary of state to the Secretary of State of the United States, to the Presiding Officer of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

"Approved by the Governor May 10, 1951."

By the PRESIDENT pro tempore:

A resolution adopted by the Board of Aldermen of the City of Somerville, Mass., relating to the hearings on the recall of General MacArthur; to the Committee on Armed Services.

A resolution adopted by the Federal Grand Jurors' Association of the eastern district of New York, at Brooklyn, N. Y., favoring the enactment of legislation to make a direct attack on racketeers and criminals; to the Committee on Finance.

A telegram in the nature of a petition from the Morgan City (La.) Junior Chamber of Commerce, praying for the enactment of legislation providing for immediate issuance of permits to drill in tideland waters; to the Committee on Interior and Insular Affairs.

A letter in the nature of a petition from the Christian Amendment Movement, Topeka, Kans., signed by T. C. Knight, president, relating to a national profession of faith in the Lord Jesus Christ (with accompanying papers); to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors of Nassau County, Mineola, N. Y., favoring the enactment of legislation to aid the financing of the safety program of the Long Island Railroad; to the Committee on the Judiciary.

Resolutions adopted by the Michigan State Association of Letter Carriers, Muskegon, Mich., and the Washington State Federation of Postal Clerks, Spokane, Wash., favoring the enactment of legislation providing a 17-percent increase in compensation for postal employees; to the Committee on Post Office and Civil Service.

A resolution adopted by the West Virginia State Department of United States Army Mothers, at Charleston, W. Va., favoring the creation of a veterans committee in the Senate; to the Committee on Rules and Administration.

SECOND-CLASS POSTAL RATES—RESOLUTION OF NORTH DAKOTA PRESS ASSOCIATION, GRAND FORKS, N. DAK.

Mr. YOUNG. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD a resolution adopted by the North Dakota Press Association at its convention held in Grand Forks, N. Dak., on April 13 and 14, 1951, opposing any increase in second-class postal rates.

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

NORTH DAKOTA PRESS ASSOCIATION, REPRESENTING ALL OF THE NEWSPAPERS OF NORTH DAKOTA—RESOLUTION ADOPTED AT THE ANNUAL CONVENTION OF NDPA AT GRAND FORKS, N. DAK., APRIL 13 AND 14, 1951

Whereas committees of the Congress of the United States are now considering an increase in the rates for second-class mail matter, and whereas President Harry Truman has made recommendations that such rates be materially increased; and

Whereas the North Dakota Press Association is heartily in accord with the stand on the matter of the National Editorial Association and does commend and support the efforts of its representatives and committees who have appeared before said committees of Congress; and

Whereas there has been discrimination against weekly newspapers in two recent mail-service embargoes ordered by the Post Office Department; and

Whereas proposed increases in second-class postal rates would be discriminatory against weekly newspapers and would create serious financial problems for most weekly newspapers: Now, therefore, be it

Resolved, That the North Dakota Press Association express its united opposition to any increase in second-class postal rates unless improved service is guaranteed, particularly for prompt delivery of weekly newspapers; and, further, that copies of this resolution be forwarded to officers in the Post Office Department and to the members of the North Dakota delegation in Congress.

By the committee:

C. L. ANDRIST,
Chairman, Crosby Journal.
F. W. DENISON,
Cando Record-Herald.
M. A. TUNTLAND,
Washburn Leader.
T. C. MICHAELS,
Dunseith Leader.
CALE DICKEY,
New Salem Journal.

Passed unanimously.

Attest:

EDWARD J. FRANTA,
Secretary,
North Dakota Press Association.

APRIL 14, 1951.

DISPLAY OF AMERICAN FLAG—RESOLUTION OF STATE CONFERENCE OF DAUGHTERS OF THE AMERICAN REVOLUTION, ANN ARBOR, MICH.

Mr. LANGER. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD a resolution adopted by the fifty-first annual State conference of the Daughters of the American Revolution, at Ann Arbor, Mich., asking that no other flag be allowed to fly in the United States

except the flag of the United States—particularly not the flag of the United Nations.

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

Whereas repeated efforts are being made to place the flag of the United Nations above that of our own United States flag on United States soil; and

Whereas the United Nations flag represents foreign governments, some of whom are directly opposed to our form of government and our ideals of liberty, freedom, and democracy; and

Whereas it is inconceivable that American honor should accept a subordinate position for its emblem in its own land: Be it

Resolved, That the Daughters of the American Revolution of Michigan urge the Congress of the United States to pass protective legislation guaranteeing the United States flag the position of honor at all times on United States soil;

Resolved, That copies of this resolution be sent to the proper authorities.

Sincerely,

DAISY S. FARBER,
State Corresponding Secretary.

PRICE CONTROL OF BEEF—RESOLUTION OF GRIGGS COUNTY (N. DAK.) FARM BUREAU

Mr. LANGER. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a letter addressed to me by Alvin T. Boe, assistant secretary-treasurer, Griggs County (N. Dak.) Farm Bureau, which embodies a resolution unanimously adopted by that bureau, dealing with the price control of beef.

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

GRIGGS COUNTY FARM BUREAU,
Cooperstown, N. Dak., May 28, 1951.

WILLIAM LANGER,
United States Senate,
Washington, D. C.

DEAR SENATOR LANGER: A meeting of the Griggs County Farm Bureau was held in Cooperstown May 25, 1951. The meeting was attended by 40 representatives of this community. At which time the following resolution was adopted.

We respectfully recommend that the discriminatory order affecting beef and all agricultural commodity prices be rescinded as soon as possible. That title IV of the Defense Production Act, dealing with wage and price controls, be terminated when that portion of the act expires June 30, 1951.

We earnestly seek the cooperation of all North Dakota Congressmen in bringing about this development, as we believe the control program will hinder rather than increase the production of agricultural commodities.

Respectfully yours,

ALVIN T. BOE,
Assistant Secretary-Treasurer.

INCREASED COMPENSATION FOR POSTAL EMPLOYEES—JOINT RESOLUTION OF WISCONSIN LEGISLATURE

Mr. WILEY. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a joint resolution adopted by the Legislature of the State of Wisconsin, favoring the enactment of legislation to increase the compensation of postal employees.

The joint resolution was referred to the Committee on Post Office and Civil Service and, under the rule, ordered to be printed in the RECORD, as follows:

Joint resolution memorializing the Congress of the United States to enact legislation to increase the salaries of postal employees

Whereas there is now before the Congress of the United States, S. 355 and H. R. 244, which bills provide for the elimination of the six lowest salary grades for postal clerks and carriers and provide for a 17-percent increase in the annual salary of post office employees receiving less than $5,000 yearly; and

Whereas the salaries of postal employees have been increased less than 4 percent since 1943 and living costs have increased in excess of 10 percent since January 1950: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of Wisconsin respectfully memorializes the Congress of the United States to enact H. R. 244 and S. 355 into law; and be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to the clerks of both Houses of the Congress of the United States and to each Member of the Congress from this State.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 2084. A bill relating to the treatment of powers of appointment for estate and gift tax purposes; with amendments (Rept. No. 382).

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

S. 1042. A bill to amend the act creating the Motor Carrier Claims Commission (Pub. Law 880, 80th Cong.); without amendment (Rept. No. 383);

H. R. 2396. A bill to amend chapter 213 of title 18 of the United States Code; without amendment (Rept. No. 384); and

H. R. 2924. A bill to amend section 4164 of title 18, United States Code, relating to conditional release of Federal prisoners; without amendment (Rept. No. 385).

STUDY OF HEALTH PROBLEMS—REPORT OF A COMMITTEE (PT. 3 OF REPT. NO. 359)

Mr. LEHMAN. Mr. President, from the Committee on Labor and Public Welfare, I submit, pursuant to Senate Resolution 273, Eighty-first Congress, second session, and Senate Resolution 39, Eighty-second Congress, first session, providing for a further study of health problems, part 3 of Report No. 359, and I ask that it be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from New York.

BILLS INTRODUCED

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

By Mr. LANGER:

S. 1583. A bill to authorize the furnishing to military and naval personnel of transportation to enable them to visit their homes while on furlough or leave in the United States and to return to their military and naval stations; to the Committee on Armed Services.

S. 1584. A bill for the relief of Ali Amir, Aner Ulla, Inus Miah Abdul Goni (also known as Inus Miah), Sogon Ali, Abdul Hassim, Aksir Miah, Habib Uddin, Amin Ullah (also known as Ammin Ali), Abdul Kader, and Rafique Uddin Chowdhury; to the Committee on the Judiciary.

S. 1585. A bill to provide a leave of absence for James Patrick Williams, an employee of the United States, so as to allow him to participate in the 1952 Olympic games; to the Committee on Post Office and Civil Service.

By Mr. HOLLAND (for himself and Mr. WHERRY):

S. 1586. A bill to amend the China Area Aid Act of 1950 to extend to selected citizens of Korea the educational aid provided certain citizens of China; to the Committee on Foreign Relations.

By Mr. HUMPHREY:

S. 1587. A bill to provide increased allotments for dependents of enlisted members of the Armed Forces; to the Committee on Armed Services.

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

By Mr. JOHNSON of Colorado (by request):

S. 1588. A bill to amend the Air Commerce Act of 1926, as amended; 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. HUMPHREY:

S. 1589. A bill for the relief of Dr. Jose Montero; to the Committee on the Judiciary.

By Mr. NEELY (by request):

S. 1590. A bill to extend and revise the District of Columbia Emergency Rent Act; to the Committee on the District of Columbia.

AMENDMENT OF AIR COMMERCE ACT OF 1926, RELATING TO TRANSFER OF CERTAIN FUNCTIONS

Mr. JOHNSON of Colorado. Mr. President, by request, I introduce for appropriate reference a bill to amend the Air Commerce Act of 1926, as amended, relating to the transfer of certain functions authorized therein from the Secretary of Commerce to the Civil Aeronautics Board and to effect certain revisions in the language of the existing section, and I ask unanimous consent that the bill together with an explanatory statement by me be printed in the RECORD.

The 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 bill (S. 1588) to amend the Air Commerce Act of 1926, as amended, introduced by Mr. JOHNSON of Colorado (by request), was read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 6 of the Air Commerce Act of 1926, as amended, is hereby amended by striking sections (b) and (c) thereof and by inserting a new subsection (b) to read as follows:

(b) If a foreign nation grants a similar privilege in respect to aircraft of the United

States and/or airmen serving in connection therewith, foreign aircraft not a part of the armed forces of such foreign nation may be navigated in the United States if authorized by permit, order, or regulation issued by the Civil Aeronautics Board hereunder, and in accordance with the terms, conditions, and limitations contained in such permit, order, or regulation: *Provided*, That in exercising its powers hereunder, the Board shall do so consistently with any treaty, convention, or agreement which may be in force between the United States and any foreign country or countries. Foreign civil aircraft permitted to navigate in the United States under this subsection may be authorized by the Board to engage in commercial operations within the United States except that they shall not take on at any point within the United States persons, property, or mail carried for compensation or hire and destined for another point within the United States."

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

STATEMENT BY SENATOR JOHNSON OF COLORADO

This proposed legislation would amend the Air Commerce Act of 1926, as amended, to transfer the functions authorized therein from the Secretary of Commerce to the Civil Aeronautics Board and to effect certain revisions in the language of the existing section.

Pursuant to existing law, the Administrator of Civil Aeronautics, acting under a delegation from the Secretary of Commerce, is charged with the task of issuing permits authorizing the entry into the United States of foreign aircraft not engaged in common carrier operations (sec. 6 (c) of the Air Commerce Act of 1926, as amended).

This function was assigned to the Secretary of Commerce by the Air Commerce Act of 1926 and subsequently transferred to the Civil Aeronautics Authority by the Civil Aeronautics Act of 1938. With the reorganization of the Government aeronautical agencies in 1940 by Reorganization Plans 3 and 4 there was some doubt as to which agency should be charged with the issuance of permits under section 6 (c). In an opinion, dated September 12, 1941, the Attorney General ruled that the Administrator of Civil Aeronautics should assume the functions of section 6 (c), predicating his finding on the reasoning that the issuance of such permits was primarily an administrative function and not a function relating to economic regulations and that it involved to some extent the subject of safety regulation and registration. Therefore, the responsibility for issuing permits under section 6 (c) was assumed by the Administrator of Civil Aeronautics. Although Reorganization Plan No. 5 of 1950 formally transferred the authority set forth in section 6 (c) to the Secretary of Commerce, the responsibility remains in the Administrator under a delegation from the Secretary.

Since 1941 there have occurred numerous changes in the field of air transportation which have made inappropriate the decision directing the Administrator to perform such functions. In 1941 there were few contract operations by foreign operators into the United States and those which were carried on had little competitive impact on scheduled operations. Today, however, such operations have expanded, their competitive status has assumed significant importance, and the actual process of issuing a 6 (c) permit today has become largely an economic determination. Recognizing this fact, it has been the practice of the Civil Aeronautics Administration to contact the Board upon the application for a permit by a foreign operator for determination as to whether the proposed operation is common carrier in nature and should or should not be authorized. Where the Civil Aeronautics Board recommends against the issuance of such a permit the Civil Aeronautics Administration refuses the application. The economic determination, therefore, is the primary factor in the issuance or nonissuance of a permit.

In the actual process of issuing 6 (c) permits economic factors have been increasing in magnitude while inspections and other methods of insuring adequate safety standards in transborder and intra-United States operations by foreign aircraft have, through the years come to be handled more in a routine manner than was the case in 1940. Also, in January of last year the United States, as a party to the Convention on International Civil Aviation, implemented a resolution of ICAO by which it has agreed to recognize for flights in or across its territories, airmail and airworthiness certificates issued or rendered valid by the state of registry of the aircraft concerned and has established aircraft operational entry requirements for safety purposes. As a result of the establishment of these requirements, the actual process of issuing a 6 (c) permit now involves safety and registration problems to a considerably lesser extent than economic factors.

It would also appear desirable that the safety regulations which govern the operation within the United States of foreign aircraft be placed in the civil air regulations where other safety standards are provided. At the present time, this class of regulation is contained in each permit issued by the CAA under section 6 (c). Naturally, under the division of responsibility between the Board and the Administrator, the Board would not care to undertake the routine, detailed, trip-by-trip regulation of the safety standards of such flights as is now done by the CAA. Consequently, it is proposed that a revision of the civil air regulations be promulgated which would include reference to all regulations applicable to foreign-registered aircraft operating into or within the United States.

In view of the foregoing, it is the opinion of the Department of Commerce and the Civil Aeronautics Board that the function of issuing such permits should be transferred to the Civil Aeronautics Board. Our reasons for supporting this recommendation may be summarized as follows:

(a) The issuance of a 6 (c) permit is, and should remain, primarily an economic determination. The Civil Aeronautics Board is the Government agency primarily responsible for economic determinations affecting air operations and has a staff available for making such determinations. The Civil Aeronautics Administration's field personnel are responsible for safety functions and are less qualified to make determinations which are based on economic considerations.

(b) Safety standards governing the operations of foreign aircraft should be contained in the Civil Air Regulations.

(c) In view of our international commitments under the Chicago Convention, and our belief that safety standards of foreign aircraft operating in the United States should be contained in the Civil Air Regulations, we feel that the safety problems involved in the issuance of 6 (c) permits are not of sufficient magnitude to require the retention in the Civil Aeronautics Administration of the final determination for the issuance of such permits.

(d) A transfer of the authority to issue such permits to the Board would establish by law the authority which the Board presently exercises by administrative arrangement. The public would be put on notice that the Civil Aeronautics Board and not the Secretary of Commerce is charged with the responsibility in making the determination which finally results in the issuance of a 6 (c) permit.

In addition to effecting the transfer to the Civil Aeronautics Board of the function authorized by section 6 (c) certain changes in the existing language are proposed in the interest of clarity and to facilitate the efficient performance of the function authorized. Sections 6 (b) and (c) have been stricken and a single subsection (b) substituted in lieu thereof. Section 6 (c) presently requires that individual permits be issued to cover each flight or series of flights into the United States by foreign civil aircraft. No authority is given under that section to issue regulations. It may well prove desirable in certain instances and for limited types of operations to dispense with the issuance of individual permits and govern them solely by regulation. Moreover, we believe the authority to issue regulations would be highly desirable in view of the fact that the many standard terms and conditions presently contained in permits issued under the existing section 6 (c) could be more readily and effectively included in general regulations and thereby reduce the time required for issuance of the individual permits to a minimum. It is therefore recommended that the navigation of foreign aircraft within the United States be authorized by "permit, order, or regulation of the Civil Aeronautics Board, and in accordance with the terms, conditions, and limitations contained in such permit, order, or regulation."

Further, the authority granted the Board to permit the navigation of foreign civil aircraft in the United States would be subject to the proviso that the Board in so exercising its powers under the section would do so consistently with any treaty, convention, or agreement which is enforced between the United States and any foreign country or countries. The addition of the proviso is in recognition of the Chicago Convention and our position that the United States should live up to the letter and spirit of its obligations under that convention. We therefore wish to specifically declare in the amendment that it is not the intent of such amendment to negate or interfere in any way with the Chicago Convention and the implementation thereof.

With regard to the type of operations such foreign aircraft may engage in while in the United States, it is our opinion that the absolute prohibition presently contained in section 6 (c) against commercial operations by foreign aircraft is too broad and should be amended. The device presently used to accomplish this purpose is to restrict foreign aircraft from engaging in "air commerce otherwise than between any State, Territory, or possession of the United States or the District of Columbia and a foreign country." "Air commerce" is defined in the act as "transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of the business." As so defined, there is serious doubt as to whether ferrying operations between points in the United States for maintenance or other nonrevenue purposes should be permitted under this section and doubt is also cast upon the utilization of such aircraft for sales demonstration purposes either of the aircraft themselves or the instrument and accessories carried thereon. In our opinion, the original intent of section

6 (c), insofar as the operations of such aircraft in the United States are concerned, is designed to reserve to United States registered aircraft the domestic commerce of the United States and not to impede the use of foreign registered aircraft in promoting legitimate foreign businesses conducted in the United States. It is, therefore, our recommendation that the Civil Aeronautics Board be given the authority to permit foreign civil aircraft to engage in commercial operations within the United States subject to the specific exception that the Board cannot authorize such aircraft to "take on at any point within the United States persons, property, or mail carried for compensation or hire and destined for another point within the United States."

In view of the above, it is the recommendation of the Department of Commerce and of the Civil Aeronautics Board that this proposed legislation amending the Air Commerce Act of 1926, as amended, be enacted by the Congress.

The Secretary of Commerce is advised by the Bureau of the Budget that there is no objection to the submission of this proposed bill.

AVIATION WAR RISK INSURANCE—RE-ENROLLMENT OF BILL (S. 435)

Mr. JOHNSON of Colorado. Mr. President, I submit a concurrent resolution for the purpose of making two minor technical changes in the so-called aviation war risk insurance bill, Senate bill 435, to amend the Civil Aeronautics Act of 1938, as amended, and for other purposes, which has passed both Houses of Congress. The first change is to strike out the word "of" where it occurs the first time in line 14 on page 6, and to insert in lieu thereof the word "to."

The second change is on page 7, lines 6 and 7. The words "Federal Security Adminstrator" should be stricken out and the words "Secretary of Labor" substituted therefor.

This is necessary because of the fact that under the provisions of Reorganization Plan No. 19 of 1950, the bureau which has jurisdiction of employees' compensation was transferred from the Federal Security Agency to the Department of Labor.

I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDENT pro tempore. The clerk will read the resolution for the information of the Senate.

The concurrent resolution (S. Con. Res. 33) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby authorized and directed, in the enrollment of the bill (S. 435) to amend the Civil Aeronautics Act of 1938, as amended, and for other purposes, to make the following changes:

On page 6, line 14, of the engrossed bill, strike out the word "of", where it occurs the first time, and in lieu thereof insert the word "to."

On page 7, lines 6 and 7, strike out the words "Federal Security Administrator" and in lieu thereof insert the words "Secretary of Labor."

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution (S. Con. Res. 33) was considered and agreed to.

AMENDMENT OF RULE RELATING TO YEA-AND-NAY VOTES ON PASSAGE OF CERTAIN LEGISLATION

Mr. SMATHERS submitted the following resolution (S. Res. 149), which was referred to the Committee on Rules and Administration:

Resolved, That rule XVI of the Standing Rules of the Senate is hereby amended by adding at the end thereof the following new paragraph:

"8. No bill or joint resolution of a public character making an appropriation shall be finally passed unless the vote of the Senate is determined by yeas and nays. No amendment of the House to any such bill or resolution or to an amendment of the Senate to any such bill or resolution, and no report of a committee of conference on any such bill or resolution, shall be agreed to unless the vote of the Senate is determined by yeas and nays."

NEGOTIATION OF TREATY FOR DEFENSE OF MEDITERRANEAN AREA AGAINST COMMUNIST AGGRESSION

Mr. BREWSTER (for himself, Mr. McCARRAN, Mr. JOHNSON of Colorado, Mr. O'CONOR, Mr. BUTLER of Maryland, Mr. NIXON, Mr. CARLSON, and Mr. SMATHERS) submitted the following resolution (S. Res. 150), which was referred to the Committee on Foreign Relations:

Whereas recent world events have demonstrated conclusively the intentions of the Union of Soviet Socialist Republics, acting through her satellite countries, to utilize force wherever necessary to further the spread of communism throughout the world;

Whereas this threat to world peace can be successfully resisted by the free nations of the world only if they unite their efforts for collective defense and for the preservation of peace and security;

Whereas the nations of the North Atlantic area in their determination to safeguard the freedom, common heritage, and civilization of their peoples, have entered into the North Atlantic Treaty; and

Whereas similiar action by the countries of the Mediterranean area would provide a further bulwark against the efforts of the Communist nations to destroy all governments founded upon principles of democracy, individual liberty, and the rule of law: Therefore be it

Resolved, That the President is requested to urge the Governments of Spain, Greece, and Turkey to join, together with such other nations as may desire to become parties thereto, in an effort to negotiate a treaty having aims and purposes similar, with respect to the nations of the Mediterranean area, to those of the treaty entered into on April 4, 1949, by the nations of the North Atlantic area or in the alternative participation by these countries in the North Atlantic Pact or bilateral agreements with these countries looking to mobilizing further the strength of all countries opposed to Communist aggression.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Powless W. Lanier, of North Dakota, to be United States attorney for the district of North Dakota.

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

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

By Mr. FLANDERS:

Address entitled "The Flanders Disarmament Proposal," delivered by Senator HENDRICKSON, and broadcast from Station WMTR on May 30, 1951, on the program, We, the Women.

By Mr. CARLSON:

Address on the subject Progress on the Hoover Commission Program, delivered by Senator DIRKSEN, broadcast from Station WJJD, Chicago, Ill., on May 21, 1951.

By Mr. LANGER:

Statement by him describing the testimonial dinner recently given to Barnee Breeskin at the Shoreham Hotel, Washington, D. C.

Statement by H. W. Lyons, representing North Dakota Reclamation Association and others, Jamestown, N. Dak.; and statement by Daphna Nygaard, representing Chamber of Commerce and City Council of Jamestown, N. Dak., relative to the Jamestown, N. Dak., Dam and Reservoir.

By Mr. SPARKMAN:

Commencement address entitled "The Growth of Opportunity," delivered by Thomas A. Morgan, president of Sperry, Inc., at Tuskegee Institute, Alabama, May 14, 1951.

By Mr. HILL:

Certificate of appreciation by the Department of Defense and editorial comments paying tribute to Marx Leva, former Assistant Secretary of National Defense.

Release by Reuters, of London, dated February 1, 1951, having reference to the Voice of America.

By Mr. LEHMAN:

Editorial entitled "A Salute to WAYNE MORSE," published in the Oregon Democrat for May 1951.

Editorial entitled "Perspective," from the Hindustan Times of May 26, 1951, dealing with the question of grain for India.

DENNIS CARDINAL DOUGHERTY—EDITORIAL FROM THE PILOT OF BOSTON

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "The Last Leaf," from the Pilot of Boston, dated June 2, 1951. The editorial deals with Cardinal Dougherty, of Philadelphia.

Cardinal Dougherty, of Philadelphia, was well known and well liked by many citizens in my State. As with Bishop James Edwin Cassidy, of Fall River, who died recently, we mourn the loss of a great prelate.

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

THE LAST LEAF

The death of Dennis Cardinal Dougherty, of Philadelphia, summons to eternal reward

the senior Catholic churchman of America. His Eminence was the last of those great prelates who were guiding the fortunes of the Faith when most of us were first studying the catechism.

Under Cardinal Dougherty's direction Philadelphia emerged as one of the great metropolitan sees of the world. It has been a nursery of bishops, and only recently the mother diocese, as further sign of progress, received a new suffragan with the creation of the diocese of Greenburg in the western part of Pennsylvania.

Like Cardinal O'Connell, of Boston, Cardinal Dougherty, who was a schoolmate of His late Eminence in Rome, was blessed with length of days. He became a living tradition and, to those not immediately under his jurisdiction, almost a legendary figure. But the vitality of the archdiocese which has now lost his gracious and paternal watchfulness proves that he was alert and active until the end, dying, as great men always want to die, in the midst of work.

Philadephia and Boston have much in common. With New York and Bardstown (later Louisville) they were created in the first separation from the original diocese of Baltimore in 1808 and each was elevated to archepiscopal dignity in 1875. Our people therefore, led by their archbishop, join their Pennsylvania brethren in prayer for the repose of the great and good Prince of the Church whose name and works are now a part of honored history.

APPROPRIATIONS FOR PUBLIC HOUSING

Mr. LEHMAN. Mr. President, I ask unanimous consent to insert in the body of the RECORD a copy of a telegram which I sent last week to Mayor Vincent Impellitteri, of New York City, in regard to the question of appropriations for public housing now pending before the Senate Appropriations Committee.

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

WASHINGTON, D. C., *May 31, 1951.*

Hon. VINCENT IMPELLITTERI,
Mayor of New York City,
New York, N. Y.:

I applaud your initiative in holding meeting to protest against House-approved cut in public-housing funds. I feel most strongly on this issue. Last week I wrote formally to Chairman MCKELLAR, of Senate Appropriations Committee, urging full restoration of essential funds. I have been in personal touch with members of Appropriations Subcommittee handling this legislation, and know that strong fight has been made in subcommittee for restoration of most of funds deleted by House. Final decision, of course, will be taken by full Appropriations Committee. I urge all New York citizens to indicate by all means at their command their views in support of public housing, which was never so essential as it is today.

HERBERT H. LEHMAN.

Mr. LEHMAN. Mr. President, I ask unanimous consent that there also be printed, likewise in the body of the RECORD, the text of a letter which I addressed to the Senator from Tennessee [Mr. MCKELLAR], chairman of the Appropriations Committee, in regard to the same subject.

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

MAY 28, 1951.

Hon. KENNETH MCKELLAR,
Chairman, Senate Appropriations Committee, Senate Office Building, Washington, D. C.

DEAR SENATOR MCKELLAR: I am writing you to urge as strongly as I possibly can the restoration of the cut in the funds to be allocated for the construction of public housing by H. R. 3880, the independent offices appropriation bill.

It is my understanding that the original request was for funds which would permit the construction of 75,000 units during the next fiscal year. The House committee approved an amount which would permit the construction of up to 50,000 units, but the so-called Gossett amendment reduced the number of units to 5,000.

This arbitrary cut, for all practical purposes, completely negates the program authorized by the Housing Act of 1949, and as such amounts to legislating by appropriation. While it is true that we must restrict housing construction to conserve scarce materials, this program, which can be utilized to provide housing for defense workers, should not be decimated. It is my hope that this arbitrary cut in the funds for public housing will be restored by your committee and that the public-housing program will be allowed to move ahead proportionately with other housing construction.

Yours very sincerely,

HERBERT H. LEHMAN.

CALL OF THE ROLL—RESCINDED

Mr. KEM obtained the floor.

Mr. SALTONSTALL. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Massachusetts for that purpose?

Mr. KEM. I yield, Mr. President, with the understanding that I will have the floor when the roll call is completed.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for a quorum call be vacated and that further proceedings under the call be dispensed with.

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

IMPORTATION WITHOUT PAYMENT OF TARIFF OF ARTICLES FOR EXHIBITION AT JAPANESE TRADE FAIR, SEATTLE, WASH.

Mr. GEORGE. Mr. President, will the Senator from Missouri yield to me in order that I may ask for the consideration of a joint resolution, which I believe will require only a few minutes?

Mr. KEM. I am glad to yield.

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of House Joint Resolution 253, Calendar No. 301.

The PRESIDENT pro tempore. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 253) to permit articles imported from foreign countries for the purpose of exhibition at the Japanese Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SALTONSTALL. Mr. President, reserving the right to object—and I do not intend to object—I ask whether this is a unanimous report of the Finance Committee?

Mr. GEORGE. The joint resolution was unanimously favorably reported from the Committee on Finance. It is the usual order in such cases.

Mr. SALTONSTALL. As I understand, it provides for a special exhibit.

Mr. GEORGE. Yes. It follows the pattern which has been set for many years to permit the bringing in of foreign articles.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. GEORGE. Mr. President, I should like to reserve the right, on behalf of the distinguished Senator from Washington [Mr. MAGNUSON], who is very much interested in the joint resolution, and who was expected to be here at this time, to make such statement for the RECORD as he may wish to make.

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

Mr. MAGNUSON subsequently said: Mr. President, I was unavoidably detained in a hearing of the Committee on Appropriations, and during my absence the distinguished Senator from Georgia [Mr. GEORGE] was kind enough to call up House Joint Resolution 253 to permit articles to be imported from foreign countries for the purpose of exhibiting them in this country. In my home town of Seattle, beginning in about 2 weeks, there will be held a Japanese trade fair. During the past many months arrangements have been made for the exhibition of Japanese-made articles, in an effort to help Japan resume some of its trade with the United States, particularly in the Puget Sound area which, prior to World War II, was on the great trade route between the Japanese Empire and the United States. I was in Japan within the last month, and I found a great deal of interest among Japanese exhibitors and manufacturers, and in the Japanese Government itself in the exhibition to be held in Seattle. It is to be one of the first of its kind, and we hope it will be of great help in stimulating a resumption of friendly relations between the people of this country and the Japanese people.

I am sure that the Senate, in passing the joint resolution, not only acted wisely, but that it will be helpful to our whole far-eastern policy and will pro-

mote the rehabilitation and self-containment of Japan.

AMERICAN BLOOD OR EUROPEAN TRADE?

Mr. KEM. Mr. President, last Saturday afternoon, June 2, the President announced from the White House that he had signed the third supplemental appropriations bill. He took occasion to criticize in caustic terms an amendment which forbids the sending of economic assistance to countries which persist in selling war goods to the Reds.

The first question involved in this legislation is whether economic aid shall be sent by the American people to Marshall plan countries to be used in killing and maiming American boys. It is not denied that large quantities of war materials including oil, iron, steel, copper, machine tools, electrical equipment, and so forth, have been exported by our allies in Western Europe to Russia and to her satellites, including Red China. It is not denied that this traffic has been taking place while the countries exporting these materials have been receiving economic assistance from the United States in large amounts. We have been giving these strategic materials to our friends who have been selling the same materials to our enemies. No one knows how many American boys in Korea have been shot down by weapons furnished in whole or in part by ourselves. The record is shameful. It is written in blood and fire.

The President reminds us that "trade is a two-way street." That statement is equally applicable to cooperation between friendly nations. If we give war materials to our friends, we have every right to expect that they will not turn them over to our common enemy, through Hong Kong, or elsewhere.

LEGISLATIVE HISTORY OF THE AMENDMENT

On April 19, 1950, more than a year ago, I presented to the Senate evidence that Marshall plan countries were making large shipments of war materials to Russia and her satellites. This evidence has never been contradicted. My statements have never been denied. These shipments are continuing.

When the Marshall plan authorization bill was before the Senate last year, I offered an amendment to shut off automatically aid to countries which continued to ship war materials to the Reds. The Senate saw fit to reject this amendment.

When the supplemental appropriations bill came before the Senate last fall, I joined the Senator from Nebraska [Mr. WHERRY], the Senator from Virginia [Mr. BYRD], and the Senator from Nevada [Mr. MALONE] in introducing a similar amendment, providing for an automatic termination of our economic aid to those countries which persisted in selling war goods to the Reds. The Senate approved this amendment.

At this point, President Truman intervened. He sent a personal plea to the joint conference committee urging that the amendment not be included in the final bill. As a result, the amendment was watered down in conference committee. As finally approved, the law—section 1304, Public Law 843, Eighty-first Congress—provided that economic aid was to be shut off to any country if the United States National Security Council, of which President Truman is Chairman, found that such country was carrying on trade with the Reds contrary to the security interest of the United States.

We are at war with North Korea and Red China. As Secretary of the Army Pace said yesterday, we are in a real war. Our troops on the front lines will agree.

So far as I am able to find out all the United States National Security Council has ever done about this is to consider, discuss, and negotiate. Not once have our gifts been suspended to any one of the Marshall plan countries because it was shipping war materials to the Communists.

On March 9, 1951, I addressed a letter on this subject to President Truman urging that the National Security Council act on this vital matter without further delay. I have yet to receive a reply.

I ask unanimous consent to have inserted in the RECORD at this point in my remarks the text of this letter to the President.

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

MARCH 9, 1951.

The PRESIDENT OF THE UNITED STATES,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Mrs. Kem and I have just returned from one of our occasional visits to Walter Reed Hospital, and, as always, we came away with heavy hearts at the sight of boys, some of them from Missouri, whose bodies and lives have been mangled in Korea.

I am writing you in your capacity as Chairman of the National Security Council of the United States. As you know, under section 1304 of Public Law 843, Eighty-first Congress, approved September 27, 1950, no economic or financial assistance is to be provided by the United States to any foreign country whose trade with Russia or its satellites, including Red China, is found by the United States National Security Council to be contrary to the security interests of the United States.

Since this law went into effect it has been repeatedly disclosed that several Marshall-plan countries are making large shipments of war-useful items to Russia and to Red China. British trade with Red China has been particularly active through her crown colony, Hong Kong, in such items as rubber and copper.

Department of Commerce officials advised my office this morning that $329,912.80 worth of machine tools were sold to Russia by Britain during January 1951 alone. Although Marshall plan aid to Britain was suspended on January 1, 1951, goods and services are still reaching Britain through funds previously made available.

Britain is not the only offender. Belgium and France are also selling war-useful goods, including iron and steel, to the Reds. Large quantities of iron and steel have been sent to France and Belgium under the Marshall plan as a gift from the people of the United States.

Western European countries are selling equipment necessary to make A-bombs to Russia and her satellites.

On February 28, 1951, we were told in the press that ECA-aided factories in Italy were speeding products for Russia and that a Soviet economic party was in Genoa attempting to expedite deliveries of electric cranes and thermal power stations from two factories which have been aided under the Marshall plan to the tune of $1,625,000.

Despite the seriousness of this situation a staff member of the National Security Council advised my office this morning that the whole subject is being kept "under review." The significant fact is that not once has Marshall plan aid been terminated to any offending country pursuant to Public Law 843.

For my part, I am against sending so much as a thimble or a hairpin as a gift from the American people to any country which persists in sending war materials to the Reds, now slaughtering our boys in Korea.

I hope you will agree that this is a shocking business, that it is "contrary to the security interests of the United States." I plead with you to see that the National Security Council acts on this vital matter without further delay.

With great respect, I am,
Sincerely yours,

JAMES P. KEM.

Mr. KEM. Mr. President, on May 9, 2 months after I wrote the President, I introduced, on behalf of the Senator from Nebraska [Mr. WHERRY], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. MALONE], and myself, an amendment to the third supplemental appropriations bill of 1951. This amendment provided that American economic or financial assistance should be automatically shut off to any country which continues to sell war materials to Russia and her satellites, including Red China.

On May 10 the Senate approved this amendment unanimously. I repeat, the Senate approved this amendment without objection.

The House version of the bill to which this amendment became a part did not contain a similar provision. A joint conference committee was appointed to iron out the differences between the two bills.

The conferees made certain changes in the amendment. Among other things, a provision was inserted permitting the United States National Security Council, of which President Truman is Chairman, to make exceptions "in the security interest of the United States." Any such exceptions made will have to be immediately reported to congressional committees.

Both the Senate and the House approved the conference report, and it was sent to the President.

NO POINT OF ORDER WAS MADE AGAINST THE AMENDMENT

The President refers to this amendment barring economic aid to nations selling war materials to iron-curtain countries as a "hasty rider" to an appropriations bill "quite unrelated to the major purpose of the act."

Under the Senate rules, as we know, any Member of the Senate may make a point of order to any amendment to a

general appropriation bill which proposes general legislation, or to any amendment not germane or relevant to the subject matter contained in the bill—Section 4, rule XVI, Standing Rules of the Senate.

When the amendment which the President now criticizes as unrelated to the major purpose of the act was called up, no Senator made a point of order. Instead the Senator from Arizona [Mr. HAYDEN], who was in charge of the bill, said:

I should like to state that there is no disagreement with the spirit or intent of the amendment offered by the Senator from Missouri and other Senators. I can state as a certainty that every Senator recognizes the Soviet Union as the cause of the existing cold war. Without inspiration from Moscow there would be no cold war. Every Senator also recognizes that in the event of another world war the Soviet Union would be the real enemy. Therefore, we all fully suppo t the idea that the export of strategic materials to the Soviet Union and to any and all nations whose governments are allied with the Soviet Union, including China, should and must be cut down to the maximum possible extent. My criticism is that the amendment does not go far enough, in that it would be effective only while the United States is actually engaged in hostilities.

Another criticism is that it denies economic assistance, but it does not deny military assistance. I cannot understand why we should allow any kind of military assistance to any country to which we are denying economic assistance. (CONGRESSIONAL RECORD, May 10, p. 5195.)

PRESENT LAW SHOULD BE STRENGTHENED

Mr. President, I agree with the able Senator from Arizona. The amendment as adopted by the Senate probably did not go far enough. Certainly as it was modified by the conference committee it did not go far enough. But the President wishes the present law weakened. Experience may prove that changes in it are desirable. If this is the case, Congress should move to strengthen the present law, not weaken it.

For my part, I believe it would be desirable to broaden the provisions of the law to include military assistance under the military assistance program, as well as economic aid under the Marshall plan. It is said that one of the worst offenders, Great Britain, does not come within the provisions of the existing amendment, since it is not at the present receiving economic aid from the United States, other than certain items still in the so-called pipeline.

We are giving huge quantities of arms to Britain under the military assistance program, and Britain is at the same time selling large quantities of war materials to the Communists.

This continues unabated. On May 31, 1951—just a few days ago, Mr. President—Sir Hartley Shawcross, president of the British Board of Trade, announced that Britain has sent Russia nearly $18,000,000 worth of electrical generating equipment in the last 15 months and intends to continue such exports.

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

Mr. KEM. I am glad to yield to the Senator from Utah. I should like to say that it is a pleasure to have him back on the floor again.

Mr. WATKINS. I am delighted to be here again.

I noticed that the Senator from Missouri said that someone criticized the amendment because it would not cut off supplies to Great Britain. Could not the amendment be construed in such a way that even supplies which are within the so-called pipeline would come within the limitations provided by the amendment?

Mr. KEM. It seems to me that would be a fair construction of the law. However, I have been told that the ECA contends that when allocations have been made, no restrictions should be placed upon them.

Mr. WATKINS. However, if we say that no economic aid shall go to those countries, that restriction is sufficient, is it not, to prevent the sending of economic aid to Great Britain, even though such materials are already in the pipeline under the allocations which already have been made?

Mr. KEM. I agree with the Senator from Utah.

Mr. WATKINS. I thank the Senator.

PRESENT LAW WAS CAREFULLY CONSIDERED

Mr. KEM. Mr. President, the President professes to be impressed by the fact that the amendment was never considered by the House Foreign Affairs Committee or the Senate Foreign Relations Committee. He has referred to it as hasty legislation.

The question whether we should continue to arm the Reds through our allies is no new issue in the Senate. It has been repeatedly discussed at length on this floor. I have many times invited the attention of the Senate to it. The Senator from Nebraska [Mr. WHERRY] and other Senators have also done so. Senators are familiar with the important disclosures resulting from the work of the subcommittee headed by the Senator from Maryland [Mr. O'CONOR].

I think it is fair to say that every Member of the Senate has been for some time past conversant with this problem.

PRESIDENT'S MESSAGE RAISES IMPORTANT CONSTITUTIONAL QUESTIONS

In his statement on Saturday, Mr. Truman did more than simply disapprove of the action of the Congress in adopting this amendment. He gave a thinly veiled intimation that he does not intend to carry out the expressed intent of the Congress—the elected representatives of the people. As Mr. Truman put it:

I think it likely that the National Security Council will find it necessary to make exceptions on a broad scale until the Congress has an opportunity to give this matter further consideration.

In other words, the intent of the law will be evaded until it is changed.

In his message the President tells the Congress when, where, and what to enact. The Congress is always glad to have the benefit of his views. But the President further indicates that if the legislation he wishes is not forthcoming, means will be found to avoid putting into effect the present law. This is a different matter. While the President reminds us of our duty and responsibility in the premises, we are also mindful of his, which is to execute faithfully any law of the Congress to which he has affixed his signature; that outside the Constitution, the President has no more authority than any private citizen, and that within the Constitution he has only so much as that instrument gives him.

The President is urged on by Mr. Acheson and the State Department. He has "compelling objections"—the phrase is his—to the present law designed to discourage Western Europe's war trade with the Reds.

Congress has compelling objections to the slaughter of American boys with weapons provided by us, through our allies.

The President and Mr. Acheson have taken the side of trade, profits, and property rights.

Congress has taken the side of human rights and the safety and welfare of our sons.

The American people will decide between us.

GENERAL MACARTHUR'S PART IN SO-CALLED BONUS MARCH

Mr. BREWSTER. Mr. President, on page 4058 of the RECORD of April 18, 1951, there was discussion about the so-called bonus march and General MacArthur's part in it, and a list of the casualties at that time.

An article was published in the Washington Times-Herald of Friday, June 1, which I ask unanimous consent to have printed in the RECORD, not the Appendix, because the other insertion was in the body of the RECORD.

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

The article is as follows:

DEMOCRATS HID HEROIC ROLE OF GENERAL MACARTHUR—BONUS MARCH SMEAR ERASED BY TESTIMONY

(By Willard Edwards)

Democratic suppression for 21 months of sworn testimony erasing an old smear attack on General MacArthur was revealed yesterday.

Since August 1949 the Democratic majority of the House Committee on Un-American Activities has kept secret the evidence of two former Communist Party leaders concerning the Washington bonus march of 1932.

MacArthur has long been assailed by his enemies because he personally led the Army troops who cleared the Nation's Capital of the marchers. He acted under orders from President Hoover, transmitted through War Secretary Patrick J. Hurley.

DEFEATED RED PLANS

MacArthur's prompt action, accomplished without firing a shot, the ex-Communist leaders testified, defeated Communist plans for a reign of terror in Washington, deliberately contrived to cause bloodshed.

Malicious bonus-march stories concerning MacArthur since 1932, supported as late as

1949 by Mrs. Eleanor Roosevelt in a magazine article, were spread by Communists, it was disclosed, enraged because MacArthur restored order without injury to a single veteran. The Soviet plans called for provocation of police and soldiers into shooting and killing veterans.

The suppressed committee testimony disclosed:

1. That Communist agitators fomented the bonus march from the beginning and were rapidly gaining control of the entire force of 15,000 marchers who were demanding immediate bonus payments.

WHITE HOUSE ATTACK PLANNED

2. That the Communist program, if MacArthur had not stepped in, called, in another week, for storming the White House, turning Washington upside-down with the objective of creating widespread riots and slaughter.

Republican committee members were not present when this testimony was given in 1949 and were never informed of it. A proposal to make it public was opposed by Representative MOULDER, Democrat, of Missouri. He suggested that the American Legion might be offended by publication of testimony showing how veterans were deceived by Communists.

Legion officials, informed of the nature of the evidence, told the committee they not only did not oppose but welcomed the publication of such a report for its educational value in the fight against communism. But the Democratic majority of the committee ordered the testimony pigeonholed.

VELDE DEMANDS COPY

Representative VELDE, Republican, of Illinois, a committee member, informed for the first time yesterday of the existence of the testimony, demanded a copy and immediately agreed with the American Legion that the public was entitled to know the true story of the bonus march. He gave the suppressed transcript to the Times-Herald for publication.

"There can be no honest reason," he remarked, "for hiding the facts concerning this important historical incident. Smear stories have been circulated for 19 years concerning General MacArthur's part in this affair. It now develops that his firm but humanitarian action averted a disaster which might have caused the loss of many lives. At this time, when he is under bitter political attack, it is particularly important that this story be given to the people."

The principal witness before the House committee, at the executive session in August 1949, was John T. Pace, 53, of Centerville, Tenn., one of the bonus-march leaders, who confessed he was a high Communist Party official at the time.

Supporting testimony was given by Joseph Z. Kornfeder, member of the central committee of the Communist Party in the thirties.

JOINED PARTY IN 1930

Pace said he joined the Communist Party in 1930, becoming a member of District 7 in Detroit. He organized the Workers Ex-Servicemen's League, the veterans' organization of the Communist Party, and led a hunger march on the Michigan capital at Lansing in 1931. He also organized strikes of WPA workers.

"The Communist Party was then concentrating its entire efforts on taking advantage of the depression," Pace testified. "We sought to capitalize on the discontentment of unemployed veterans. We first raised the issue of a cash bonus payment and needled the regular veterans' organizations with propaganda to get them into the movement.

"In April 1932 we raised the question of a march upon Washington and centered our program on that. The Nation-wide movement was directed by William W. Weinstone, member of the Communist central committee and American representative of the Communist International in Moscow. Weinstone in turn worked under the orders of the Comintern representative in the United States, Mario Alpi, alias Fred Brown, alias Mario Mariani."

BEGINNING OF MARCH

Pace told how he instigated the beginning of the bonus march in Detroit. Other Communists were meanwhile organizing marches upon Washington from other parts of the country.

"A main objective was to educate veterans in the seizure of private property." Pace said. "We preached to them that labor had the right to seize anything it had helped produce. On June 1, we organized the marchers in Detroit who seized streetcars and ran them to the city limits and the railroad yards. There we found a freight train of gondolas to transport us out of Michigan.

"We expressly wanted actions in defiance of the law. We were joined in the various cities through which we passed by members of the International Workers Order, the International Labor Defense, and the Young Communist League (all labeled Communist fronts by the Justice Department) who helped support the bonus marchers with housing, food, and legal assistance.

"We dramatized the march by parades, meetings, placards, and slogans, made a lot of noise, to attract the attention of the great masses of the people. Funds were collected at mass meetings. New marchers joined in each city."

CLEVELAND DEMONSTRATION

Reaching Toledo, the marchers found a railroad train provided to carry them to Cleveland. In the latter city, however, further transportation was refused.

"This answered our prayers," said Pace. The going had been a little too easy to suit the Communist leaders. We wanted a fight. We staged big demonstrations in Cleveland, Emmanuel Levin, a communist leader in Washington, issued instructions and we seized the switches, engines, and the roundhouse in the railroad yards. The police seized them back but we ran the police out and took full possession.

"We regarded all this as preliminary training for the masses on seizure of private property and to build up hatred of capitalism. Cleveland authorities finally ordered the entire police force against us. There was a resultant crime wave as the city was left unprotected which made us very gleeful.

"Railroad officials finally provided transportation from Cleveland to Washington, with food and coffee along the way, and the marchers reached Washington."

ONE HUNDRED AGITATORS ON JOB

"I contacted Levin who had organized the national bonus march committee," Pace testified. "Some 10,000 to 15,000 veterans were distributed in camps about the city. We had 100 skilled Communist agitators moving through the camps, stirring up feeling.

"Communist orders were to seize private property if possible and we seized some apartment buildings condemned for a Government program. We found Camp Anacostia to be the best breeding place for trouble. All strategy was directed from Communist headquarters.

"The more militant veterans were organized into rank-and-file committees which were completely controlled by myself and the Communist faction.

"The genuine veteran leaders wanted to petition Congress peaceably for the immediate cash payment of the bonus. Our purpose was to use the bonus demand to build a revolutionary force and to gain followers for the cause of the revolution. We attacked President Hoover, the police, and the Government. We wanted to turn the veterans into haters of the Government—to stir them up to direct action. We sought to provoke a conflict between the veterans and the law-enforcing agencies.

"The Government had no other alternative than to call out the Army. It is my candid opinion that had we been permitted another week, the Communists would have gained complete leadership of the bonus forces and Government action at that time would have been much more disastrous."

The other ex-Communist leader, Kornfeder, told the committee that the Communist Party sensed in the bonus march a tremendous opportunity.

"If our objective had been fully successful," he said, "we would have dramatized on a grandiose scale the events in Washington and paraded them before the world. There is no doubt in my mind that if we had obtained complete control, Washington would have been turned upside down and the White House stormed by an army."

FUROR IN PARTY

At this point, President Hoover acted, and MacArthur, then Army Chief of Staff assumed direct responsibility for restoring order. He massed his troops and used tear gas to oust the Communist squatters from Government buildings, but no shot was fired. In a few hours, on July 27, 1932, the evacuation was completed.

There was a great furor in the Communist Party over the failure to cause bloodshed, the ex-Communist leaders testified. At a later New York meeting, top leaders met. Present were Earl Browder, Clarence Hathaway, Herbert Benjamin, Max Bedacht, Louis Sass, Weinstone, and Levin, all members of the Moscow-directed central committee.

"Weinstone was blamed for missing the boat," said Kornfeder. "Both Browder and Weinstone had to go to Moscow to report and Weinstone was reduced in rank and position in the party for his failure."

The stories accusing MacArthur of a brutal and bullying assault on women, children, and defenseless men began circulating soon therafter.

DEATHS OF VETERANS IN FLORIDA HURRICANE OF 1935

Mr. BREWSTER. Mr. President, in this connection, I should like to say that later 166 veterans died at Key West. Responsibility for the death of the 166 veterans as a result of the Florida hurricane, September 2, 1935, can be definitely laid on the doorstep of the Democratic administration. Mr. Aubrey W. Williams stated:

In the early part of this administration we received orders from the White House that we were to take care of all veterans coming to Washington.

I quote from the New York Times of August 8, 1935, which states:

They represent President Roosevelt's solution of the problem of the transient veteran.

Placing the veterans in hurricane territory, which everybody recognized it to be, placing them in shacks that could not withstand the elements, and failure to have on hand available transportation,

resulted in the large death toll. Forty trucks were at the site, but the keys were removed so that the men themselves could not use them.

The attached letter of the Veterans' Bureau, dated May 4, 1936, lists 121 dead, 90 missing, and dead with identification tentative, 45. A previous report showed identified injured as 106.

Therefore, Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point statements from the New York Times of August 8, 1935, together with excerpts from the hearings of the Committee of the House of Representatives on World War Veterans' Legislation on Monday, May 4, 1936, entitled "Florida Hurricane Disaster," giving the testimony of Mr. Aubrey W. Williams, and also other testimony before congressional committees, and a letter to Representative JOHN E. RANKIN, chairman of the Committee on World War Veterans' Legislation, with attached list of the veterans living, dead, or lost who suffered as a result of the Florida hurricane of September 2, 1935.

The PRESIDENT pro tempore. Is there objection?

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

VETERANS AT KEY WEST—ESTABLISHMENT OF CAMPS

(The following is taken from the New York Times of August 8, 1935:)

Four thousand World War veterans have been shipped south from Washington since last October to camps established for them in Florida and South Carolina by Harry L. Hopkins, Federal Emergency Relief Administrator.

As described today by Jacob Baker, assistant administrator, these transient camps, consisting wholly of veterans, are in nature between a camp of the Civilian Conservation Corps and a work relief project.

They represent President Roosevelt's solution of the problem of the transient veteran which threatened last autumn to become acute and did become acute in January, when nearly 500 were registered at the transient bureau in the Capital.

The question what to do with them was discussed at that time by Mr. Hopkins and Robert L. Fechner, director of the CCC camps, and the President who, according to FERA officials, suggested the southern camp plan and approved the program worked out by Mr. Hopkins for their establishment and maintenance.

As of June 4, 1935, there were 1,305 men in seven camps in Florida; as of June 29, 1935, there were 903 men in four camps in South Carolina.

The following is taken from the hearings held by the Committee on World War Veterans' Legislation by the House of Representatives on Monday, May 4, 1936, entitled "Florida Hurricane Disaster." Mr. Aubrey W. William, Deputy Administrator, Works Progress Administration, testified as follows:

"Now, answering your question, Mrs. ROGERS, in the early part of this administration we received orders from the White House that we were to take care of all veterans coming to Washington for whatever reason they might come; and we provided on one occasion for their housing out—I forget the name of the fort out here—and they held a 9-day convention here and everything was very satisfactory.

"Following that, there was introduced into the Congress a measure which prohibited us from expending money in Washington in defraying the cost of any convention or anyone coming to a convention. But the attitude of the White House was still that we should do everything within our power and within the framework of the law to aid these people, and in order to aid them, we were still able under the law to provide them with work at any point within the United States, and this measure was taken as a means of relieving their situation.

"Word went out—I do not know how it went out—it went out through private organizations; I know that the American Legion had nothing to do with it, and I do not know that any of the other veterans' organizations did—but it went out that if they came to Washington they could get aid and regardless of everything else, we had the fact of their being in need here. We had a total transient load in the District of 400 people at one time."

HOW FUND OBTAINED

From the same hearings the following testimony was given:

"Mrs. ROGERS. Did the Florida Emergency Relief Administration object to having money diverted from the State of Florida to pay these veterans?

"Mr. WILLIAMS. It was not diverted from Florida. We gave extra funds for this purpose.

"Mrs. ROGERS. It was all money that you granted to the State of Florida? It was an outright grant?

"Mr. WILLIAMS. Yes. Not now under the Works Progress Administration, but under the old FERA it was an outright grant.

"Mrs. ROGERS. Did you do that in any of the other States?

"Mr. WILLIAMS. All the States.

"Mrs. ROGERS. You gave outright grants?

"Mr. WILLIAMS. All States. Under the old FERA it was all a grant."

LOSS OF LIFE

In a letter addressed to President Roosevelt dated September 8, 1935, by Aubrey W. Williams, the following appears:

"The loss of life and damage which resulted from the hurricane was caused principally by the tidal wave, which is reported to have reached a height of 18 feet above sea level, rather than by the wind.

* * * * *

"The work of identifying the dead and injured veterans has not yet been completed. The most recent information indicates the following figures:

"Identified dead	44
Missing and unidentified dead	238
Identified injured	106
Identified uninjured	296
Total	684"

NEGLIGENCE OF ADMINISTRATION

The following is taken from the CONGRESSIONAL RECORD of January 1, 1936, when the House had under consideration a bill dealing with "Florida hurricane relief, World War veterans, etc." Mrs. ROGERS of Massachusetts in addressing the House said:

"Let us go back from the time those men left Washington. They were in the transient camps here. They were allowed to stay but 3 days. If they wanted work, they had to go to Florida. In going to Florida they assumed that they would be cared for. Mr. Aubrey Williams, of the WPA, testified before our committee that they were special charges of the Government; men who had had a very difficult time; in some cases men who were very much upset nervously.

"Mr. Stone, of the WPA, who received the men in Florida, stated the same thing. I refer to the sworn testimony of the witnesses. They knew when they sent those men to Florida that in certain months of the year there would be hurricanes; but what sort of provision did they make? These men were placed in shacks that could not withstand hurricanes. Metacumbe and Windley Islands were practically on the level with the sea. Often at high tide the waters washed the islands.

"Mr. Speaker, P. A. Fellows, Administrative Assistant to the Federal Emergency Relief Administration, testified that on the morning of the hurricane he had read in the Washington newspapers of the possibility of a storm in Florida. Although it was a holiday—Labor Day—he was so much concerned he went to the office and conferred with his superior officer and suggested to him that it might be advisable to get in touch with the Florida Administration to see that orders for the evacuation or the necessary protection of the men were given.

"At 9:45 that morning he telephoned to the Florida State administrator, Mr. Van Hyning, and told him that if it appeared that the storm would strike the Keys to get the men out. He told him that he thought that his Administrator would prefer to have them out, even if the storm did not strike, rather than stay there—or, in other words, he would rather take the responsibility of seeing them all moved out and moved back again than to have them stay at the risk of injury. What a tragedy it was that his advice was not followed, that the men were not taken out as a precaution.

"Mr. Cutler, assistant director of the Florida veterans' camps, stated that on Sunday morning, September 1, he telephoned to the railroad officials and asked them to have two trains in readiness to go to take those men off of Metacumbe Island. At 5 o'clock in the afternoon, Mr. Sheldon, the superintendent of the camp, came and countermanded the order for this train. Money has been no object in this administration. Why were not trains held in readiness?

"There were 40 trucks on Metacumbe Island that could have transported every one of those men to safety if they had been used, but those trucks were not used. We find in the record that the keys to those trucks were taken away so that the men could not use them themselves.

"Mr. Speaker, I feel that there was gross negligence. I blame no one person, but a number, and I hold this Government directly responsible for the death and injury of those veterans. There has been no more horrible tragedy than the Florida hurricane which killed so many of our veterans entirely unnecessarily, their wives, and their children. The superintendent of the camp sent his wife out early, but those women were not sent out."

During the same debate, Mr. Sauthoff spoke as follows:

"Mr. Speaker, I have tried to view the entire proceedings in an impartial and impersonal manner. I have come to the conclusion that the Government was negligent in the method in which it provided protection for the people on the Florida Keys. It must be remembered that the Government put them there; therefore, the Government had a responsibility and a duty. Having put

them there, it was the Government's duty to take care of them."

MAY 4, 1936.

Hon. JOHN E. RANKIN,
Chairman, World War Veterans' Legislation, House of Representatives, Washington, D. C.

MY DEAR MR. RANKIN: In accordance with your verbal request in connection with hearings on proposed legislation H. R. 9486, there are inclosed lists mentioned below showing veterans as living, dead, or missing, as a result of the Florida hurricane September 2, 1935.

List No. 1: Living—Positive identification, containing 433 names.

The method of identification is indicated on list, and it is marked to show those veterans receiving in-patient or out-patient treatment as a result of injuries and those from whom testimony was or was not taken during the course of investigation.

List No. 2: Dead—Positive identification, containing 121 names.

This list shows the means by which identification was accomplished and the disposition of the body.

This list has on it as a footnote the names of two veterans who were employed in the operation of the camps on so-called civilian status, and three others who were employed in the area. The missing are carried in three lists, as follows:

List No. 3: Missing—No information, containing 90 names.

List No. 4: Dead—Identification tentative, containing 45 names.

This list contains the names of those veterans concerning whom there is some inconclusive information of death aside from the fact that they were in the hurricane area during the month of August. For example, seven veterans on this list had clothing at one of laundries in Miami, which was not called for by September 28.

List No. 5: Living—Identification tentative, containing names of six veterans concerning whom there is some inconclusive information indicating they are alive.

It must be explained that the FERA payroll for the month of August 1935 containing the names of 696 veteran members of the camp, is used as a basis for these lists. The total number of names in the above lists is 695. In addition, a veteran on the August payroll was killed by a train several days prior to the hurricane.

Very truly yours,

FRANK T. HINES,
Administrator.

LIST 1.—*Living—identification positive*

Name	Method of identification	C or A No.
Africa, Quentin	Fingerprinted	A-1232380
Akers, Ernest H.[1]	do	A-2520191
Allen, L. D.[2]	Hospitalized	C-17226
Anderson, Esrom A.	Fingerprinted	C-552877
Anderson, James [2]	do	C-2150315
Arnold, Omer H.[1]	do	C-2005194
Aslesen, Thomas Karl A.[1]	do	A-3866481
Austin, Charles R.[3]	do	
Aycock, Roy Wilson [1]	do	C-1913613
Aycock, William Dillard.	do	C-2087170
Bailey, Chester A.[1]	do	C-1008615
Baker, Harry W.[3]	do	C-592763
Bako, Frank Lawrence [1]	do	A-615192
Ballas, Frank M.	do	C-2069351
Barber, George Daniel	do	C-1321191
Barrett, Walter F.	do	C-1453269
Baughman, Frank R.	do	C-2165555
Beck, Harry [3]	do	A-2730576
Belk, William S.	do	C-1167067
Belote, Ernest C.[3]	do	C-2200783
Benson, Frank H. F.[1]	do	C-1262428
Benson, Leroy B.[1]	do	C-1235802

See footnotes at end of table.

LIST 1.—*Living—identification positive*—Con.

Name	Method of identification	C or A No.
Berehem, Charles [1]	Fingerprinted	A-546286
Bertrand, L. A.[4]	do	A-2570654
Bischweitz, Walter Joseph.[3]	do	C-1888759
Blair, William M.	do	A-3329931
Boatman, Edgar	do	C-1965875
Bommer, Fred, Jr.[3]	do	C-2119715
Bonner, Francis C.	do	C-1812137
Boswell, W. A.[1]	do	C-2031715
Botto, John Baptist [1]	do	
Bowen, James E.[3]	do	
Boyle, Frank [1]	do	A-2822500
Boyle, William J.[4]	do	A-4324309
Bradfield, Burwell L.	do	A-3758333
Bradley, Dennis J.[1]	do	C-1576489
Brady, Edward E.	do	C-1361996
Brannon, Clyde	do	C-1097536
Brewer, David Clifford.[3]	do	C-552120
Bridges, Ellis H.	do	C-1336165
Brody, Charles John [1]	do	C-2044276
Brown, Arthur	do	A-4499602
Brown, Claude W.[1]	do	C-1160379
Bryant, Jessie [1]	do	C-1888214
Bryant, John F.	do	C-1584296
Buck, Elbert S.	do	C-2240224
Buckinger, Edward A.[2]	do	C-490118
Burke, James M.	do	A-3685876
Butts, J. E.	do	C-901034
Byers, Dexter V.[2]	do	A-2442808
Byrnes, Gomer E.[1]	Correspondence	C-227244
Carey, John H.	Fingerprinted	A-1309386
Carlon, Phillip [1]	do	A-4534030
Carls, Robert	do	A-3821761
Carlson, Martin William.[3]	do	C-1381163
Carter, Harry [3]	do	C-2077835
Cash, Ervine L.[1]	Testimony	
Cawthon, Wilbur D.[3]	Fingerprinted	C-2200871
Chambers, Willis Meredith.[3]	do	C-2241162
Chandler, Robert B.	do	C-154940
Chatham, George Dewey.	do	
Cheslock, Michael J.[1]	do	C-1149068
Clarkson, John C.	do	C-1757232
Clements, Walter [1]	do	C-1481730
Clifford, John T.[3]	do	C-1803594
Cole, Julius Edwin	do	C-1335058
Condry, Martin Michael.	do	C-2044611
Conrad, Thomas William.[3]	do	A-4631692
Conway, John A.[3]	do	C-1994031
Cook, Joseph	do	C-2170472
Coppejan, Peter [4]	do	A-242295
Coughlin, Peter P.[3]	do	C-2200869
Coward, Ben [3]	do	C-1088058
Cox, John [1]	do	A-4595702
Coyle, Kenneth L.	do	A-2289249
Craft, E. Elbert [1]	do	C-553626
Cresse, Fred E.	do	C-2157863
Cristie, A.[3]	do	C-2200870
Cummings, William Thomas.[1]	do	A-4623861
Cunningham, Eugene E.	do	C-2030828
Cunningham, J. J.	do	C-706933
Cross, James [1]	Correspondence	C-1732180
Cunningham, Leonard R.[1]	Fingerprinted	A-3530038
Cushman, Harry James [3]	do	A-2974810
Cuthbertson, Ernest M.	do	C-405272
Darty, Elmer [3]	do	
Davis, Albert V.	Fingerprinted (unable to identify in service departments. No record of application for adjusted compensation).	C-2272391
Davis, Archie	Fingerprinted	A-3391650
Davis, J. A.	do	A-2608067
Davis, Stanley Joseph [3]	do	C-2168244
Delong, Forest V.[1]	do	C-475288
Dempsey, Alexander L.	Personal interview.	C-1452722
Di Francesco, John [3]	Fingerprinted	C-2200784
Dimitroff, Mike	do	A-1031934
Dombravski, John D.	do	C-2200831
Donahue, Peter J.	do	A-4531623
Downs, Joseph Michael	do	C-2178454
Drybread, George	do	C-2241127
Dube, Frank A.[1]	do	C-1776097
Eagan Charles Patrick.[3]	do	C-1599614
Earle, James Francis [3]	do	C-1471469
Early, Thomas P.	do	C-2017031
Edgar, Frank [2]	do	C-1590772
Edwards, Clarence Burton.[3]	do	C-1123490
Edwards, Joe E.[3]	do	C-322948
Edwards, Van Shaw [1]	do	C-1341278
Einsig, Charles M.	do	A-4541364

See footnotes at end of table.

LIST 1.—*Living—identification positive*—Con.

Name	Method of identification	C or A No.
Ellis, Arthur	Fingerprinted	A-1423642
Endicott, Byron [2]	do	C-1779844
Esau, Wadie	do	C-1724297
Evans, Edward B.	Testimony	C-1378203
Everett, Lloyd [3]	Fingerprinted (unable to identify in service departments. Poor prints on application for adjusted compensation).	A-2241637 C-1255206
Fahey, John P.	Fingerprinted	A-30...946
Fallon, John [4]	do	A-2459783
Farris, Charles [1]	do	A-3724157
Fatten Peter	do	C-309084
Fecteau, Joseph F. N.[5]	do	C-2108344
Ferguson, Hester	do	A-3301093
Fischer, John H.	do	A-2182734
Fitchett, Lloyd R. [3]	do	C-159102
Fitzgerald, M. F.	FERA report	A-3153041
Fleming, John [2]	Fingerprinted	C-1522658
Flow, Arnold B.[3]	do	C-2200781
Ford, John H.[3]	do	C-1115517
Fox, Abraham	do	C-1948812
Fox, Earl L.	do	C-1374484
Frazier, Alexander [3]	do	C-883583
Freese, Walter W.[1]	do	A-1829293
French, Monte F.	Correspondence	C-1422402
Friend, Robert D.	Fingerprinted	C-1871509
Frost, William H.	do	C-1067218
Gaines, Hugh [3]	do	A-4420793
Gallagher, Charles [3]	Fingerprinted (unable to identify in service departments. Poor prints on application for adjusted compensation).	A-4664336
Gallagher, Thomas	Fingerprinted	C-600633
Gaskins, Harry [3]	do	C-1999519
Gazley, James C.[3]	do	C-1392936
Gilbert, Reginald B.[1]	Fingerprinted (unable to identify in service departments or index of the Veterans' Administration).	C-635364
Gillis, John James [1]	Fingerprinted	A-2508456
Glenn, Raymond W.[1]	do	C-907545
Glisson, Haywood R.[3]	do	C-1691353
Goodman, Virgil C.	do	C-2013161
Gormley, T. P.	do	C-2016604
Gorney, Walter [1]	do	A-3196717
Gottleib, Lester C.	do	A-3693234
Goulding, William Albert, Jr.[1]	do	T-4755507
Grant, Edward [2]	do	C-887867
Griffin, O. D.	do	A-1600712
Griffin, Peter	do	C-1553387
Grimes, Russell Ersel	do	C-1880431
Grubbs, Arlo	do	A-3425020
Guncheon, Clifford	Hospitalization	C-375365
Hagan, William B.	Fingerprinted	C-1382509
Hanley, Edward Joseph.	do	C-2166642
Hanley, James	do	A-4329949
Harrell, Thomas B.[3]	do	C-546757
Harris, Carl	do	C-1483049
Harris, Paul	do	C-1424908
Harrison, George M.[3]	do	C-1578002
Harrod, Frank David	do	C-1747769
Harvey James Lewis [2]	do	C-2033506
Harwood, Willard Garland.	do	C-2282083
Hatcher, Ira [3]	do	C-2200860
Hatfield, John L.[1]	do	C-1918115
Hayes, Daniel [1]	do	C-464112
Heckman, John T.	do	A-15162
Heintz, Frederick L.	do	C-36913
Hellman, William A.	do	A-4653450
Hendren, William M.	do	T-4208792
Herbert, Jacob S.[3]	do	C-2200809
Hickey, James H.[1]	do	C-526669
Hicks, Beecher [1]	do	C-655725
Higgins, Frank James [3]	do	C-115774
Hill, George T.[3]	do	C-1656778
Hilliard, John H.	do	C-1732630
Hogan, Maurice Francis.	do	C-2015812
Hohman, George Edward.[1]	do	A-3006579
Honor, Joseph [3]	do	C-1061758
Horranko, Joseph	do	T-4669944
Horton, Leone F.[3]	do	C-2017275
Howard, Patrick [3]	do	C-2200973
Howell, Thomas [2]	Hospitalization	C-2079750
Huffman, Jackson M.[3]	Fingerprinted	C-1316766
Huggins, John F.	do	A-3918309
Hughes, Frank J.	do	C-1025967
Hunt, Frank T.[1]	do	A-2057324
Hurley, Roy R.	do	C-1860122 S-3374108

See footnotes at end of table.

LIST 1.—*Living—identification positive*—Con.

Name	Method of identification	C or A No.
Hynes, William J.[1]	Fingerprinted	A-4333034
Hytte, Arbie [3]	do	C-1766013
Ingham, Alfred J.[3]	do	C-916500
Irvine, Lester [1]	Correspondence	A-4572888
Irwin, William E	Fingerprinted	C-1628400
Jacobs, David Edward [3]	do	C-1092160
Jacobs, Thomas J.[1]	do	C-2199556
Jacobson, William E.[1]	do	A-3413965
Jalonese, James	do	C-319258
Jamison, G. W	Testimony	A-4194163
Jarrell, Melton [3]	Fingerprinted	C-1559986
Jederick, Joseph [2]	do	A-2028704
Johns, A. Dayton [2]	do	A-2458606
Johnson, Robert C	do	C-2144347
Johnston, C. E.[4]	do	S-1549073 (N)
Johnstone, Charles L.[4]	do	C-1343634
Jones, H. L	do	C-2198447
Jordan, Percy	do	A-3012710
Kahn, Charles	do	A-1141915
Kamp, Edward A.[1]	do	S-6408279
Karcher, Frank J.[1]	do	C-1786344
Kardell, Karl H.[1]	do	C-1491636
Kawaski, C.[1]	do	
Kearney, Ike F	FERA report	C-1307389
Keith, Albert C	Fingerprinted	C-602622
Kelly, Hugh Joseph	do	C-2200794
Kelly, William J	do	A-2396986
Kerns, Hamilton F	do	
King, Charles E	do	C-305140
King, James Lawrence	do	A-1785269
Klauss, Frank	do	C-1169279
Klein, William	do	A-3210543
Klock, W. H.[3]	do	C-1380664
Knabel, Henry	do	C-1460584
Knox, William [2]	do	C-1360900
Knowles, William Lee	do	C-1702776
Kobal, Stanley [3]	do	C-1516179
Kohin, William	do	C-813187
Krause, Gus H	do	C-1448549
Kringer, Anthony	do	C-1759612
Kubiak, John J.[3]	do	C-2041054
Kyte, L. D.[1]	do	C-2094879
Lacour, Raoul L.[1]	do	C-2198774
Laitich, Frank [3]	do	A-3477913
Lamsargis, Joe Ambroz	do	A-1351358
Langlois, Harold S.[5]	Hospitalized	C-1869742
Lannon, Thomas Francis.[3]	Fingerprinted	C-1922246
Lapinski, Tony	do	C-186938
Larkin, Peter J	do	C-2145471
Larsen, Peter C	do	A-1905179
Lavett, Edward R	do	
Layman, Ray E.[3]	do	C-1500494
Lederer, W.[5]	do	C-235180
Lennon, James D	do	C-1764725
Le Preux, Raleigh [3]	do	C-1580005
Lester, Roy	do	C-2218244
Linawik, Gus C	do	C-1528199
Lindley, J. B [3]	Hospitalized	C-1932467
Long, Clarence H.[3]	Fingerprinted	C-1340057
Lowe, L. H	Affidavit	C-1584290
Lowkis, Eugene	Fingerprinted	C-899818
Lydon, John Joseph [1]	do	C-1640901
Lydon, Joseph M.[3]	do	C-1018792
Lynch, Jeremiah J.[1]	do	A-337505
McAuley, Ernest W.[3]	do	C-2200848
McCabe, John Goldman	do	A-246252
McCain, Clyde Hescal [3]	do	T-4867935
McCleary, Charles	do	A-4125849
McClintie, French E	do	A-1136056
McCloskey, Thomas F.[3]	do	C-1504833
McComb, Everett A.[3]	do	C-1849426
McDaniel, Hiram C.[3]	do	C-1802461
McDermott, Michael	do	C-2022166
McDonald, Jay	do	A-3146042
McDonough, Francis J	do	[2]A-396856
McGeady, Joseph F.[2]	do	A-3877185
McGuire, Arthur	do	A-3952926
McLean, James D	do	A-257209
McMannus, Arthur A	do	C-1708805
McMullen, Leroy J	do	A-2688882
McNulty, John F.[3]	do	C-466761
McPherson, Robert J	do	C-2456583
Machado, Anthony L	do	C-1850337
MacNamara, Leo W	do	C-1074272
Magrady, Charles B	do	A-1639796
Mahoney, Edward J	do	C-1865506
Mallon, John J.[2]	do	C-701395
Maloney, George A	do	C-2035756
Martin, Turner K.[3]	Hospitalized	C-2142411
Maxwell, Earnie E.[1]	Fingerprinted	C-1330287
Mayhew, Charles [5]	do	C-2012004
Meade, Arbie	do	C-1387186
Medlin, Oscar R	do	A-1953378
Mewshaw, Arthur Williams.[4]	Fingerprinted (unable to identify in service departments. No prints on application for adjusted compensation).	A-548850
McAdams, Jos. R.[1]	Correspondence	C-220383
Meyers, Francis L.[1]	Fingerprinted	C-158522
Miller, E. W	Testimony	C-672912
Miller, Junius C.[3]	Fingerprinted	C-1367596
Miller, Lawrence M	do	A-4656031
Mills, Allen	do	C-2023994
Mohr, Phillip A.[1]	do	C-2535930
Moran, Leo A.[3]	do	C-1885405
Morley, Clarence L.[3]	do	C-2034904
Morris, James	FHRA report	A-4067183
Morris, John L	Fingerprinted	C-559370
Morris, M. Hollis	Fingerprinted (unable to identify in service departments or in index of Veterans' Administration).	
Morris, Owen H.[1]	Fingerprinted	C-1089960
Morrison, James C.[3]	do	C-1540080
Morrison, James P.[3]	do	S-6076479
Morrow, William James	do	C-2029714
Mulholland, Hubert A.[3]	do	C-2200774
Mullaney, Edward	do	A-2060108
Mullen, James M	do	C-311235
Mundelle, Joseph T	do	A-3229013
Murphy, John J	FERA report	A-1205883
Murphy, R. H	Testimony	
Murray, Henry Leonard.	Fingerprinted	C-242858
Myers, Benjamin	do	A-3571942
Nabal, Ernest	do	A-3880207
Napier, E. H	do	C-1151078
Nash, Thomas Joseph [3]	do	C-205137
Nee, Michael J.[1]	do	C-1004290
Neely, Vernon G.[3]	do	C-1321067
Nibouar, John	do	A-615697
Nichols, Robert [3]	do	C-1887632
Nonnenman, Jacob [3]	do	C-2200795
Novvich, Mike	Correspondence	C-1595151
O'Brien, Lawrence Joseph.[3]	Fingerprinted	C-1195510
O'Donnell, Loray [3]	do	C-1979467
Oswold, Robert Davis	do	C-1122845
Parker, Willard M.[3]	do	C-2128058
Parkinson, Tom G	do	C-1852644
Parks, Claude Williamson.[3]	do	C-1687044
Pawa, Albert	do	A-3060614
Pearlman, Joseph	Correspondence	A-111523
Perback, Mathew	Fingerprinted	A-3131183
Perdue, Samuel A	do	A-3949136
Perry, John Cornelius	do	C-2027493
Petross, Austin	do	A-612013
Pfister, Andrew John	do	A-3267598
Phillips, C. M	do	A-2785708
Pitman, Mallie K	do	C-1995377
Pope, Clay H.[3]	do	C-124933
Postell, Gay Marion [3]	do	C-1331361
Prentiss, Guy W	do	C-2262208
Preston, Robert E.[1]	Correspondence	C-1173607
Pugh, Paul [3]	Fingerprinted	C-1640917
Quinn, John Henry [1]	do	C-1884176
Raines, Grover C	do	C-2006397
Raley, Walter E.[1]	Correspondence	A-1498169
Rembowski, Adam	Fingerprinted	C-1584926
Rice, Walter R.[3]	do	C-1590070
Richard, Edgar James	do	C-1450386
Riddell, Lewis	do	A-4627529
Riley, John Joseph	do	A-4435046
Riley, Tunner Young	FERA report	A-4519006
Ringer, James V.[3]	Fingerprinted	C-2137352
Ritchie, Edward Charles.	do	A-3514884
Roach, Earl [3]	do	C-1782706
Robinson, Harrison G.[4]	do	A-2470429
Rodgers, Edmund Patrick.[3]	do	C-2044147
Romanowski, Steve R	do	C-1821785
Ross, William Forrest [3]	do	A-370643
Rough, George	do	A-3121754
Rowe, Philip	do	A-1066427
Ruhland, John	do	A-1154941
Rumage, DeForest [3]	do	C-2144523
Ryan, Jeremiah F	do	A-3916665
Ryan, Paul A.[3]	do	A-612885
Sacks, Jacob	do	A-3601065
Savant, Ernest J. [3]	Signature	C-2215299
Scanland, Owen	Fingerprinted	C-2197458
Schadt, Justus	do	C-1781034
Schroeder, William George.	do	A-64186
Schwartz, Louis N.[1]	Fingerprinted (not identified in service departments. No record application for adjusted compensation).	C-2375501
Scoggins, Gus L	Fingerprinted	A-2223643
Scott, Loring	Fingerprinted (not identified in service departments. No record application for adjusted compensation).	
Seible, J. H	Fingerprinted	C-319922
Senison, George [1]	do	C-1269340
Sharp, Robert Anthony	do	C-1035591
Shaw, Frank [3]	do	C-1881500
Shea, James T.[3]	do	A-4195241
Shepherd, T. V.[1]	do	A-3961491
Shockley, Lester	do	A-206886
Shropshire, Luther [3]	Hospitalized	C-1820573
Silve, William I.[2]	Fingerprinted	C-1470354
Simond, Frank H	do	C-1802081
Sims, Odell Herbert	do	
Singleton, Eugene H.[3]	do	C-2304808
Sipes, John W	do	C-1847664
Skularicos, John [2]	do	C-2030175
Smith, Geo	do	C-1812283
Smith, Harry [2]	do	C-804086
Smith, Richard L.[5]	do	A-1889041
Smith, Robert L.[2]	do	C-791137
Smith, Walter [3]	do	C-1694035
Smith, Walter P	do	
Snyder, Frederick L	do	C-1755052
Sowerby, George S.[2]	do	C-1577847
Stalnaker, H. H.[3]	do	C-107370
Stanton, Patrick Harry	do	C-1420404
Story, John	do	C-2091832
Suits, J. W	do	C-2026667
Sullivan, Robert	do	C-408412
Sutton, Irwin C	do	C-1273050
Tallent, Clarence	do	C-370515
Tapp, Morris	do	C-1099242
Taylor, Jacob Wesley	do	A-2552333
Terry, William W.[3]	do	C-2582320
Thillman, Albert [3]	do	C-1627215
Thompson, Edward [1]	do	C-1051548
Thompson, Oliver [1]	do	C-1593459
Thompson William R.[3]	do	C-176591
Tiller, Thomas Edward	do	C-1379591
Tischenback, Frank R	do	C-1712297
Todd, James Bennett	do	C-1086039
Towles, John William [3]	do	C-2294473
Trafka, Walter J	do	C-1373005
Trombetta, Joseph F	do	A-4295880
Tucker, Nathan	do	C-1998149
Varnell, Henry G	do	A-150403
Vasakosky, Frank J	do	C-1476461
Vaughan, William G	do	C-1578401
Veal, Toulmine	do	C-1343528
Voyles, Phillip Vance	do	C-2152220
Walker, H	Sent in adjusted service certificate.	A-609371
Wall, James A	Fingerprinted	A-1751971
Walsh, John [2]	do	A-4617357
Walter, Alexander	do	A-4402633
Walukcavage, William	FERA report	A-3239072
Warfield, James Temple	Fingerprinted	A-169952
Wark, Samuel [3]	do	C-832740
Warren, William Arthur	do	A-4011001
Watson, Bonnie P	Correspondence	C-1658182
Webb, Gordon V	Fingerprinted	C-1385451
Wells, Luther	do	A-4110823
White, Fred B.[2]	do	C-1587754
White, Harold P.[1]	do	C-1394506
White, Nelson M.[1]	do	C-576313
Whittaker, Raymond	do	C-1412142
Widmeyer, G. A	do	C-1093425
Wiemann, William J.[3]	do	
Willis, Clarence A	do	C-1468438
Wilshere, Herbert S	do	A-3357383
Wojtkiewicz, Joseph F.[3]	do	C-1814070
Wynne, Osgood C	do	C-1447972
Zwalesky, W. D.[1]	do	A-3699559

[1] No statement obtained from veteran.
[2] Out-patient treatment
[3] In-patient treatment.
[4] Out-patient. No testimony
[5] In-patient. No testimony.

See footnotes at end of table.

See footnotes at end of table.

LIST 2—*Dead—Positive identification*

Name	How identified	Disposition made of body	XC, C, or A Nos.
Ackerman J	Camp card	Woodlawn Cemetery, body 23.	XC-944081
Allen, Walter S	Fingerprints	Woodlawn Cemetery, body 19-A.	XC-1820531
Allspaugh, B. W	Testimony		XC-2071451
Almond, Charles C	Discharge, etc.	Cremated	XC-944636
Austin, H. R	Fingerprints	Woodlawn Cemetery, body 47-A.	XC-1423644
Baber, Payton B. E. I	do	Cremated, body 72-C	XC-2087089
Barbee, Joe	do	Woodlawn Cemetery	XC-2274555
Barnes, Edward Roy	do	Woodlawn Cemetery, body 14-C.	XC-
Beganske, Andrew	do	Woodlawn Cemetery, body 71-A.	XC-944388
Blanford, R. A	do	Cremated	XC-2168286
Bolton, William L	do	Woodlawn Cemetery, body B802.	XC-617892
Boyce, Clyde	do	Woodlawn Cemetery, body 10-A.	XC-263805
Carr, George	do	Woodlawn Cemetery, body 12-C.	XC-944060
Case, Edw. F	do	Cremated	XC-1801491
Cherry, C. G	Testimony	do	XC-1886015
Clark, William J	Discharge certificate.	Shipped to Newark, N. J.	XC-942222
Conway, James F	Fingerprints	Woodlawn Cemetery, body 73-A.	XC-2614904
Costello, Edward D	do	Woodlawn Cemetery, body 48-A.	XC-2043287
Dawson, James	do	Woodlawn Cemetery, body 7-A.	XC-2454930
DeAlbar, Frank P	do	Woodlawn Cemetery, body F607.	XC-944076
Deaver, John T	do	Cremated, body 68-C	XC-944052
Delamater, L. W	do	Woodlawn Cemetery, body 27.	XC-1503365
Deverman, G	do	Woodlawn Cemetery, body 33.	XC-10340.7
Donlon, Thomas	do	Cremated, body 66-C	XC-1369183
Dow, George C	Discharge, etc.		XC-1589160
Ducott, George	Fingerprints	Woodlawn Cemetery, body 29.	XC-553953
Dunn, Thomas H	do	Woodlawn Cemetery, body 52-A.	XC-944059
Edwards, K. W	Testimony	Cremated	XC-946243
English, Jack Noel	Fingerprints	Woodlawn Cemetery, body 801.	XC-944079
Fogarty, Michael S	do	Woodlawn Cemetery, body 55-A.	XC-323585
Foster, Jack	do	Woodlawn Cemetery, body 12-A.	XC-944028
Gatta, Sam	do	Woodlawn Cemetery, body 2-C.	XC-2240175
Geary, William	do	Woodlawn Cemetery, body 20-A.	XC-
Gill, John Patrick	do	Woodlawn Cemetery, body 8-C.	XC-940434
Golding, Joseph F	do	Woodlawn Cemetery, body 22-C.	XC-804051
Graham, Elmer	do	Cremated, body 48-C	XC-2193024
Gwin, Russell	do	Cremated, body 76-C	XC-1760355
Hammond, Edw. J	do	Cremated, body 65-C	XC-944051
Healy, John James, Jr	do	Cremated, body 67-C	XC-944316
High, George W	do	Cremated	XC-1920028
Hoffman, Walter E	do	Cremated, body 79-C	XC-21 2042
Hough, Massey	do	Woodlawn Cemetery, body 74-A.	XC-1894171
Howell, Marshall E	Died, Jackson Memorial Hospital, Miami.	Body shipped to Franklin, Va.	XC-944055
Jakeman, Banjamin B	Fingerprints	Woodlawn Cemetery, body 7.	XC-945476
Jeffers, Frank	do	Woodlawn Cemetery, body 6-17-A.	XC-1860716
Johnson, John Austin	do	Woodlawn Cemetery, body 10-C.	XC-1456439
Johnson, Otis	Tag	Woodlawn Cemetery, body 51-A.	XC-432891
Jolley, Albert R	Camp card	Woodlawn Cemetery, body 19.	XC-944053
Jones, John W	Fingerprints	Woodlawn Cemetery, body 10.	XC-1476642
Jones, William A	Died Jackson Memorial Hospital, Miami.	Body shipped to Baltimore, Md.	XC-944120
Keenan, Thomas F	Fingerprints	Woodlawn Cemetery, body 25.	XC-944126
Kendrick, Paul	do	Cremated, body 64-C	XC-945474
Kjar, Peter	do	Woodlawn Cemetery, body 31-C.	A-3071855
Kreitzburg, E	Discharge, etc.	Woodlawn Cemetery, body 5.	XC-1806624
Laughter, R. E	Testimony	Cremated	XC-2199009
Lawrence, A. R	Fingerprints	Woodlawn Cemetery, body 50-A.	XC-454400
Leslie, Frank	do	Woodlawn Cemetery, body 13-A.	XC-2023594
Lever, W. G	do	Woodlawn Cemetery, body 46-A.	XC-1728797
Lewis, Brady C	Discharge, etc.	Woodlawn Cemetery, body 4.	A-4211901
Lones, Ernest	Fingerprints	Woodlawn Cemetery, body 32.	XC-1817021
Lowe, Massie Lee	do	Woodlawn Cemetery, body 803.	XC-1583696
Lynch, John	Discharge, etc.	Cremated	XC-2017565
Lyons, Richard W	Fingerprints	Cremated, body 69-C	XC-2039756
McClain, J. O	do	Woodlawn Cemetery, body 24.	XC-1695041
McCoy, George B	do	Woodlawn Cemetery, body 16.	XC-2027187
McGinn, James A	do	Cremated, body 73-C	XC-946620
McGough, James E	do	Woodlawn Cemetery, body 21.	XC-1597042
McGuire, Sylvester J	do	Woodlawn Cemetery, body C-6.	XC-944127
McHugh, James F	Camp card	Woodlawn Cemetery, body 22.	XC-944054
MacKinnon, Joseph	Fingerprints	Woodlawn Cemetery, body 20.	XC-2109816
McQueen, M. P	do	Woodlawn Cemetery, body 11-C.	XC-2200053
Marik, Michael	do	Woodlawn Cemetery, body 1.	XC-2025804
Masterberts, Frank	Discharge, etc.	Cremated	XC-1900021
Mathieu, Edward U	Fingerprints	Woodlawn Cemetery, body 31.	XC-944317
Matlock, Harry	do	Woodlawn Cemetery, body 125-C.	XC-1505596
Mayhew, Harry	do	Woodlawn Cemetery, body 19-C.	XC-
Metzler, Charles R	do	Cremated, body 47-C	XC-944062
Moore, T. K	Discharge, etc.	Woodlawn Cemetery, body 17.	XC-1796790
Mulholland, William J	Fingerprints	Woodlawn Cemetery, body 1-A.	XC-575266
Mulvehill, James H	do	Woodlawn Cemetery	XC-422577
Murphy, Edward M	do	Woodlawn Cemetery, body 2-D.	XC-770327
Murphy, Frederick M	do	Woodlawn Cemetery, body F-606.	XC-1699252
Murray, James	do	Shipped to Titusville, Pa., body F-612.	XC-944082
Neel, John T	do	Cremated, body 56	XC-2191109
Nepsha, Osip	do	Shipped to Minneapolis, Minn.	XC-944435
Parrotte, Stephen U	do	Cremated, body 77-C	XC-309098
Peacock, Ralph H	do	Woodlawn Cemetery, body 34.	XC-882395
Powell, Paul C	do	Woodlawn Cemetery, body 32-C.	XC-1347927
Pridgen, Jame. C	do	Woodlawn Cemetery, body 26.	XC-2193643
Ramer, Robert H	do	Woodlawn Cemetery, body 14.	XC-
Rawlings, John C	Testimony	Cremated	XC-945156
Reeves, Chas	Questionable	do	XC-1577653
Reginiak, John T	Discharge	Woodlawn Cemetery, body 123-A.	XC-944085
Ryan, Michael J	Fingerprints	Woodlawn Cemetery, body 24-A.	XC-2025759
Schneider, Frederick	do	Cremated, body 42-C	XC-944084
Shantz, Robert	do	Woodlawn Cemetery, body 16-A.	XC-2310246
Sherman, George	Camp bank book.	Woodlawn Cemetery, body 18-A.	XC-942692
Shone, Orson C	Fingerprints	Cremated, body 52-C	XC-1998243
Sickler, Harry P	do	Woodlawn Cemetery, body F-607A.	XC-2744244
Silverman, Abraham	Identification card.		A-3366794
Smith, Elisha F	Fingerprints	Woodlawn Cemetery, body 33-C.	XC-2199659
Soverville, Fred D	do	Woodlawn Cemetery, body 44-A.	XC-944056
Staik, John	Discharge, etc.	Woodlawn Cemetery, body 20-C.	XC-2039111
Starnes, Samuel E	Papers	Cremated	XC-1105655
Staude, William F	Discharge, etc.	Woodlawn Cemetery, body 18.	XC-944061
St. Clair, Edward R	Fingerprints	Woodlawn Cemetery, body 13.	XC-557956
Stone, Guy Milton	Discharge	Woodlawn Cemetery, body 15.	XC-945181
Sweeney, Edward D	Fingerprints	Woodlawn Cemetery, body 13-C.	XC-1593397
Tyler, Eugene I	do	Woodlawn Cemetery, body 8-A.	XC-1595072
Van Ness, Benjamin H.	do	Woodlawn Cemetery, body 43-A.	XC-1360398
Viar, Albert K	Questionable		XC-950874
Wagner, Henry P	Fingerprints	Woodlawn Cemetery, body 8.	XC-1807829
Weaver, Robert W	do	Woodlawn Cemetery, body -A.	XC-945560
Wenger, W. E	do	Woodlawn Cemetery, body 11.	XC-944318
Westfall, Samuel C	do	Woodlawn Cemetery, body 41-A.	XC-944083
White, Richard	do	Woodlawn Cemetery, body 15-C.	XC-946619
Wilkerson, Rex	Tattoo	Woodlawn Cemetery, body 1-D.	XC-945810
Williams, H. G	Fingerprints	Woodlawn Cemetery, body 9-A.	XC-887193
Wimmer, Walter J	do	Woodlawn Cemetery, body 33-A.	XC-944060
Wise, Walter R	do	Shipped to Cleveland, Ohio, body F-613.	XC-944057
Wrotten, Harry	Photograph	Shipped to Baltimore, Md., body F-604.	XC-944907
Griset, F	Killed Aug. 4, 1935, by train.		XC-2299390

In addition the following veterans not on the August payroll seem to have perished: Curry, Charles (according to statement of B. E. Davis); Main, D. C., Dr. (civilian employee); Robertson, Glenn (civilian employee; superintendent, Camp No. 5); Thompson, James Rodney; Henderson, Elda J.

LIST 3.—*Missing—no information*

Name	Address	C or A number	Name	Address	C or A number
Ambrose, Jno. H	Baton Rouge, La	A-65885	Long, Reagan M	Dayton, Ohio	C-1193821
Anderson, Roy H	Clinton, S. C	A-4312377	Lukr, Steve	New York, N. Y	A-4629649
Barker, Frank	Newark, N. J	C-1885992	Lunny, Thomas G	Waltham, Mass	A-561120
Blaylock, Jas. W	Chattanooga, Tenn	C-1335979	McConlogue, James H	New York, N. Y	C-1887512
Bohnis, James T	Newark, N. J	C-1337483	McCord, Henry Carroll	Comstock, N. Y	A-479106
Broderick, L	Troy, N. Y	C-1714391	McCuin, A. H		T-4810315
Brown, Paul	Redding, Calif	C-1270686	Magiley, Fred J	Newport News, Va	T-4599857
Burrows, Harry	Parsons, Kans	C-1845100	Mahoney, Leo F	Baltimore, Md	A-3039928
Caisse, Jos	Chicago, Ill	C-1784671	Matthais, Thomas	Sandusky, Ohio	C-463220
Chickie, Jos	Erie, Pa	C-1360132	Maupin, Sheridan	Lexington, Ky	C-404032
Clapp, Walter L	Graham, N. C	A-2513090	Meyers, E. J	New York, N. Y	XC-942567
Clarens, Harry F., Jr	Batavia, N. Y	XC-2019810	Mitchell, Joseph E	Los Angeles, Calif	C-409316
Clemons, Robt. L	Tampa, Fla	XC-2085753	O'Brien, Richard S	New York, N. Y	XC-945379
Conner, Eugene H	Johnson City, Tenn	C-1818507	O'Donnell, William M	Charlestown, Mass	C-1785615
Conner, Wm. Jos	Washington, D. C	C-257281	Oldham, John H	Washington, D. C	C-1795951
Conroy, Jno. J	Trenton, N. J	A-2842784	Paschalis, Stephanos	do	C-1581576
Cox, George		C-1800213	Pennsyl, Henry H	Altoona, Pa	A-2648383
Dane, Roy	Elmira, N. Y	C-1883622	Pitts, Joseph William	Columbus, Ga	C-1995826
Davis, Frank S	Oklahoma City, Okla	A-2102229	Proctor, Arthur L	Cedar Grove, W. Va	A-3204897
Davis, Robt. H	Princeton, W. Va	XC-1905784	Proulz, Hermansgilde	Newark, N. J	C-2261743
Davis, Wm. A	Winnsboro, S. C	C-1733786	Reilly, Patrick F	Buffalo, N. Y	A-3918197
Dew, Jno. H	New York, N. Y	C-2089061	Remington, Harry F	Kansas City, Mo	A-3772215
Dodgins, Willie	Phoebus, Va	C-1386070	Rhodes, Clinton W	Philadelphia, Pa	C-1603997
Durham, Herbert W	Dayton, Ohio	C-2140889	Rice, Frank	St. Louis, Mo	C-1630247
Emerson, Sam	Sweetwater, Tenn	XC-580628	Richardson, David J	Baltimore, Md	C-1086618
Fitzgerald, Jno	Dorchester, Mass	C-1006112	Sauter, Herman	New York, N. Y	C-658518
Fogarty, Leo	Chicago, Ill	C-1962532	Scott, Allie T	Chapel Hill, N. C	C-1797657
Galloway, Joe E	Mayfield, Ky	A-2600098	Scott, Maurice	New York, N. Y	A-4629088
Granfield, Wm. T	Bath, N. Y	C-1591202	Slager, Charles M	Jacksonville, Fla	A-4659347
Gray, Eugene G	Washington, D. C	A-4568685	Smith, Frank J	Worden, Wash	A-2111852
Green, Dewey E	Grottoes, Va	C-285356	Smith, John B	Johnson City, Tenn	C-2199163
Grimoch, Stanley	Dayton, Ohio	C-1606374	Smith, Louis	Baltimore, Md	A-618205
Hardych, Geo. H	Chester, Pa	A-4202962	Steppits, Joseph	Pittsburgh, Pa	C-2-38865
Hilton, Mark O	Johnson City, Tenn	C-1155317	St. John, William P	Lynchburg, Va	T-4745367
Holmes, Arthur F	Tuscaloosa, Ala	C-1850005	Taylor, B. H	McLean, Va	A-61647
Jewett, Everard C	Washington, D. C	A-4651743	Turner, W. H	Washington, D. C	C-1797523
Johns, Emil M	Tampa, Fla	C-318116	Walters, Lawrence W	Baltimore, Md	A-2825946
Johnston, Jas. A	New York, N. Y	C-819671	Warren, Ernest	Dayton, Ohio	C-1202668
Jolien, Peter Jno	New Bedford, Mass	C-2183891	Washington, Roy E		C-576453
Kaminiski, Frank	Dayton, Ohio	C-2025906	Webb, Nevel P		A-3914231
Koshula, Michael	Washington, D. C	A-4629379	Webster, Clifford G	Phoenix City, Ala	XC-2196968
Larney, Leo J	Bath, N. Y	A-340285	Weimer, Hiram	Johnson City, Tenn	C-2092819
Lee, C. E	New York, N. Y	C-1059914	White, Fred H	Dayton, Ohio	C-1581832
Letson, Harrison A	do	A-513565	Woodward, Dora B	Ashland, Ky	C-2072995
Long, George W	Danville, Va	A-3948211	Williams, Harry S	Putnamsville, Vt	A-1340085

LIST 4.—*Dead—Identification tentative*

Name	C or A number
Barnes, Roy E	A—4394901
Bentley, Edw. F	A—3984390
Bott, Chas. H.[1]	C—1156000
Bouquet, Arthur J.[1]	C—2016525
Boyles, Marcus (M. W.)	C—2032387
Brady, Rivhard A	C—602567
Butler, R	A—3822898
Clark, Fred	XC—944077
Crockford, Harold W	C—514392
Davis, Michael B	XC—1903070
French, John L	XC—712716
Genoni, Wm. A.[1]	XC—1909434
Guzowski, C	XC—1062080
Harrell, Geo. G	C—1535526
Jensen, Chas. B	XC—945454
Jones, G. A	C—326201
Keith, Frank G	
Kochersperger, J	C—773097
Langrehr, Chas. R.[1]	A—1916256
Lavender, Rufus N	C—1536871
Lawson, H. E	C—1425678
Lewis, J. J	C—2034909
McAlister, D	A—4365927
McDonald, Lee	
Martin, Floyd A	C—1695838
Meredith, Dilbert M	
Moran, Jno.[1]	C—589270
Murtha, Wm. E	A—3884473
Paraliewicz, Peter[1]	A—4572000
Perry, D. D	C—2088815
Phillips, W. M	A—445943
Porter, Wm. W	C—1601132
Quinn, Edward P	
Rains, Geo. Edw	C—595807
Renswick, E. H	XC—1713682
Rice, Harold V	C—1880548
Rodeheaver, C. S	C—1386046
Scales, Alfred	C—2008520
Selenack, Michael	A—3163842
Cherlock, Joseph	A—4562218
Shoop, Cyrus M	A—2792711
Stocklager, E. E	A—2821881
Veile, Steward[1]	
Werman, S	C—2032370
Zavash, V	A—2055617

[1] Might more properly be classed as missing.

LIST 5.—*Living—Identification tentative*

Name	A or C number
Benson, Oscar	A—1707136
Collins, L. D	C—522471
Ferry, Edward L	C—1473945
Hawkins, H. E	
Kernes, James	C—364371
LaClair, H	A—2105758

Mr. BREWSTER. Mr. President, let me add that the Veterans' Administration gave me this letter to Mr. RANKIN, but stated it was for confidential use. I am taking the responsibility myself of putting it in the RECORD, since the senior Senator from Connecticut [Mr. MCMAHON] on April 18 had printed in the RECORD the list of the dead and injured as a result of the Washington bonus march, and it seemed to me only proper that the country should have the complete record in this connection.

INCREASED ALLOTMENTS FOR DEPENDENTS OF ENLISTED MEMBERS OF THE ARMED FORCES

Mr. CHAVEZ obtained the floor.

Mr. HUMPHREY. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to provide increased allotment for dependents of enlisted members of the Armed Forces.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

There being no objection, the bill (S. 1587) to provide increased allotments for dependents of enlisted members of the Armed Forces was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. HUMPHREY. Mr. President, I am sure that other Members of the Senate are as aware as I am of the present difficulties the members of the Armed Forces are facing in attempting to provide for their families at the same time they are serving our Nation in time of crisis.

I have received a great many letters from constituents of mine who were on reserve and called up or who were drafted under the terms of the Selective Service Act. They, like other citizens, are perfectly willing to be of service to their country, but they are chagrined, disappointed, and hurt in the fact that our country does not make adequate provision for the support of their families while they are away from home.

They tell the same story. It is the story of inadequate dependency allotments. With rising costs for food, clothing, and other essentials of life, the wives, mothers, and children of the members of the Armed Forces are facing growing hardship. In the interest of preserving and extending the morale of our soldiers, sailors, airmen, and marines, and for the sake of common sense and human dignity, I urge that the Senate Armed Serv-

ices Committee immediately begin the consideration of an amendment so that as a government we face our responsibilities as soon as possible. I ask unanimous consent that excerpts from these letters which I have received be printed at the end of my remarks as exhibit No. 1.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. My proposal is designed specifically to assist those members of the Armed Forces in the lower grades. We know that the cost of living for the dependents of a private, a private first class, or a corporal is as severe and heavy a burden as it is for the dependents of a sergeant or lieutenant. They are all American citizens serving their country with similar deeds and similar family responsibilities. Those needs should be met quickly and equitably in accordance with their family's circumstances and number of dependents rather than in accordance with their status in the Armed Forces.

I also want to bring to your attention some information that has come to me from the Bureau of Labor Statistics, pointing to the fact that the Consumers' Price Index average for 1944 was 125.5 with 1935–39 equal to a base of 100. The most recent Consumers' Price Index as of April 1951 is 194.6. I ask unanimous consent that it be printed in the RECORD at the end of my remarks as exhibit No. 2.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. I ask unanimous consent to have printed in the RECORD at the completion of my remarks a table, exhibit 3, published by the Bureau of Labor Statistics with regard to a city worker's family budget, dated February 25, 1951, and a copy of a release issued by the Bureau of Labor Statistics a few days ago, dated April 15, 1951, on the same subject.

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

(See exhibit 3.)

Mr. HUMPHREY. Finally, Mr. President, I ask unanimous consent to have inserted in the RECORD a report, exhibit 4, prepared by the Community Chest and Council of Hennepin County, Minn., demonstrating the inadequacies of our present allotment quota for dependents of active servicemen. This report is clear evidence of the hardships which the inadequacies occasion in our community, and, I am sure, in other communities as well.

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

(See exhibit 4.)

Mr. HUMPHREY. In order to explain my bill, Mr. President, I ask unanimous consent to have inserted in the RECORD a table, exhibit 5, comparing the pay rates and family allowances for members of the Armed Forces during World War II, as they are at the present time, and as they would be under my proposed bill.

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

(See exhibit 5.)

Mr. HUMPHREY. In summary, the purpose of this measure is to recognize what everyone knows to be the truth, that the cost of living is at a sharp increase; at the same time, dependency allotments which are provided for the families of servicemen have had no increase; and the record is filled with cases of hardship on the part of the wives and children of servicemen who are absolutely incapable of getting along on the dependency allotment made available. I feel that it is a prime responsibility of the Congress to adjust the allotments so that these families may live in dignity and at least with an adequate standard of living, and particularly when the men have been called up for duty thousands of miles away from their homeland and are making great sacrifices for the safety of this country.

I believe that this measure is a priority bill, and, even though we may be debating the Far East foreign policy, it might be well to provide for the families of the men who are fighting in order that we may even have a chance to have a policy. I want at this point to thank the Senator from New Mexico for his generosity in yielding me this time. I am deeply appreciative of his courtesy.

Mr. CHAVEZ. Mr. President, I was delighted to yield to the Senator from Minnesota for the purpose for which he rose. I want to associate myself with his remarks and with the purposes he has in mind. I am hopeful that the Senate will realize, one of these days, that it is quite as important to pay attention to the families of those who are fighting in Korea, as it is to provide against something that we may anticipate in the future.

Mr. HUMPHREY. I thank the Senator.

EXHIBIT 1

EXCERPTS FROM LETTERS FROM MY FILES

Man is a private first class in the Army. Dependents: Wife and two children. Home: Detroit Lakes, Minn.

"I figured out what each month cost me which includes hospital and life and education insurance for the kids, besides my current bills. They are:

"House payment	$58.35
Lights	6.00
Gas	3.00
Fuel oil	20.00
Telephone	2.88
Payment at bank	46.00
Total on insurance	39.40
Groceries	40.00
Total	215.63

"My wife will get $107.50, that's with the $40 taken out of my check which will leave me about $70. I'll send her $30 of that which leaves me $40, and she'll get $137.50. Our bills are $215.63 and we are $78.13 short. Even if I dropped my insurance that I have fixed up for my family, I still can't make it."

Man has rating of HM second class in the Navy. Dependents: Wife and two children. Home address: St. Cloud, Minn.

Excerpt from wife's letter:

"Here are seven monthly bills that must be paid out of a total of at least $9,000 that we owe—it's impossible for me to do it with the $145 monthly allotment that I'm receiving.

"Baby formula	$10.50
Medication (for myself)	8.00
Siding on house	30.00
Fuel	50.00
Electricity	30.00
Groceries (not including milk)	40.00
Total	168.50

"We have just bought a home with a personal loan and the payments run at least $250 quarterly.

"These include no insurance, doctor, or dentist bills."

Man is private, first class, in Army. Dependents: Wife and two children.

Home address: Alexandria, Minn.

"We live 1 mile out of Alexandria, Minn., and now that I'm at camp, my wife has to do all the work herself. She has to walk a mile for groceries and fuel oil, etc. Our expenses are as follows:

"Rent	$30
Groceries	95
Fuel oil	10
Doctor bill	70
Medicine	15
Furniture	6
Clothes	12
Cab fare	25
Total	173

"My wife has a severe pelvic inflammatory disease and a urinary tract infection, which necessitates frequent trips to the doctor and has resulted in high doctor bills. Our only income is the allotment check of $125."

Man is a corporal in the Army: Dependents: Wife and two children.

Home address: Winthrop, Minn.

Excerpt from wife's letter:

"We also have a hardship case here at home. We have no money to draw from to pay bills and have two little boys, 2½ and 1 year, so I can't go out to work and when the allotment checks will come through is anyone's guess—and when it does come it is only $125 and in this day and age who can live on that. Listen to this: Rent, $35; food, $80 (including milk); oil for heater, $20 to $30; electricity, telephone, and water, $15; and more, insurance, $15; that's already $175, and that's not allowing for clothes and their upkeep, nor doctoring, nor the unexpected necessities that always keep popping up. We're just one of the few to have some reasonable rent. And I can't cut down on food any more than that because our older boy was dangerously injured in an accident with multiple skull fractures, and both legs were broken."

Man is corporal in the Army: Dependents: Wife and two children. Home address: Minneapolis, Minn.

Excerpt from wife's letter:

"We had a new baby January 10 and the Government will only raise my allotment to $125, a $17 increase which by no means will even begin to cover the cost of a new child. With the cost of the doctor and the hospital bill, we are now about $900 in debt and will be going further into debt.

"Right now I am receiving my Government allotment check of $108 a month plus a special allotment of $20 my husband made out to me. He also has sent other funds to me from what little money he has left, and I can come nowhere close to meeting my financial obligations. It takes at least $178 to just meet my monthly payments and expenses."

Man is corporal in Army. Dependents: Wife and one child. Home address: St. Louis Park, Minn.

"We have been building and furnishing a new home, and our outstanding debts and expenses are as follows:

"Balance on FHA loan taken Oct. 22, 1949	$632.31
GI loan on home	8,950.00
Loan from relative	1,100.00
Dependable Appliance Co	164.00
Payments on vacuum cleaner	38.00
Doctor bill to date	105.00
Storage bill to date	74.69
Loan from father	150.00

"At the present time our furniture is in storage. When our house is completed and we are able to move in, monthly expenditures will be about as follows:

"Payment on GI loan	$62.66
Payment on FHA loan	28.75
Payment on washing machine	13.00
Payment on vacuum cleaner	7.60
Payment to doctor	10.00
Payment to relative for loan	50.00
Prudential insurance	5.02
Insurance for wife and child	3.62
Pregnancy medications	12.00
Groceries	70.00
Phone	3.45
Gas bill, cooking and heating	18.00
Electric bill	4.50
Water bill	1.00
Drugs for child	6.00
Incidentals	20.00

"This does not include clothing allowance."

Man is private first class in Army. Dependents: wife and two children. Home address: St. Paul, Minn.

"My wife and two children cannot live on my pay allotment. She gets $125 Class Q allotment, and I have made a $40 allotment out of my pay which gives her a total of $165 a month. We bought a home in 1947. Our ordinary expenses for 1 month are as follows:

"House payment	$40.00
Taxes	7.92
Fire insurance	2.08
Life insurance	11.33
Hospitalization	2.75
Fuel	12.67
Loan for fuel bill	15.00
Republic Loan Co	20.00
Water, light, and gas	7.25
Telephone	3.45
Food and milk	60.00
Clothing	15.00
Newspaper	2.40
Church	3.00
Total	202.85

"In addition, we owe the following:

"Doctor	$118.00
Dentist	15.00
Hardware store	$12.89
Drugs	9.15
Cleaners	13.15
Merchandise	47.65
Taxes	47.97
Total	263.81"

Man is in Navy. Dependents: wife and four children between ages of 2 and 9 years. Home address: Minneapolis, Minn.

To date the Navy has refused to release this man because in a burst of patriotism last September, he asked for active duty from the Reserves and signed a waiver on his dependents. His last request for humanitarian shore duty has also been denied. The wife is frail and sickly weighing less than a hundred pounds. The wife's letter lists monthly expenses as follows:

House payment	$50.00
Food	80.00
Milk bill	22.00
Gas bill (cooking and heating)	23.00
Light bill	8.00
Telephone	3.45
Water	1.00
Hospital insurance	10.00
Miscellaneous	12.00
Payments on lot	25.00
Credit Co	45.00
Do	25.00
Bank	15.00
Life insurance	7.50
Taxes	12.00
Dentist	5.00
Doctor	2.00
Clothing	25.00
Total	371.45

Man is corporal in the Marine Corps. Dependents: Wife and invalid child. Home address: Minneapolis, Minn.

Excerpt from statement made by county service officer:

"This veteran has a sick child, and I am enclosing an affidavit from the doctor that is self-explanatory as to the condition of the child. The wife has to nurse this child constantly and her physical and mental condition has deteriorated because of the anxiety and sleepless nights that she is subjected to, due to the child's illness. In the expense department, this man's income as a civilian amounts to approximately $270 a month with a plus after that figure when he works overtime, so we can say his income for all practical purposes amounts to about $310 a month. Going back into the Marine Corps as a corporal his income with longevity and the allotment for his wife and child is approximately $177 a month. His expenditures are as follows: $79 a month for rent on a three-and-a-half-room apartment. In Minnesota the heating bill is approximately $25 a month; the electric bill around $4 to $5 a month, telephone, $3.50 a month, food $60 a month, incidentals, clothing, etc., about $10 a month. This gives a grand total of $180 a month. This does not include doctor bill and medicines for the wife and child, which amount to an additional $125 a month. These are economic realities that this man is facing on $177 a month as a corporal. Minnesota does not have any laws to help his family out financially."

EXHIBIT 2

BUREAU OF LABOR STATISTICS ESTIMATES ANNUAL COST OF CITY WORKER'S FAMILY BUDGET AT $3,453—$3,933 IN LARGE CITIES

The total annual cost of the Bureau of Labor Statistics city worker's family budget ranges from $3,453 in New Orleans and $3,507 in Mobile to $3,926 in Washington, D. C. and $3,933 in Milwaukee, the United States Department of Labor's Bureau of Labor Statistics estimated today in its February 1951 Monthly Labor Review. The estimate was made for 34 large United States cities in October 1950.

The Bureau of Labor Statistics' family budget is described as providing a "modest but adequate" level of living for an urban worker's family of four persons—an employed father, a housewife not gainfully employed, and two children under 15 years of age. Costs of goods, rents, and services, plus personal taxes, social-security deductions and nominal allowances for occupational expenses and life insurance are included.

Cost estimates of the goods, rents, and services budget alone ranged from $3,178 in New Orleans to $3,577 in Washington in October 1950. These costs cover food, rent, heat and utilities, house furnishings, household operating expenses, clothing, medical care, transportation, recreation, personal care, tobacco, gifts and contributions, and miscellaneous items.

Comparable costs of the goods and services budget for October 1949 and June 1947 were $3,064 and $2,806 for New Orleans, and $3,467 and $3,180 for Washington.

Higher costs of rental housing were a major factor in accounting for the rise in the family budget's cost between June 1947 and October 1950 in most of the 34 cities surveyed. In Houston, for example, where housing costs rose the most, 60 percent of the total increase in the cost of goods and services was due to higher rents. Housing costs also were responsible for creating much of the difference in budget costs between cities. In October 1950, budget housing costs ranged from $557 in New Orleans to $972 in Washington, D. C., and $977 in Richmond, Va.

TABLE 1.—*Estimated total cost of budget and total cost of goods, rents, and services, 34 cities, and their relative differences, October 1950, October 1949, and June 1947* [1]

City	Estimated total cost of budget [2]			Estimated cost of goods, rents, and services only [3]			Relative differences—Indexes (Washington, D. C.=100)					
							Total cost of budget			Cost of good, rents, and services only		
	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947
Atlanta, Ga	$3,833	$3,613	$3,240	$3,495	$3,333	$2,926	98	96	91	98	96	92
Baltimore, Md	3,773	3,648	3,345	3,444	3,355	3,012	96	97	94	96	97	95
Birmingham, Ala	3,720	3,451	3,338	3,370	3,164	2,977	95	91	94	94	91	94
Boston, Mass	3,807	3,589	3,391	3,468	3,305	3,048	97	95	96	97	95	96
Buffalo, N. Y	3,668	3,488	3,180	3,350	3,228	2,879	93	92	90	94	93	91
Chicago, Ill	3,745	3,605	3,369	3,424	3,328	3,036	95	96	95	96	96	95
Cincinnati, Ohio	3,733	3,599	3,202	3,414	3,323	2,897	95	95	90	95	96	91
Cleveland, Ohio	3,630	3,461	3,282	3,327	3,205	2,964	92	92	93	93	92	93
Denver, Colo	3,739	3,553	3,253	3,415	3,282	2,940	95	94	92	95	95	92
Detroit, Mich	3,750	3,562	3,381	3,428	3,291	3,046	96	94	95	96	95	96
Houston, Tex	3,875	3,605	3,094	3,531	3,325	2,806	99	96	87	99	96	88
Indianapolis, Ind	3,599	3,401	3,181	3,266	3,125	2,857	92	90	90	91	90	90
Jacksonville, Fla	3,777	3,633	3,224	3,451	3,352	2,916	96	96	91	96	97	92
Kansas City, Mo	3,524	3,336	3,093	3,236	3,099	2,807	90	88	87	90	89	88
Los Angeles, Calif	3,789	3,630	3,333	3,431	3,319	2,976	97	96	94	96	96	94
Manchester, N. H	3,658	3,399	3,216	3,347	3,149	2,905	93	90	91	94	91	91
Memphis, Tenn	3,784	3,585	3,305	3,457	3,311	2,981	96	95	93	97	96	94
Milwaukee, Wis	3,933	3,645	3,410	3,553	3,339	3,054	100	97	96	99	96	96
Minneapolis, Minn	3,718	3,512	3,387	3,376	3,232	3,033	95	93	96	94	93	95
Mobile, Ala	3,507	3,343	3,364	3,190	3,072	2,999	89	89	95	89	89	94

TABLE 1.—*Estimated total cost of budget and total cost of goods, rents, and services, 34 cities, and their relative differences, October 1950, October 1949, and June 1947*—Continued

City	Estimated total cost of budget [2]			Estimated cost of goods, rents, and services only [3]			Relative differences—Indexes (Washington, D. C.=100)					
							Total cost of budget			Cost of good, rents, and services only		
	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947	October 1950	October 1949	June 1947
New Orleans, La.	$3,453	$3,295	$3,092	$3,178	$3,064	$2,806	88	87	87	89	88	88
New York, N. Y.	3,649	3,458	3,430	3,334	3,203	3,086	93	92	97	93	92	97
Norfolk, Va.	3,716	3,522	3,338	3,376	3,232	2,993	95	93	94	94	93	94
Philadelphia, Pa.	3,699	3,558	3,286	3,339	3,252	2,984	94	94	93	94	94	92
Pittsburgh, Pa.	3,779	3,530	3,378	3,450	3,261	3,043	96	94	95	96	94	96
Portland, Maine	3,622	3,392	3,286	3,317	3,144	2,964	92	90	93	93	91	93
Portland, Oreg.	3,690	3,425	3,251	3,343	3,148	2,920	94	91	92	93	91	92
Richmond, Va.	3,890	3,663	3,315	3,520	3,349	2,974	99	97	93	98	97	94
St. Louis, Mo.	3,639	3,471	3,325	3,323	3,196	2,999	93	92	94	93	92	94
San Francisco, Calif.	3,808	3,654	3,399	3,447	3,340	3,031	97	97	96	96	96	95
Savannah, Ga.	3,557	3,318	3,240	3,264	3,083	2,929	91	88	91	91	89	92
Scranton, Pa.	3,598	3,358	3,249	3,279	3,115	2,936	92	89	92	92	90	92
Seattle, Wash.	3,808	3,582	3,475	3,477	3,308	3,124	97	95	98	97	95	98
Washington, D. C.	3,926	3,773	3,546	3,577	3,467	3,180	100	100	100	100	100	100

[1] The June 1947 costs of the city worker's family budget published in this report vary somewhat from those published in the February 1948 issue of the Monthly Labor Review. Changes in the method of estimating food costs increased the total cost of goods and services by about $65.

[2] In addition to goods, rents, and services, includes personal taxes, life insurance, employment insurance, and occupational expenses.

[3] Includes food, rent, heat and utilities, house furnishings, household operation, clothing, medical care, transportation, reading and recreation, personal care, tobacco, gifts and contributions, and miscellaneous items.

EXHIBIT 3

CONSUMERS' PRICE INDEX AND RETAIL FOOD PRICES APRIL 15, 1951

Retail prices of goods and services bought by moderate-income urban families remained virtually unchanged, on the average, between March and April, according to the Consumers' Price Index released today by the United States Labor Department's Bureau of Labor Statistics. All major groups in the index rose fractionally except food and fuel, electricity and refrigeration. The largest increase (0.5 percent) was in the housefurnishings group. The retail food price index declined 0.2 percent and the fuel, electricity and refrigeration group index was 0.1 percent lower than in March.

The index for April 15, 1951, was 184.6 (1935–39=100), 0.1 percent above March 15, 1951. This was 8.5 percent higher than the index for June 1950 (pre-Korea) and 9.6 percent above a year ago.

FOOD

The decline of 0.2 percent in food prices between March 15 and April 15 brought the index to 225.7 percent of the 1935–39 average; 11.1 percent above last June; and 14.4 percent above a year ago. This was the first month average food prices have declined since February 1950. Lower food prices were reported in 38 of the 56 cities surveyed.

Chiefly responsible for the decline were lower prices for fresh fruits and vegetables (down 2.2 percent). Lower prices were reported for cabbage, carrots, tomatoes, oranges, and bananas. Prices for frozen foods averaged 1 percent lower, while prices for canned and dried fruits and vegetables averaged 1.1 and 0.2 percent higher, respectively.

Egg prices were 2 percent below March. Dairy products declined 0.2 percent, mainly as a result of lower prices for butter.

The meats, poultry, and fish index rose fractionally (0.1 percent) as lower prices for chickens and pork were more than offset by the higher prices reported for beef, veal, lamb, and fish.

Prices for cereals and bakery products averaged 0.4 percent higher as price increases occurred for wheat flour, corn flakes, rolled oats, vanilla cookies, and layer cake.

Fats and oils prices rose 0.6 percent with increases for hydrogenated shortening, salad dressing, and uncolored margarine. Prices for colored margarine were unchanged and lard decreased fractionally.

APPAREL

The apparel index rose 0.2 percent between March and April, with higher prices for men's wool suits, trousers, and shoes; and women's rayon dresses. Lower prices were reported for women's wool suits, as a result of end-of-season sales.

HOUSEFURNISHINGS

The housefurnishings index advanced 0.5 percent between March and April. Prices for Axminster rugs and new models of some major electrical appliances (such as electric refrigerators and washing machines) showed an increase over the month.

FUEL, ELECTRICITY, AND REFRIGERATION

The fuel, electricity, and refrigeration group index declined 0.1 percent over the month. Gas and electric bills averaged 0.3 percent lower, principally reflecting the reduction in gas rates in Minneapolis and Washington, D. C. The group indexes for other fuels and ice remained unchanged.

MISCELLANEOUS GOODS AND SERVICES

The advance of 0.2 percent in the index for miscellaneous goods and services between March and April reflected higher prices for motion-picture admissions, hospital rooms, and certain other items. Lower prices were reported for laundry and toilet soap.

RENT

Residential rents averaged 1.4 percent higher in April than in January 1951. Higher rents were reported in each of the 11 cities surveyed in both months. Increases ranged from 0.2 percent in Buffalo to 4.1 percent in Portland, Oreg.

OLD SERIES

The old series Consumers' Price Index was unchanged over the month and the April index was 184.5 (1935–39=100).

TABLE 1.—*Consumers' Price Index [1] for moderate-income families, large cities combined, for specified dates, by groups*

[1935–39=100]

Group	Apr. 15, 1951	Mar. 15, 1951	Jan. 15, 1951	Apr. 15, 1950	June 15, 1950	Jan. 15, 1950	Group	Apr. 15, 1951	Mar. 15, 1951	Jan. 15, 1951	Apr. 15, 1950	June 15, 1950	Jan. 15, 1950
All items	184.6	184.5	181.5	168.5	170.2	168.2	All foods—Continued						
							Beverages	343.7	342.6	340.6	305.5	296.5	299.5
All foods	225.7	226.2	221.9	197.3	203.1	196.0	Fats and oils	178.3	177.3	171.5	135.6	140.1	135.2
							Sugar and sweets	185.9	186.0	185.6	175.1	174.3	178.9
Cereals and bakery products	188.3	187.5	185.4	169.3	169.8	169.0	Apparel	203.6	203.1	198.5	184.9	184.6	185.0
Meats, poultry and fish	272.6	272.2	263.6	231.1	246.5	219.4	Rent	135.1	134.7	133.2	130.1	130.9	129.4
Meats	272.5	271.9	265.5	224.6	246.7	217.9							
Beef and veal	309.5	308.0	300.9	246.4	268.6	242.3	Fuel, electricity, and refrigeration	144.0	144.2	143.3	140.3	139.1	140.0
Pork	213.7	215.4	210.2	185.4	209.1	177.3							
Lamb	284.2	280.5	273.6	251.9	268.1	234.3							
Chickens	198.5	198.9	184.3	187.8	185.1	158.9	Gas and electricity	96.9	97.2	97.2	97.0	96.8	96.7
Fish	351.7	351.2	345.3	297.5	295.9	301.9	Other fuels	205.0	205.0	202.3	192.8	189.0	193.1
Dairy products	204.1	204.6	202.6	179.6	177.8	184.2	Ice	154.4	154.4	152.0	146.8	147.0	145.5
Eggs	191.2	195.2	191.5	149.8	148.4	152.3							
Fruits and vegetables	214.8	217.1	214.1	198.9	209.3	204.8	Housefurnishings	211.8	210.7	207.4	185.4	184.8	184.7
Fresh	215.9	220.7	220.0	208.1	224.3	217.2	Miscellaneous [3]	164.6	164.3	162.1	154.7	154.6	155.1
Canned	168.9	167.0	160.6	142.3	142.7	143.3							
Dried	257.8	257.4	253.4	221.6	222.9	223.9							
Frozen [2]	100.2	101.2	100.2										

[1] Beginning with the indexes for January 1950 the Consumers' Price Index has been adjusted to incorporate certain improvements. In addition indexes for all items and rent have been adjusted to incorporate the correction for new unit bias in rents back to 1940. For a complete description of the adjustment see Monthly Labor Review, April 1951. The indexes and percent changes in this release are based on the adjusted series except where "Old series" is specified.

[2] December 1950=100.

[3] Includes medical care, drugs, household operation, recreation, alcoholic beverages, tobacco products, personal care, transportation, etc.

TABLE 2.—*Consumers' price index*[1] *for moderate-income families in large cities, April 15, 1951*

[1935-39=100]

City	All items	Food	Apparel	Rent	Fuel, electricity, and refrigeration	House furnishings	Miscellaneous[2]	All items, old series
United States average	184.6	225.7	203.6	135.1	144.0	211.8	164.6	184.5
Birmingham, Ala.	189.9	218.3	215.1	-------	137.9	200.2	160.2	189.8
Boston, Mass.	176.5	212.8	186.4	-------	161.1	201.8	158.6	176.1
Buffalo, N. Y.	183.3	218.0	200.1	137.2	153.5	211.3	168.5	182.5
Chicago, Ill.	189.1	231.1	206.0	-------	138.4	198.7	166.3	190.0
Cincinnati, Ohio	184.6	226.0	204.6	-------	151.1	200.8	164.2	184.7
Denver, Colo.	187.0	229.9	203.1	161.2	113.8	245.5	158.9	183.7
Detroit, Mich.	186.7	227.3	196.0	138.2	154.8	228.6	174.7	186.8
Houston, Tex.	192.5	238.3	220.5	-------	98.6	206.3	167.3	192.1
Indianapolis, Ind.	187.7	222.4	198.7	142.1	162.0	198.2	173.3	189.3
Kansas City, Mo.	178.5	212.4	198.9	144.0	130.1	197.2	165.7	177.3
Los Angeles, Calif.	185.6	228.9	201.1	-------	98.7	203.8	161.7	183.5
Manchester, N. H.	182.9	217.8	193.4	128.1	162.2	214.6	156.7	184.2
New York, N. Y.	180.6	224.9	201.8	115.0	142.9	201.6	167.6	180.1
Philadelphia, Pa.	185.9	222.3	201.7	-------	149.7	220.7	169.3	185.4
Pittsburgh, Pa.	186.7	227.8	234.6	125.4	150.3	216.6	161.0	187.6
Portland, Oreg.	194.1	248.6	199.6	150.9	134.9	207.8	169.1	195.0
Richmond, Va.	181.2	215.9	202.0	150.8	148.3	226.6	153.1	179.9
Savannah, Ga.	195.5	237.6	205.2	161.6	160.6	218.2	170.9	194.6
Percent change in United States average[1] to Apr. 15, 1951, from specified dates								
Mar. 15 to Apr. 15, 1951	0.1	−0.2	0.2	0.3	−0.1	0.5	0.2	
Jan. 15 to Apr. 15, 1951	1.7	1.7	2.6	1.4	.5	2.1	1.5	
Apr. 15, 1950, to Apr. 15, 1951	9.6	14.4	10.1	3.8	2.6	14.2	6.4	
June 15, 1950, to Apr. 15, 1951	8.5	11.1	10.3	3.2	3.5	14.6	6.5	
Jan. 15, 1950, to Apr. 15, 1951	9.8	15.2	10.1	4.4	2.9	14.7	6.1	

[1] See footnote 1 on table 1.
[2] See footnote 3 on table 1.

EXHIBIT 4

REPORT OF INADEQUACIES OF Q ALLOTMENTS FOR DEPENDENTS OF ACTIVE SERVICEMEN, COMMUNITY CHEST AND COUNCIL OF HENNEPIN COUNTY, MINN., FEBRUARY 20, 1951

A special committee representing the major private and public relief-giving agencies, plus other interested professional and lay individuals, under auspices of the Community Chest and Council of Hennepin County, Inc., recently completed its report on the inadequacies of the Q allotment for dependents of servicemen. The study stemmed from current informational reports of the local Red Cross chapter on increasing financial problems created for servicemen and their dependents with the expanded military mobilization program now taking place. Statutory law has changed considerably since World War II and appeared inadequate in terms of coverage, adjustment to spiraling costs of living, and original intended purpose. It seemed most urgent that such a committee objectively review the effects of this program as it applies to servicemen and their families and call to the attention of our community, organizations, and legislators constructive suggestions for improvement. The conclusions are as follows:

1. In many instances the Q allotment plan for servicemen's dependents is less than adequate public-assistance standards.

2. No military hospital facilities exist for meeting medical or dental needs of servicemen's dependents in this area; renewal of emergency-maternity and infant-care legislation appears necessary.

3. No provision is made in the present allotment plan for families of more than three dependents. (Hardship cases reportedly exist because the husband is already in service.)

4. Morale of the serviceman and our national security is directly affected by the adequacy of care (or lack of it) for dependents at home.

5. In some instances the inadequacy of the Q allotment makes it necessary for mothers of young children to leave the home and obtain employment in order to supplement income. Frequently this results in less-than-desirable arrangements for the daytime care and supervision of the children.

6. This information seems of vital interest to our local community and should be called to the attention of the press, local and national organizations, legislators, and the general public.

BACKGROUND OF DEPENDENTS ASSISTANCE ACT OF 1950

Three important laws have been passed since the outbreak of World War II which concern allowances or allotments in behalf of dependents of enlisted personnel:

1. The Servicemen's Dependents Allowance Act, enacted June 23, 1942;

2. The Career Compensation Act, passed on October 12, 1949;

3. The Dependents Assistance Act, passed on September 8, 1950.

Family allowances under the Servicemen's Dependents Allowance Act of 1942 were geared to the number of dependents of an enlisted person, and payment of the allowances was made directly to the dependents rather than the enlisted person. The amount of the family allowances was made up of two parts: a contribution by the Government, and a deduction in pay of the enlisted person. This program, while essential for wartime conditions existing when it was enacted, was reportedly too expensive and not practicable for a permanent peacetime establishment. The Career Compensation Act of 1949 was enacted to realine generally the military pay structure and to provide compensation sufficient to attract and retain competent military personnel in the Armed Forces. This act authorized a basic allowance for quarters for dependents of enlisted personnel serving in upper pay grades. The amount allowed was the same regardless of number of dependents. No allowance was granted for dependents of men in the lower grades. This basic allowance for quarters for dependents is a sum which the enlisted person receives in addition to his pay, when quarters adequate for himself and dependents are not furnished by the Government.

The Dependents Assistance Act of 1950 provided that basic allowance for quarters for dependents may be paid enlisted men in all pay grades if an appropriate allotment to the dependent is in effect. This required allotment, known as a "Class Q allotment," is the only allowance in which the Government participates and is paid to the dependent. The Q allotment for dependents is determined according to the following chart:

Q allotment

Pay grade	Minimum pay of grade	Man allot.	Add quarters allowance	Total amount payable when—		
				1 dependent	2 dependents	Over 2 dependents
E-7	$198.45	$80	For pay grades E-7 through E-4 $67.50 if 1 or 2 dependents.	$147.50	$147.50	$165
E-6	169.05	80	$85 if over 2	147.50	147.50	165
E-5	139.65	60		127.50	127.50	145
E-4	117.60	60		127.50	127.50	145
E-3	95.55	40	For pay grades E-3 through E-1 $45 if 1 dependent, $67.50 if 2 dependents.	85.00	107.50	125
E-2	82.50	40	$85 if over 2	85.00	107.50	125
E-1	[1] 80.00	40		85.00	107.50	125

[1] Over 4 months. $75 for under 4 months.

TABLE I.—*Pay grades and enlisted personnel assigned to each*

Pay grade	Army	Air Force	Navy[1]	Marine Corps
E-3	Private, first class	Corporal	Airman, construction man, dentalman, fireman, hospitalman, seaman, stewardsman.	Corporal.
E-2	Private	Private, first class	Apprentice	Private, first class.
E-1	Recruit (4 months or over)	Private (4 months or over)	Recruit (over 4 months' service)	Private.
E-1	Recruit (under 4 months)	Private (under 4 months)	Recruit (under 4 months)	Do.

[1] Coast Guard is same as Navy for corresponding ratings.

In an attempt to determine the adequacy of the Q allotment, in meeting the maintenance needs of the dependents of servicemen in Minneapolis and Hennepin County, the Q allotment was compared with:

1. The family allowance plan in effect during World War II.

2. Current budgets of Minneapolis Department of Public Relief, Hennepin County Welfare Board's Aid to Dependent Children allowances, and the Family and Children's Service.

3. Data on cost of maintaining different-size families.

4. Current experiences of home service, Minneapolis and Hennepin County American Red Cross.

It is recognized that there are very real limits to the use of these measures in determining the adequacy of the Q allotment; however, they provide some helpful information:

1. According to the Bureau of Labor Statistics, the cost of living in Minneapolis increased by 47.4 index points, or 37.6 percent from 1944, when the increased family allowance of World War II went into effect, until 1950 when the present Q allotment was passed. Comparing the family allowance with the Q allotment for dependents of men in the lower three pay grades, the committee found that in those instances where there was one dependent the Q allotment was greater than the family allowance, plus a 37.6 cost of living increase ($85 as compared to $68.80). However, for families with one or more children the Q allotment does not compare with the former family allowance with adjusted cost of living increase ($107.50 as compared to $110). A wife and two children receive maximum of $125 under the Q allotment as compared to $137.60 adjusted. No additional allowance is provided for more than the wife and two children or three dependents under the Q allotment, whereas under the former family allowance $20 was allowed for each additional child with no restriction on number of dependents.

2. In comparing the adequacy of the Q allotment to provide a maintenance standard of living, the budget for a so-called typical family of mother and child was computed on the basis of social agencies' budget standards. The Department of Public Relief budget totaled $101.90 plus clothing, the Hennepin County Welfare Board standard for aid to dependent children $121.33, and Family and Children's Service $120.15. The Q allotment for mother and one child as dependents of servicemen in the lowest three pay grades totaled $107.50. The Q allotment for this size typical family is, therefore, less than the minimum standards of two social agencies. It appeared likely that the Department of Public Relief budget would not be workable over a period of many months since there was no regular allowance for clothing and since rent was included at an estimated $25 per month rather than actual cost.

3. Current studies by home economists in this area, have revealed that it costs a minimum of $30 to maintain each additional child in the home after the household expenses have been provided. Under the Q allotment, $22.50 is allowed for the first child, $17.50 for the second child, with no additional amounts for more than two children. (It should be noted that the military considers three children as a basis for hardship discharge from service.)

4. Home service of the Minneapolis and Hennepin County Red Cross has observed that many men with families were called into active service from the Reserves and from the Forty-seventh National Guard. Some young men who have been married since the Korean situation are being drafted. A large number of these families, particularly where men were called in from the Reserves, have experienced a considerable reduction from their civilian income. A large majority of the approximately 275 families given financial assistance by home service had been self-supporting members of the community with comfortable living standards. The typical family consists of young parents with several preschool children, paying on household furnishings and either buying a home or paying a substantial sum for rent; some are making payments on a new automobile, insurance plans, etc. For many of these families very restrictive budgeting is necessary to cover basic maintenance needs with little or no surplus for payments on credit obligations, medical expenses, and emergencies.

For example, the D family, consisting of serviceman (a marine corporal), a young wife, and 3-year-old child, are entitled to a Q allotment of $107.50. Their basic budget includes:

Rent, including electricity	$30.00
Phone	3.45
Gas, cooking	2.00
Fuel	16.50
Food	38.00
Household incidentals	1.20
Personal incidentals	4.00
Clothing	9.60
Carfare	2.20
Newspaper	1.70
Total	108.65

Regular monthly credit payments total $43:

Furniture	$13	(unpaid balance $101)
Loan	20	(unpaid balance $279)
Loan	10	(unpaid balance $130)

In addition there is an unpaid hospital bill of $50, doctor bill of $100 (expenses following a miscarriage which occurred after the serviceman's induction). To date the serviceman has been able to contribute an additional $17 a month from his $55 pay balance after contributing to the Q allotment. The total monthly income available to dependents is $124.50 with monthly expenses totaling $151.65 and no plan at present for meeting the hospital and doctor bills.

The H family consists of the serviceman (Air Force corporal), his wife, and two boys, ages 2 and 4. Their monthly expenses include:

House (average payment on taxes, interest, and insurance)	$38.00
Fuel	13.70
Electricity	4.00
Gas	1.75
Phone	3.45
Food	50.00
Household incidentals	2.50
Clothing	13.40
Personal incidentals	5.00
Transportation	2.00
Water	1.00
Total	134.80
Additional monthly credit payments:	
Sewing machine	5.37
Refrigerator	12.07
Life insurance	10.60

The total monthly income, including the $125 Q allotment and $20 additional contribution from the serviceman's balance of pay totals $145. The expenses are $163.24 a month or a deficiency of $18.24. Before induction this serviceman had take-home pay of $75 per week to meet family needs.

The above examples are very conservative budgets, especially on shelter expense, yet are in excess of the service family's monthly income.

It was the experience of many service families that the family allowances of World War II were inadequate to meet maintenance needs. However, the Q allotment is even less adequate, especially for families of servicemen in the lowest three pay grades. There is little, if any, leeway for payment on bills incurred prior to service, for medical and dental care, and for emergencies. There is as yet no provision for maternity and infant care as there was in World War II under the emergency maternity and infant-care program. There are no military hospitals in this area to provide dental and medical care for dependents of servicemen. Some of these families may be eligible for free admission to Minneapolis General or University Hospital; others do not meet residence requirements. A large percentage of servicemen's wives are currently in need of maternity care. Frequently families who are accustomed to being self-maintaining resist referral to public facilities because of the husband's call to service.

The Sailors and Soldiers Relief Act provides exemption from loss of property for nonpayment and permits the wife an opportunity to prove in court her inability to meet payments because of reduced income or change in circumstances resulting from the serviceman's induction. Generally, creditors in this community have been very cooperative during the period while families of servicemen await receipt of their Q allotment. However, after receipt of this payment vendors have expected prompt payment. The Sailors and Soldiers Relief Act provides only limited exemption for the family from pressure of creditors or anxiety as to future ability to pay the balance on bills within a limited period after or following the serviceman's discharge.

It seems quite unrealistic to expect that men in the lowest three pay grades with only $40 to $55 a month pay left after deduction for Q allotment would be able to send home additional amounts.

EXHIBIT 5

Armed Forces pay and family allowance rates during World War II

Pay grade	Base pay	Taken from pay to family	Government added	Total amount payable when—		
				Wife	Wife and child	Wife and 2 children
First grade	$138	$22	Balance to make:	$50	$80	$100 plus $20 for each additional child.
Second grade	114	22	do	50	80	Do.
Third grade	96	22	do	50	80	Do.
Fourth grade	78	22	do	50	80	Do.
Fifth grade	66	22	do	50	80	Do.
Sixth grade	54	22	do	50	80	Do.
Seventh grade	50	22	do	50	80	Do.

It should be noted that the above table was for the class A allotment for wives and children only. Other dependents received less.

Armed Forces pay and family allowance for today

Pay grade	Base pay	Taken from pay to family	Government adds	Total amount payable when—		
				1 dependent	2 dependents	Over 2 dependents
E-7	$198.45	$80	For pay grades E-7 through E-4, $67.50 if 1 or 2 dependents, $85 if over 2	$147.50	$147.50	$165
E-6	169.05	80		147.50	147.50	165
E-5	139.65	60		127.50	127.50	145
E-4	117.60	60		127.50	127.50	145
E-3	95.55	40	For pay grades E-3 through E-1, $45 if 1 dependent, $67.50 if 2 dependents; $85 if over 2	85.00	107.50	125
E-2	82.50	40		85.00	107.50	125
E-1	[1] 80.00	40		85.00	107.50	125

[1] Over 4 months. $75 for under.

Armed Forces pay and family allowance under Humphrey bill

Pay grade	Base pay	Taken from pay to family	Government adds	Total amount payable when—		
				1 dependent	2 dependents	Over 2 dependents
E-7	$198.45	$80	For pay grades E-7 and E-6 $67.50 if 1 or 2 dependents, plus $30 each additional dependent.	$147.50	$147.50	Plus $30 for each additional dependent.
E-6	169.05	80		147.50	147.50	Do.
E-5	139.65	60	For pay grades E-5 and E-4 $67.50 if 1 dependent, $75 if 2 dependents, plus $30 each additional dependent.	127.50	135.00	Do.
E-4	117.60	60		127.50	135.00	Do.
E-3	95.55	40	$55 if 1 dependent, $95 if 2 dependents, plus $30 each additional dependent.	95.00	135.00	Do.
E-2	82.50	40		95.00	135.00	Do.
E-1	[1] 80.00	40		95.00	135.00	Do.

[1] Over 4 months. $75 for under 4 months.

THE CENTRAL ARIZONA PROJECT

The Senate resumed the consideration of the bill (S. 75) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes.

Mr. CHAVEZ. Mr. President, for some 10 to 12 days now we have been discussing the central Arizona project. During the debate on this subject in the Senate Chamber, most of the time has been taken by the Senators representing the States of California and Arizona. It happens, Mr. President, that certain interests in my State will be affected by this project. Therefore, I deem it fit and proper for me to state to the Senate what those interests are.

Mr. THYE. Mr. President, will the Senator from New Mexico yield in order that I may suggest the absence of a quorum?

Mr. CHAVEZ. I yield for that purpose. I want the Arizona and California Senators to be present during my remarks.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

Anderson	Flanders	Kilgore
Bennett	Frear	Knowland
Benton	George	Langer
Brewster	Gillette	Lehman
Bricker	Hayden	Long
Butler, Md.	Hendrickson	Magnuson
Butler, Nebr.	Hennings	Malone
Byrd	Hickenlooper	Maybank
Cain	Hill	McCarran
Capehart	Holland	McCarthy
Carlson	Humphrey	McClellan
Chavez	Hunt	McFarland
Connally	Ives	McKellar
Cordon	Johnson, Colo.	McMahon
Duff	Johnson, Tex.	Millikin
Dworshak	Johnston, S. C.	Monroney
Eastland	Kefauver	Moody
Ellender	Kem	Morse
Ferguson	Kerr	Mundt
Neely	Schoeppel	Thye
Nixon	Smathers	Underwood
O'Mahoney	Smith, N. J.	Watkins
Pastore	Smith, N. C.	Welker
Robertson	Sparkman	Wiley
Russell	Stennis	Williams
Saltonstall	Taft	Young

Mr. JOHNSON of Texas. I announce that the Senator from Kentucky [Mr. CLEMENTS], the Senator from Illinois [Mr. DOUGLAS], the Senator from Rhode Island [Mr. GREEN], the Senator from North Carolina [Mr. HOEY], and the Senator from Maryland [Mr. O'CONOR] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is absent by leave of the Senate.

The Senator from Montana [Mr. MURRAY] is absent by leave of the Senate on official business, having been appointed a representative of our Government to attend the International Labor Conference to be held in Geneva, Switzerland, beginning June 6.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. DIRKSEN], the Senator from Montana [Mr. ECTON], and the Senator from Maine [Mrs. SMITH] are absent on official business.

The Senator from South Dakota [Mr. CASE] is absent by leave of the Senate on official business.

The Senator from Indiana [Mr. JENNER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Pennsylvania [Mr. MARTIN] is absent because of illness.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business of the Special Committee on Crime Investigation.

The PRESIDENT pro tempore. A quorum is present. The Senator from New Mexico [Mr. CHAVEZ] has the floor.

Mr. CHAVEZ. Mr. President, from listening to the discussion of the pending bill one could come to the conclusion that the interests involved affect only the State of Arizona and the State of California. Of course there is some reason for such a state of mind existing in the States of Arizona and California. If in one of the upper basin States, Wyoming, Colorado, Utah or New Mexico, some good citizen were to shed a tear, or moisture were to be produced by some other method, California or Arizona would think that moisture belonged to them. Yet practically all the water that goes over the Hoover Dam comes from Wyoming, Colorado, New Mexico, and Utah.

Mr. President, New Mexico has a vital interest in the bill now under discussion. New Mexico was one of the States that signed the Hoover Dam compact between the seven States that comprise the basin of the Colorado River.

More water flows out of New Mexico across the Arizona line in San Juan County than goes across the State of New Mexico into the Rio Grande. Under the compact for the construction of Hoover Dam the upper-basin States were allotted a certain amount of water. New Mexico was allotted a certain amount of water. In my discussion this afternoon I shall try to deal only with the amount of water to which New Mexico is entitled under the compact between the seven basin States or the agreement between the four upper-basin States. New Mexico is deeply interested in the bill under consideration.

Mr. President, I have been reviewing the documents on the Hoover Dam since the Senate began debate on the bill now before us. These documents are not only rich in history and romance, but significant in the extreme at this time.

The negotiations leading to the Hoover Dam were the forerunners of today's questions—and tomorrow's. I have reviewed the Hoover Dam documentary because we in New Mexico learned in the cruel and thirsty way that when something is going on downstream, whether it be in Arizona or California,

we have got to be alert. New Mexico has been euchered out of more water in the past by being a good fellow than has any other State in the Union. We do not intend to let that happen again. That time has passed, and it shall not return so long as I am in this body.

The fine line in the issue is between Arizona and California. If California has a claim and wants to sue, then Arizona should have a clear claim, so that there will be an actual issue. Therefore, it would seem to me that authorization of the central Arizona project would actually serve to make the issue which could be taken into court. Authorization of the Central Arizona project would give Arizona that clear claim.

However, Mr. President, there is more to the problem I wish to speak about.

The people who settled these United States traditionally settled first at the mouths of rivers. Hence, the downstream areas populated more quickly and progressed. Quite naturally that development brought demands on the river for navigation, flood control, or irrigation. It was only a natural sequence, therefore, that the downstream areas first started chambers of commerce. Such chambers got ideas. Projects were planned and built, and testimonial dinners were given at country clubs and elsewhere.

Meanwhile, upstream we were battling warring Indian tribes, clearing virgin forests, and breaking the path for civilization, as we call it. Fur trapping was our livelihood, lumber gave us life, and water was for drinking or pouring on crops on land bordering the river.

Pretty soon we found that the upstream areas began to be settled. They, too, organized chambers of commerce, which got ideas, and then projects were planned. Shortly we found that there were more ideas than water, and the fights were on. They are still continuing.

The differences over water began to be resolved through give-and-take agreements. We call them compacts. The upstream people found that they had to provide for the projects downstream which were built first; and irrespective of the price, the upstream people had to agree to most of the demands of those living downstream in order to get opposition to the upstream projects waived. So they entered into compacts to apportion the water, so that everyone could go peaceably on his way.

Let me interpolate at this point. The Senator from Colorado [Mr. JOHNSON] has just arrived in the Chamber. I am trying to discuss the rights of the upper-basin States, so far as the particular project which we are now discussing is concerned. At the outset, I stated that most of the water for the three lower-basin States is furnished by Wyoming, Colorado, New Mexico, and Utah, and that New Mexico has a vital interest in the waters of the Colorado River.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. JOHNSON of Colorado. The Senator from New Mexico is making a very pertinent observation, and I am pleased that he is making the statement he is making. I think it is very important that a record be made with respect to these matters. I thank the Senator for what he is doing.

Mr. CHAVEZ. I had stated that the upstream people found that they had to provide for those projects downstream which were built first, and that irrespective of the price, the upstream people had to agree to most of the demands of those living downstream in order to get the opposition to upstream projects waived. So they entered into compacts to apportion the water, in order that everyone might go peaceably on his way.

We are now entering upon the condition in which the downstream people object whether there is a binding compact or not. In other words, no matter what the compacts might be, or what agreements might have been made between the lower-stream States and the upper-stream States, and no matter how much water was allotted to the downstream States, the downstream States say, "We did not get enough," and they are trying to do something about it. We have actually experienced that situation in the Southwest. If this trend or practice continues, the Congress will have to make up its mind to withhold money and recognition for all until one big plan can be approved for all the areas. Someone may have to adjudicate water rights on an entire river, from mountain-top to ocean.

Perhaps this would mean that in establishing equity, some lands in the downstream area would have to be taken out of use because equity would not permit their operation. But everyone must be fair about this question.

No one wants such a day to come. But I warn the Senate it is coming. We in New Mexico have found that if one gets very close to a New Mexico stream with a bucket, a ranger jumps out from behind a tree and asks, "What do you think you are going to do with that bucket?"

The Colorado River is quite a river. It is not only our third largest stream, but it flows in more dry States than any other. It begins in the windy and snowy passes of Wyoming, lunges down pine-clad gorges, sweeps across mountain meadows, cuts deep into the earth to form the magnificent Grand Canyon, and then stretches lazily out on the deserts before meeting the sea.

The States of Colorado, Utah, Wyoming, Nevada, Arizona, California, and New Mexico cherish the Colorado and its tributaries. But, Mr. President, the Colorado winds across contrasting lands. For this reason the States have separated into the upper basin and the lower basin. Arizona, California, and Nevada make up the lower basin. Their agriculture and population are far different from that in the mountains of the upper basin States of New Mexico, Colorado, Utah, and Wyoming.

The Colorado compact was agreed upon at Santa Fe, N. Mex., on November 24, 1922. I think there is irony in the fact that it was agreed to in Santa Fe, N. Mex., in 1922, because all New Mexico and the other upper-basin States got out of it was the privilege of signing the compact.

The upper-basin States made a compact on October 11, 1948, only three short years ago. The States had their differences, and time settled most of them. But it is a State problem at this time, at least—and it should be.

The founding philosophy of the Colorado River compact was formulated back in 1920 when the problem of development arose at a meeting of the old League of the Southwest, an organization of the States. At a meeting of this league a resolution was adopted which reads as follows:

Resolved, That it is the sense of this Congress that the present and future rights of the several States whose territory is in whole or in part included within the drainage area of the Colorado River, and the rights of the United States, to the use and benefit of the waters of said stream and its tributaries, should be settled and determined by compact or agreement between said States and the United States, with the consent of Congress, and that the legislatures of said States be requested to authorize the appointment of a commissioner for each of said States for the purpose of entering into such compact or agreement for subsequent ratification and approval of the legislature of each of said States and the Congress of the United States.

There, Mr. President, was the genesis of the Colorado River compact and Hoover Dam. It is unmistakably true that the States should settle their rights. It clearly shows the thinking and the concern even at that early day.

Troubles on the Colorado began about the turn of the century. The States in the upper basin had no desire to begin a knock-down fight. It was a question of either opposing anything at all in the lower basin, or entering into a race among all States to see which would get its ideas in the way of development carried out the fastest. Speed would have been impossible, costly, and without vision or planning. Rather the States chose a fair way—divide the waters, and let each do what it thought best. We found, then, that because the Colorado traverses such different areas, it had to be divided into two basins.

Briefly, the Colorado compact divided the Colorado flow into 7,500,000 acre-feet per annum for the upper basin and 8,500,000 acre-feet for the lower basin. There is more water than that in the Colorado, but the remainder is left to future apportionment.

As a matter of fact, I have never fully understood why this extra allocation was made to the lower basin. The best information available to the compact authorities at that time showed the upper basin to have the greatest potential. The river-mouth boys must have got started sooner, and we sacrificed a little to get them not to oppose our effort to pick up a small share.

I should like to read to the Senate the water supply and development statistics of the Fall-Davis report. The Fall-Davis study was made in 1922 as the result of the Kinkaid Act of May 18, 1920. The report showed that Wyoming in 1920 had 367,000 acres irrigated, Colorado had 740,000 acres irrigated, Utah had 359,000 acres irrigated New Mexico had 34,000 acres irrigated. That is in the Colorado River Basin. We have only

one small portion of it in northwestern New Mexico. Arizona had 501,000 acres irrigated, Nevada had 5,000 acres irrigated, and California had 458,000 acres irrigated. The additional possibilities are also shown on the list, which I ask to have inserted in the RECORD in full at this point in my remarks.

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

States	Irrigated in 1920	Additional possible	Total
Wyoming	367,000	543,000	910,000
Colorado	740,000	1,018,000	1,758,000
Utah	359,000	456,000	815,000
New Mexico	34,000	483,000	517,000
Arizona	501,000	676,000	1,177,000
Nevada	5,000	2,000	7,000
California	458,000	481,000	939,000
Upper basin	1,530,000	2,550,000	4,080,000
Lower basin	700,000	1,320,000	2,020,000
Gila Basin	430,000	400,000	830,000

Mr. CHAVEZ. There, Mr. President, you can readily see that of all the States, New Mexico percentagewise had the greatest future ahead of her, because we would go from 34,000 acres to 517,000 acres when we got the water to which we were entitled under the compact. Furthermore, Mr. President, the upper basin had twice the acreage under ditch then that the lower basin had, and twice the potential. Senators can see what is meant by downstream troubles on these rivers, about which I have talked. However, be that as it may, article 1 of the Colorado River compact specifically provides for the equitable division and apportionment of the use of the waters of the Colorado River system and the establishment of the relative importance of different beneficial uses, among other things.

The compact apportions in perpetuity to the upper basin and to the lower basin 7,500,000 acre-feet each. The words are:

> The exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum.

Additionally, the lower basin was given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum. That is the million feet which the Senate is hearing about from California and Arizona, I believe.

The compact further provides that the upper basin States shall not hoard water, nor shall the lower basin States require such delivery, except that which can be reasonably applied to domestic and agricultural uses. I repeat, Mr. President: Only to domestic and agricultural uses. There is nothing said about additional water being provided for power.

Another important feature of the compact is that the impounding and use of water for the generation of electric power shall be subservient to the use and consumption of water for agricultural and domestic purposes, and shall not interfere with or prevent use for such purposes. In other words, the compact makes it clear that the first use must be for irrigation and domestic purposes. Then, if there is available water which can be allocated, it should go for other purposes. It says further of this preference that it shall not interfere with or apply to the regulation and control by any State within its boundaries of the appropriation use and distribution use of water. In other words, power is secondary to domestic and irrigation uses, and the States alone shall each determine how they shall respectively use their share of water for domestic and irrigation purposes.

The Colorado River compact left to the States in the two basins the apportionment of the waters earmarked and guaranteed to the basin. In the upper basin compact, New Mexico gets 11.25 percent of the total allocated. We are only on one stream, the San Juan. This division is roughly the amount of water the upper-basin States supply to the Colorado. Eleven and twenty-five one hundredths percent of a total amount of water does not sound like very much, especially in the east. However, it is 1,000,000 acre-feet, which is exactly the amount of water California and Arizona have been arguing about for the past 2 weeks. So it means something.

For reasons of their own, the lower-basin States have never reached an agreement. That is their business. If California and Colorado wish to continue with their battles, well and good. Certainly the upper-basin States have never in any manner, shape, or form interfered with whatever rights either California or Arizona had under the compact. All we were ever interested in, and all that we are interested in at this late date, was to protect what little we received at the time the compact was signed. Every report to Congress and every report of a State compact commissioner to the Governor of his State on the Colorado negotiations indicated that there was enough water for all, and all of them made it unmistakably clear that each basin was to have an eternal right to the 7,500,000 acre-feet, plus the small additional to the lower basin.

I believe New Mexico's position is safe at this time. The clear expression of intent in the compact makes this certain as of this hour. I wish not only to believe it as of this time but for the future. I wish to contribute what little I can to protect the rights of the upper-basin States and seeing to it that the rights given to them under the compact shall be carried out in perpetuity.

New Mexico's large share in the Colorado is the San Juan River in the northwestern section of the State. The Senate may be surprised to learn that in New Mexico the San Juan River flows more water than the famous Rio Grande.

Mr. President, in one respect, I have have always been rankled by the Hoover Dam. New Mexico was not on her toes. But perhaps Colorado, Utah, and Wyoming, were not on their toes either. Arizona and Nevada fought long enough and hard enough, and for that I give them credit. In this case they successfully reversed the downstream formula, and in the end Arizona and Nevada each got 18¾ percent of excess power revenues from Hoover Dam hydroelectric power. The excess refers to the money received on sales above the amount necessary for amortization of the dam.

The payments were to be in lieu of taxes which the two States would have received if private capital had built the $175,000,000 Hoover Dam. It was so huge it took six of the largest contractors of the country to combine resources in order to build it. Today we hear in Congress that all projects of this character are too big for private capital, and it is a fact. Since the building of the Hoover Dam many years ago 750,000 acre-feet of water, which belongs to New Mexico, has crossed the New Mexico-Arizona line. Water does not run upstream. We have lost it forever. It doubtless goes into generating power. We have never had anything out of it but the privilege. If New Mexico had had the foresight to have obtained some of the Hoover Dam revenue—and apparently any sort of deal went, so anxious were its projectors to build the Hoover Dam—we could have certainly made good use of it in New Mexico in developing our small irrigation projects. I used to think of how grand it would be if we could get a check from the use of power and use the money in a revolving fund in our State, not only for major irrigation works but for storage dams and other works on small headwater areas. They are needed today but we in New Mexico have difficulty in handling them.

New Mexico is going to use San Juan water in the future. We are going to irrigate Indian land, including barren Navajo land on which today the Indians can no longer make a living. The United States has an obligation to the Indians in the Colorado basins, and it is clearly recognized in the compact. We are going to use the San Juan to supplement other water needs in San Juan County and other water needs in New Mexico, because the water belongs to the entire State of New Mexico, and not to any particular section of the State. We are also going to develop power within New Mexico from the waters of the San Juan. We are going to try to use those waters in a way that will be adequate and reasonable and sound.

Mr. President, I am fond of the senior Senator from Arizona [Mr. HAYDEN], and of our distinguished majority leader [Mr. MCFARLAND]. So when I say I hope to see the day when we pass no more water over the line than we agreed to deliver under the compact, they know I mean only that I want to see New Mexico's development under her apportioned amount. They know that I do not suggest we fall down on our obligations in any way.

So I wish to assure my good friends from California and my good friends from Arizona that all I am seeking is to have an orderly development of the waters of the San Juan and to have New Mexico protected in her rights to the water to which she is entitled under the compact. After we receive that water, we shall try to deliver every bit that either California or Arizona wishes to have.

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

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does

the Senator from New Mexico yield to the Senator from Arizona?

Mr. CHAVEZ. I yield.

Mr. McFARLAND. I wish to say that I, too, hope to see New Mexico get a full development of the waters of the San Juan, in order that New Mexico may use the water which belongs to her.

Mr. CHAVEZ. Yes; and I have had assurances from both of the Senators from Arizona that it is not their purpose or intent, if the project now being discussed ever becomes law, to have that project or that law interfere in any way with any basic rights which New Mexico has to even 1 acre-foot of water which belongs to her. Is that correct?

Mr. McFARLAND. That is correct.

Mr. President, will the Senator from New Mexico yield further?

Mr. CHAVEZ. I yield.

Mr. McFARLAND. Let me say that I hope the Senate will pass the bill authorizing this project, so that the Senator's State can be afforded more benefits than it now has on the Gila.

Mr. CHAVEZ. I thank the Senator. I wish to discuss that point a little later.

Mr. President, I have no objection to any litigation in the lower basin, if that is what is desired by the basin States. I have no objection at all, so long as the upper basin is not concerned or affected. But I would not favor any efforts which would cast a cloud or question on the upper basin.

For years we have been studying, evaluating, and revising plans for the San Juan. It now appears that at long last we may get the recommendations before the Congress soon. As a matter of fact, the Secretary of the Interior recently made known the situation in a letter to the New Mexico State engineer, Mr. John Bliss.

I have the letter before me now. I shall not read it into the RECORD, but I ask unanimous consent that it may be printed at this point in the RECORD.

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

UNITED STATES,
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 28, 1951.

MY DEAR MR. BLISS: Reference is made to your letter of April 13, 1951, requesting clarification of my position in regard to the San Juan Basin projects and the Colorado River storage project. The questions which you raise and the points presented in your letter are indeed pertinent.

At the time the Colorado River storage report was prepared and the recommendations written, which was early last fall, it was anticipated that the problem of the allotment of the waters of the San Juan River Basin would be settled by now and that there would be available a detailed report on Shiprock project. Every indication pointed to this being a reasonable assumption when I adopted the report as my proposed report and it was transmitted formally to the States and Federal agencies for review and comment.

Recent events, of which both you and the New Mexico congressional delegation are fully aware, indicate that this Department has been doing its utmost to secure a solution to this problem. You and other officials of New Mexico have been extremely helpful in this endeavor. In a further effort to settle the problem of the size of the Shiprock project there have been meetings held with the Indian tribal council during the week of May 1.

I agree with you that an open-ended authorization of the Shiprock project would be undesirable. It is because of this feeling that every effort is being made to reach an early solution. In recognition of the request of several of the States reviewing the report, I have recently agreed that I would not forward the report on the Colorado River storage project and participating projects to the President and the Congress prior to June 15. This action gives an additional 30 days for the States and others to consider the report and gives additional time to reach a decision on the size of the Shiprock project. I am hopeful that during this period, and with the continued support of yourself and other New Mexico officials, we can reach a satisfactory decision on the size of the Shiprock project.

As you realize, as soon as the size of the Shiprock project has been determined, New Mexico will be in a position to decide where it wishes to use the remaining part of the water allotted to New Mexico. Should New Mexico be in a position to make such a decision and if information is available to establish justification of the San Juan-Chama diversion, its authorization might well be considered at the same time that the Congress is giving consideration to authorization of the Colorado River storage project, even if no recommendation with respect to it is contained in the primary report on that project.

I sincerely hope that the foregoing explanation is satisfactory for your present purposes. Please feel free to call upon me at any time.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

Mr. CHAVEZ. Mr. President, our problem on the San Juan has been to keep everyone from claiming it all, or even from claiming too much. New Mexico is trying in an equitable way to divide the waters among all and to get the greatest good for the greatest number.

I would not want anyone or anything to stand in the way, because New Mexico has been true to her faith and her debts on water. We sincerely believe we can expect the same application of the Golden Rule, but sometimes we doubt it. New Mexico is now depriving thousands in her Rio Grande Valley of water, in order to deliver her obligated volumes of scarce water. Few States can match the record of New Mexico on her will and her responsibilities.

There is either enough water on these rivers for all, or else we shall all have to do with what is just. No other course is possible.

I assume that these compacts in the West will endure. But if any compact in which New Mexico is a partner is ever dissolved for some reason, New Mexico is going to be a pretty tough customer to deal with on a new one. We have learned a lot from our fellow men. Next time New Mexico will want a little more than is fair, too. I regret the fact that no one seems to subscribe to the "live and let live" philosophy any more.

Some time ago, Mr. President, I read over the views expressed by the House committee on the central Arizona project, and I became puzzled and concerned about certain statements. I thought I would like to see another viewpoint on this matter. So, I asked the Library of Congress to give me a memorandum on the legal issues involved in the Colorado River controversy. What I was after was clarification of certain questions in my own mind, as well as to inquire into any threats existing for New Mexico.

What I got back from the Library was a very splendid statement on certain phases of the matter. This memorandum will show the Senate that the surest way for California to get the question into court is to see the central Arizona project authorized. This memorandum is basic, and I want to insert the text into the RECORD so that other Senators may have an opportunity to read it.

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

Mr. CHAVEZ. I yield.

Mr. NIXON. Do I correctly understand the Senator's position to be that the Legislative Reference Service of the Library of Congress has issued an opinion to the effect that the central Arizona project must be authorized before the question which is involved can go to the courts?

Mr. CHAVEZ. That was my statement.

Mr. NIXON. That was the conclusion of the Senator from New Mexico, was it?

Mr. CHAVEZ. Yes, that was my conclusion, from reading the memorandum. The Legislative Reference Service simply prepared the memorandum, but in it no opinion as to the merits is given at all.

Mr. NIXON. I understand.

Mr. CHAVEZ. The words I used were that—

This memorandum will show the Senate that the surest way for California to get the question into court is to see the central Arizona project authorized.

Apparently the House committee which rejected the central Arizona project was in error in citations to law. At the beginning of the memorandum, this statement appears:

The views of the House report contain many repetitious statements of the need for the adjudication of the Colorado River controversy and references to and excerpts from Supreme Court decisions, which, in certain instances, do not support the thesis advanced by the statement. In fact, they support the converse of the argument.

At the conclusion of the study, there is an important point which I want to specifically call to the attention of my colleagues from Wyoming, Utah, Colorado, Nevada, Arizona, and New Mexico. It says:

It is possible that in line with the needs of national defense the Federal Government could exercise its paramount power and divert all necessary flow of the Colorado River to industrial purposes for defense. Thus, even actual appropriations might necessarily give way—

But God forbid—

to other dominant needs.

This thought is predicated upon national defense activity in lower California. At least six of these seven States had better look carefully at the Colorado and downstream uses.

Mr. President, at this point I ask unanimous consent to have inserted in the RECORD the memorandum to which I have referred. It is addressed to me, and comes from the American law section of the Library of Congress. The memorandum is on the subject, Legal Issues Involved in the Colorado River Controversy.

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

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
AMERICAN LAW SECTION,
Washington, D. C., May 23, 1951.

To: Hon. DENNIS CHAVEZ.

Subject: Legal issues involved in the Colorado River controversy.

By letter of April 21, 1951, you have transmitted a copy of a statement entitled "Majority Views on the Colorado River Controversy" carrying the names of certain members of the House Committee on Public Lands. You have requested a report on the legal issues involved and also an expression of how a decision of the Supreme Court might affect the upper Colorado River basin which includes New Mexico. You state that it would appear that the issue in question is only one between California and Arizona; nevertheless you are concerned over the possibility that some decree of the Supreme Court might be adverse to New Mexico.

The views contain many repetitious statements of the need for the adjudication of the Colorado River controversy and references to and excerpts from Supreme Court decisions which, in certain instances, do not support the thesis advanced by the statement. In fact they support the converse of the argument as will be demonstrated.

1. JUSTICIABLE CASES IN CONTROVERSY

Before examining the majority views and the key court decisions, we believe it advisable to indicate the nature of a justiciable case in controversy. Article III, section 2, clause 1 of the Constitution of the United States says that the judicial power, which is vested in the Supreme Court, shall extend to controversies to which the United States shall be a party, while clause 2 states that in all cases in which a State shall be a party the Supreme Court shall have original jurisdiction. With regard to controversies to which the United States shall be a party, it is well established that the United States cannot be subjected to an original suit by a State in the Supreme Court unless it has consented to be sued. See *Kansas* v. *U. S.* ((1907) 204 U. S. 311) and cases cited. In that case the Court said that, although a State may be sued by the United States without the consent of the State, public policy forbids that the United States may, without its consent, be sued by a State. Nor does title 28, U. S. C., section 2201, giving courts of the United States the authority to render declaratory judgments, amount to such consent on the part of the United States. See *Innes* v. *Hiatt* ((1944) 57 F. Supp. 17); *Yeskel* v. *U. S.* ((1940) 31 F. Supp. 956); and *Love* v. *U. S.* ((1939) 108 F. 2d 43, cert. den., 309 U. S. 673).

Assuming then that a suit is desirable at this stage, without the consent of the Federal Government, it would be limited to an action between the States, and even in this type of action there must necessarily be an actual controversy within the judicial power of clause 1 of article III, section 2, of the Constitution. *Love* v. *U. S.*, supra. If a justiciable case is not presented the Supreme Court may not take jurisdiction. *U. S.* v. *West Virginia* ((1935) 295 U. S. 463, 475). The actual controversy involved must be definite and concrete, touching the legal relations of parties having adverse legal interests and admitting of specific relief through a decree of a conclusive character determining the rights of the parties, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts. *Aetna Life Insurance Co.* v. *Haworth* ((1937) 300 U. S. 227). If such a justiciable controversy between two States is presented, then the Supreme Court will have jurisdiction of an original suit in the premises (*Pennsylvania* v. *West Virginia* (1923) 262 U. S. 553), and may render judgment. See title 28, United States Code, sections 451, 2201; *U. S.* v. *West Virginia*, supra.

2. "MAJORITY VIEWS"

Much reliance is placed in the majority views on the decision of the Supreme Court in *Nebraska* v. *Wyoming* ((1945) 325 U. S. 589). We wish to say at the outset that while many of the principles enunciated in that decison are applicable, it can be readily distinguished as involving a matter of actual overappropriation of the waters of the North Platte River. With regard to the Colorado River controversy, while there have been allocations, there is at present no proven overappropriation. Turning to the draft of the majority views transmitted by your letter, we noted on pages 2–3 the following statements:

"Argument was made before the committee that enactment of this proposed legislation is necessary in order to set up a justiciable case for consideration of the Court. We are inclined to believe that is not the case and that, in fact, because of the limitations in this bill, the matter will cause the Court to refuse consideration. The committee finds that the Court did hear an almost identical case: *Nebraska* v. *Wyoming* (325 U. S. 589). The prayer, the issues, and the results, as described in that case, all closely parallel with the central Arizona project.

"The prayer was for a determination of the equitable share of each State in the water and of the priorities of all appropriations in both States and for an injunction restraining alleged wrongful diversions." (*Nebraska* v. *Wyoming* (325 U. S., at p. 592).)

You will note the statement "The committee finds that the Court did hear an almost identical case." We believe that this statement can be refuted merely by perusal of the headnotes to the decision in *Nebraska* v. *Wyoming*, supra. See headnote 3 at page 589. There follows shortly thereafter, in the majority views, another paragraph in quotes which reads (p. 3):

"The evidence supports the finding of the special master that the dependable natural flow of the river during the irrigation season has long been overappropriated. A genuine controversy exists. The States have not been able to settle their differences by compact. The areas involved are arid or semiarid. Water in dependable amounts is essential to the maintenance of the vast agricultural enterprises established on the various sections of the river. The dry cycle which has continued over a decade has precipitated a clash of interests which between sovereign powers could be traditionally settled only by diplomacy or war. The original jurisdiction of this court is one of the alternative methods provided by the framers of our Constitution." (*Arizona* v. *California* (283 U. S. 423, 462–464).)

This quotation does not come from Arizona against California as cited. It comes from *Nebraska* v. *Wyoming*, supra; is found on page 608 of that decision; and it relates to the controversy over the North Platte River, not the Colorado River. You will note, as we have already indicated, that *Nebraska* v. *Wyoming* involved overappropriation, which is not proven in the Colorado River controversy.

The next paragraph of the majority views states (p. 3):

"Obviously, these are parallel situations to one which now presents itself to this committee. The Court's summary of the controversy in the case of *Nebraska* v. *Wyoming* reads, in part, as follows: 'If this were an equity suit to enjoin threatened injury, the showing made by Nebraska might possibly be insufficient. But *Wyoming* v. *Colorado*, supra, indicates that where the claims to the water of a river exceed the supply a controversy exists appropriate for judicial determination. If there were a surplus of unappropriated water, different considerations would be applicable. Cf. *Arizona* v. *California* (298 U. S. 558, L. ed. 1331, 56 S. Ct. 848). But where there is not enough water in the river to satisfy the claims asserted against it, the situation is not basically different from that where two or more persons claim the right to the same parcel of land. The present claimants being States we think the clash of interests to be of that character and dignity which makes the controversy a justiciable one under our original jurisdiction.'" (From p. 610 of the Court's summary.)

While the quoted matter actually distinguishes the two cases, we do not believe that the quotation is sufficient to give the proper setting for the statement. To supply this deficiency we quote in full the following two paragraphs from the text of the decision in *Nebraska* v. *Wyoming* which will indicate to you what the quote actually meant. We wish to emphasize that this is not from the summary or headnotes but is taken from the text of the opinion (pp. 610–611):

"What we have then is a situation where three States assert against a river, whose dependable natural flow during the irrigation season has long been overappropriated, claims based not only on present uses but on projected additional uses as well. The various statistics with which the record abounds are inconclusive in showing the existence or extent of actual damage to Nebraska. But we know that deprivation of water in arid or semiarid regions cannot help but be injurious. That was the basis for the apportionment of water made by the Court in *Wyoming* v. *Colorado*, supra. There the only showing of injury or threat of injury was the inadequacy of the supply of water to meet all appropriative rights. As much if not more is shown here. If this were an equity suit to enjoin threatened injury, the showing made by Nebraska might possibly be insufficient. But *Wyoming* v. *Colorado*, supra, indicates that where the claims to the water of a river exceed the supply a controversy exists appropriate for judical determination. If there were a surplus of unappropriated water, different considerations would be applicable. Cf. *Arizona* v. *California* (298 U. S. 558.) But where there is not enough water in the river to satisfy the claims asserted against it, the situation is not basically different from that where two or more persons claim the right to the same parcel of land. The present claimants being States, we think the clash of interests to be of that character and dignity which makes the controversy a justiciable one under our original jurisdiction.

"*Colorado* v. *Kansas*, supra, is not opposed to this view. That case turned on its special facts. It is true that an apportionment of the water of an interstate river was denied in that case. But the downstream State (Kansas) did not sustain the burden of showing that since the earlier litigation between the States (see *Kansas* v. *Colorado*, 206 U. S. 46), there had been a material increase in the depletion of the river by Colorado. Improvements based upon irrigation had been made by Colorado while Kansas stood by for over 20 years without protest. We held that in those circumstances a plain showing was necessary of increased depletion and substantial injury to warrant a decree which would disrupt the economy of the upstream States built around irrigation. Moreover, we made clear (320 U. S., p. 392, note 2) that we were not dealing there with a case like *Wyoming* v. *Colorado*, supra, where the doctrine of appropriation applied in each of the States which were parties to the suit and where

there was not sufficient water to meet all the present and prospective needs."

The majority views then state (p. 3):

"It will be noted the Court held that there was a justiciable controversy and one under its original jurisdiction."

We will not dispute such an assertion in referring to *Nebraska* v. *Wyoming*, for it fits perfectly into the description of a justiciable case given earlier and it involves an actual overappropriation of the waters of the North Platte River.

The majority views next state (p. 3):

"It should be remembered that for 29 years a fruitless effort to arrive at an interstate compact for the use of the waters of the lower Colorado Basin has been going on."

We are not certain what the majority have in mind in making this assertion. It is no doubt true that further agreements are necessary. However, there stand the Colorado River Compact, the Boulder Canyon Project Act, the California Limitation Act, the Los Angeles aqueduct, and numerous other accomplishments to refute such a broad assertion. See the Hoover Dam documents (1948), House Document No. 717, Eightieth Congress.

The next paragraph of the majority views reads (p. 3):

"In the case of *Colorado* v. *Kansas* (320 U. S. 383), at page 616, the Court has this to say: 'But the efforts at settlement in this case have failed. A genuine controversy exists. The gravity and importance of the case are apparent. The difficulties of drafting and enforcing a decree are no justification for us to refuse to perform the important function entrusted to us by the Constitution.' ".

This is an incorrect indication of the result. What should have been said is that in *Nebraska* v. *Wyoming* the Supreme Court distinguished the decision in the case of *Colorado* v. *Kansas*, stating at page 616: "But the efforts at settlement in the case have failed. A genuine controversy exists * * *", etc. As we have indicated earlier, this is consonant with our statement of what constitutes a justiciable case, for here was actual overappropriation.

Page 3 of the majority views contains this statement:

"The committee notes that it took the Court only 3½ to 8 months to decide the three previous cases of Arizona against California. We therefore believe that this committee was wholly justified when it recommended that immediate settlement of this dispute by compact or arbitration be made, or that the Attorney General of the United States promptly institute an action in the United States Supreme Court against the States of the lower basin, and other necessary parties, requiring them to assert and have determined their claims and rights to the use of the waters of the Colorado River system available for use in the lower Colorado River Basin."

For your consideration we list the dates involved in three of the decisions pertinent to this question so that you may decide for yourself whether this paragraph is an accurate evaluation of the time element involved in this type of suit:

Wyoming v. *Colorado:*

Bill filed on May 29, 1911 (see 259 U. S. 419, 421).

Motion to dismiss overruled, October 21, 1912 (see 259 U. S. 419, 421).

Argued, December 6–8, 1916; restored to docket for reargument, March 5, 1917; reargued, January 9–11, 1918; restored to docket for reargument, June 6, 1921; reargued, January 9, 1922.

Decided, June 5, 1922 (259 U. S. 419); decree entered, June 5, 1922 (259 U. S. 496).

Petition for rehearing denied; modified final decree entered, October 9, 1922 (260 U. S. 1).

Original suit brought to enforce prior decree; motion to dismiss argued, December 3, 1931, and overruled, May 31, 1932 (286 U. S. 494).

Motion to file a petition for a rule directing Colorado to show cause why it should not be adjudged in contempt for violation of decree; argued, February 26, 27, 1940; order to show cause entered, March 4, 1940 (309 U. S. 627); decided, April 22, 1940 (309 U. S. 572).

Nebraska v. *Wyoming:*

Motion for leave to file bill of complaint granted, October 15, 1934 (293 U. S. 523).

Motion for leave to file amended and supplemental answer granted and Colorado impleaded as a party defendant, December 23, 1935 (296 U. S. 553).

United States moved to intervene; argued, May 2, 1938; motion to intervene granted, May 16, 1938 (304 U. S. 545).

Argued, March 5–7, 1945.

Decided, June 11, 1945 (325 U. S. 589).

Colorado v. *Kansas:*

Bill of complaint filed, January 24, 1928.

Special master appointed, May 4, 1942 (316 U. S. 645).

Report of special master received and ordered filed, May 24, 1943 (319 U. S. 729).

Argued, October 11, 12, 1943.

Decided, December 6, 1943 (320 U. S. 383).

Rehearing denied, March 6, 1944 (321 U. S. 803).

Decree entered, May 1, 1944 (322 U. S. 708).

The brevity of the time element involved in *Arizona* v. *California*, supra, can be accounted for by the obvious failure of Arizona to present a justiciable case.

3. LEGAL ISSUES

It is difficult for this office to frame all the legal issues involved in this controversy in addition to those noted elsewhere in the text of this memorandum. We note on page 2 that the majority views appear to deny "* * * that enactment of this proposed legislation (S. 75 or H. R. 1500, 82d Cong.) is necessary in order to set up a justiciable case for consideration of the Court." As we have already indicated, we do not see how a decision, much beyond those already arrived at by the Supreme Court in *Arizona* v. *California*, can be made in the absence of further authorization of projects or appropriation of the waters. In *Wyoming* v. *Colorado* ((1922), 259 U. S. 419), the Supreme Court indicated that as between different appropriations from the same stream, the first in time is deemed superior in right, and a completed appropriation, reasonably required and actually used, is regarded as effective from the time the purpose to make it is definitely formed, and actual work thereon is begun, provided work is carried to completion with reasonable diligence (see p. 459). How then can there be further appropriation on the Colorado River in the absence of further river development?

What laws, compacts, etc., are to be adjudicated? The majority views have listed the Colorado River compact, the Boulder Canyon Project Act, the California Limitation Act, the Boulder Canyon Project Adjustment Act, the Mexican Water Treaty, etc. To these could be added the belated ratification by Arizona, the Enabling Act of June 20, 1910 (36 Stat. 575) whereby Arizona acquired statehood but which contained a reservation of power dam sites and lands bordering the Colorado River, and other items. With regard to the treaty provision we invite attention to the fact that treaties are not immutable and that where a treaty is inconsistent with a subsequent act of Congress the latter will prevail, for the Constitution does not declare that the law established by a treaty shall never be altered or repealed by Congress. While good faith may cause Congress to refrain from making any change in the law, if it does so its enactment becomes the law. See *La Abra Silver Mining Co.* v. *United States* ((1899), 175 U. S. 423, 460); *Hijo* v. *United States* ((1904), 194 U. S. 315, 324); and *Clark* v. *Allen* ((1947), 331 U. S. 503). Similarly, even if Congress should by act confer special jurisdiction for the purpose of adjudicating this controversy, it could be withdrawn later by Congress. Jurisdiction once prescribed by an act of Congress may be withheld or withdrawn at the discretion of the Congress even to the extent, in case of public expediency, of the withdrawal of jurisdiction in a pending case. *Ex parte McCardle* ((1867), 6 Wall. 318; (1869), 7 Wall. 506), and other cases. Thus, doubts could be raised at any point concerning the future status of a treaty or the future status of an authorized litigation.

To whom does the excess flow belong? The concurring statement in the majority views (p. 4) indicates that there is water presently going to waste and the use of it would benefit Arizona but, say these members, "this water belonging to the upper basin which is unused at the present time; and, water belonging to Arizona and California for presently constructed or authorized projects and to Nevada, Utah, and New Mexico which is not currently being used," will be used. On this point we refer you to section 4 of the act of December 21, 1928 (45 Stat. 1058), the Boulder Canyon Project Act. This section provided that no water rights should be claimed or initiated and no steps should be taken by the United States or by others to initiate or perfect claims to the use of water pertinent to such works until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming had ratified the Colorado River compact. However, in the event of a failure to ratify that compact within 6 months following December 21, 1928, the project could proceed if the compact had been ratified by California and six of the said States. This, in effect, amended the compact. This provision was subject to the requirement that the State of California by legislative act agree irrevocably and unconditionally for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, that the aggregate annual consumptive use (diversions less returns to the river), including all uses under contracts made pursuant to the act should not exceed 4,400,000 acre-feet of the waters of the water appropriated to the lower basin by paragraph 8 of article III of the Colorado River compact plus not more than one-half of the excess surplus water appropriated by such compact. The States of Arizona, California, and Nevada were also authorized to enter into an agreement which was required to provide that of the 7,500,000 acre-feet appropriated by article III of the compact, there should be appropriated to the State of Nevada 300,000 acre-feet and to Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity and that Arizona, in addition, should have one-half of the excess of surplus water unappropriated. Further, the State of Arizona should have the exclusive beneficial consumptive use of the Gila River and its tributaries except return flow to the Colorado. The waters of the Gila River and its tributaries, except the return flow, should not be subject to diminution by reason of treaty or other agreements with Mexico. If, as provided in paragraph (c) of article III of the compact, it became necessary to supply water to Mexico over and above the quantities which are surplus as defined by the compact, then California and Arizona were bound to agree mutually to supply out of the main stream of the Colorado one-half of any deficiency which was required to supply Mexico. California, Arizona, and New Mexico further were required mutually to agree that they should not withhold water or require delivery of water which could not reasonably be applied to domestic or agricultural uses. All provisions of this tri-State agreement

were subject in all particulars to the Colorado River compact and were to take effect upon the ratification of the Colorado River compact by Arizona, California, and Nevada.

Does priority of appropriation govern? *Nebraska* v. *Wyoming*, supra, indicates that while this will be one of the main governing principles, it is not necessarily the only one to be applied. If this were so there would be no limit to the rights which could be acquired, notwithstanding the Boulder Canyon Project Act and the California Limitation Act.

What are the claims of the United States? It is natural that the Federal Government should have interest in this matter. There are large tracts of public and Indian lands involved in addition to the treaty obligations which have been assumed and which have been treated earlier.

What constitutes natural flow? It should be noted that in *Nebraska* v. *Wyoming*, supra, that in working out the apportionment in that particular case the Supreme Court construed natural flow as including return flow (p. 634). In the case of California and the Imperial Valley, as well as the Los Angeles aqueduct, there will be no return flow of any consequence into the Colorado River. This is not the case with Arizona but the return flow from that area raises a question of usefulness because of salinity. The matter of return flow could be important in any diversion from the upper basin States, especially in case of a diversion into another basin which thereby would prevent a return flow to the main stream channel. The decision in *Nebraska* v. *Wyoming* also indicates that segregation of natural flow from storage flow may lack feasibility in arriving at a comprehensive formula in the diversion of water rights in an interstate stream.

California has raised the question as to the meaning of "beneficial consumptive use" as applied to the Gila River. See House Document No. 136, 81st Congress, entitled "Central Arizona Project," page 32. It also included in the questions presented on that page further questions relating to losses of water. Thus, if California, claiming under the Boulder Canyon Act an allocation 4,400,000 acre-feet of water, and Mexico, claiming 1,500,000 acre-feet of water, are entitled to make up approximately 600,000 acre-feet and 200,000 acre-feet of losses used of the natural flow of the river then, of course, the mathematical division accomplished by section 4 of the Project Act cannot stand. If upon further appropriations a claim of this nature is honored elsewhere through the upper and lower basins then diversions or appropriations heretofore agreed upon likewise become meaningless.

There may remain numerous side issues to be considered, for example, the Enabling Act whereby Arizona became a State which, as we have indicated, reserved power dam sites and lands bordering the Colorado River. We do not know how many more laws or legal propositions would have to be examined to settle the entire controversy, but we feel quite certain that, on the basis of the time studies indicated earlier, especially that involved in *Nebraska* v. *Wyoming*, the adjudication of the general issues will be very time-consuming.

4. SUMMARIES OF MORE IMPORTANT DECISIONS

Summaries of the key cases which are involved in this controversy are included for your consideration. *Arizona* v. *California* should be placed with *Colorado* v. *Kansas* because they do not involve over appropriation or present justiciable issues. *Nebraska* v. *Wyoming* and *Wyoming* v. *Colorado* should be considered together because they do involve actual overappropriation and do present justiciable issues.

Arizona v. *California* ((1931) 283 U. S. 423):

This decision established, among others, the following propositions:

1. The United States may perform its functions without conforming to the police regulations of a State (p. 451).

2. The Supreme Court may not inquire into the motives which induce Members of Congress to enact legislation with regard to these Colorado River projects. Whether the particular structures proposed are reasonably necessary is not for the Court to determine (pp. 455, 456).

3. A contention based upon assumed potential invasion rather than upon actual or threatened impairment of a right of a State may not prevail (p. 462).

4. As Arizona was not at the time of the adjudication of this case a party to the compact, that State could not invoke the terms of that agreement with regard to the appropriation of the waters of the Colorado River (p. 462).

5. If future operations interfered with perfected rights of a State, or those claiming under it, appropriate remedies then become available (p. 463).

The Court concluded generally that there was no occasion at that time to determine the rights of the State of Arizona to interstate or local waters which had not been, and which the Court noted might never be, appropriated. Accordingly, it dismissed the bill without prejudice to an application by Arizona for relief in case the stored water was used in such a way as to interfere with the enjoyment by that State, or those claiming under it, of any rights perfected or with the right of the State to make additional legal appropriations of the waters and to enjoy their use (p. 464).

Arizona v. *California et al.* ((1934) 292 U. S. 341):

Arizona sought, by an original bill, a declaration that the Colorado River compact and the Boulder Canyon Project Act be decreed to be unconstitutional and void and that the Secretary of the Interior, California, Nevada, Utah, New Mexico, Colorado, and Wyoming be enjoined from carrying out the compact or the act. This decision contains much factual information with regard to the waters of the Colorado River and the disposition thereof. It pointed out that the compact, considered merely as a contract, could not be material in the contemplated litigation because Arizona had refused to ratify it (p. 356). Accordingly, the Court stated that if the rights of Arizona were in doubt, it was, in large part, because she had not entered into the compact or into a suggested compact with regard to further disposition. Therefore, the leave to file the bill which, in effect, sought to perpetuate certain testimony, was denied, there being no justiciable issue.

Arizona v. *California* ((1936) 298 U. S. 558):

This case involved the effort of Arizona to have adjudicated the quantum of its equitable share of the water flowing in the Colorado River. It further requested that California be barred from having or claiming the right to divert and use more than an equitable share of the water flowing in the river, to be determined by the Supreme Court. The Court noted that the proposed bill, in substance, sought a judicial apportionment, among the States in the Colorado Basin, of the unappropriated water of the river. It stated that its consideration of the case was restricted to an examination of the facts alleged in the proposed bill of complaint and of those of which it could take judicial notice (p. 560). Again the Supreme Court noted that Arizona was not a party to the Colorado River compact by which the undepleted flow of water of the river was apportioned between the upper basin and lower basin States, the point of division between the basins being Lees Ferry, 23 miles below the southern boundary of Utah. To each basin the compact apportioned 7,500,000 acre feet per annum but the lower basin States had the additional right to increase the beneficial consumptive use of the water by 1,000,000 acre feet per annum (p. 563). However, the Court specifically stated that there could be no adjudication of rights in the unappropriated water of the Colorado River without the presence, as a party, of the United States, which, without its consent, was not subject to suit by a State (p. 568). Citing *Kansas* v. *U. S.* ((1907) 204 U. S. 331). It was evident, said the Court, that the United States, by congressional legislation and by acts of its officers which that legislation authorized, undertook, in the asserted exercise of its authority to control navigation, to impound, and control the disposition of, surplus water of the river not already appropriated (p. 570); that the decree sought had no relation to any present use of the impounded water which infringed rights that Arizona could assert subject, of course, to superior but unexercised powers of the United States. The decree sought by Arizona could not be framed without the adjudication of the superior rights asserted by the United States. Accordingly, the petition was dismissed.

Colorado v. *Kansas* ((1943) 320 U. S. 383):

This decision culminated a series of actions which began in 1901 when Kansas brought suit against Colorado seeking an injunction restraining the latter from diverting waters of the Arkansas River within the State of Colorado. The decision in that case (206 U. S. 46) denied the contention of Kansas that she was entitled to have the stream flow as it flowed in a State of nature. On the other hand, it also denied the contention of Colorado that she could dispose of all of the waters of the river within her borders and owed no obligation to pass any of them on to Kansas. The Court held that each State had an equality of right and therefore stood before the Court on the same level. The dispute must be adjudicated, said the Court, on the basis of that equality of right in order to secure for Colorado, so far as possible, the benefits of irrigation without depriving Kansas of the benefits of a flowing stream. Before the developments in Colorado were to be destroyed or materially affected Kansas must show not merely some technical right but one which carried corresponding benefits. The Court concluded that diversions authorized by Colorado embraced more water than the total flow at Canon City. However, no showing had been made as to what surplus water was contributed below that point or as to the proportion of the diverted water returned to the river as seepage. The Court added that if the depletion by Colorado continued the time would come when Kansas might justly claim that there was no longer equitable distribution. Accordingly, the bill was dismissed.

A series of suits involving water rights on the river, some of which started in the State courts and were transferred to Federal courts, were instituted in the period intervening between the earlier suit and the later decision. The evidence in the present case comprised more than 7,000 typewritten pages of testimony taken by the Special Master and involved three questions, the second being: Does the situation call for allocation of the waters of the basin as between Colorado and Kansas? The Master concluded with regard to that question that the dependable flow be allocated and he submitted a form of decree embodying this allocation and adjusting required deliveries. Both States excepted to the proposed decree as impossible of administration and as ambig-

uous, and Colorado urged that the decision in the earlier case had already amounted to an allocation of the flow of the Arkansas River. The court refused to accept this view, the court pointing out that Kansas in that case labored under the burden of proof applicable in litigations of quasi-sovereign States and that the dismissal had resulted from the conclusion that she had failed to sustain the burden. On the basis of the earlier decision, the failure of Kansas to show a material change again precluded an adjudication of the equitable rights of the States involved. In suits of this nature the burden of the complaining State is, of course, much heavier than that generally required to be borne by private parties and the Supreme Court will intervene only where a case is justly and clearly proved. The only relief granted was against Kansas which, upon the request of Colorado, was enjoined from further prosecution of suits.

Nebraska v. *Wyoming* ((1945) 325 U. S. 489):

This is a 5-to-3 decision (the three members joining in a strong dissent against the majority) involving the overappropriation of the dependable natural flow of the water of the North Platte River. Nebraska brought this original bill in equity in 1934 against Wyoming. Colorado was interpleaded as a defendant and the United States was granted leave to intervene. A Special Master was appointed who held hearings and the matter was decided by the Supreme Court on the basis of exceptions to his report. Nebraska alleged that Wyoming and Colorado, by diversion of water from the river for irrigation purposes, were violating the rule of priority of appropriation in force in all three States and were thus depriving Nebraska from water to which she was equitably entitled (p. 592). Wyoming denied diversion of water to which Nebraska was equitably entitled but joined in the prayer of Nebraska for an equitable apportionment. Colorado filed an answer with a cross bill against Nebraska and Wyoming denying any use or threatened use beyond her equitable share and praying for an equitable apportionment (p. 592). The decision contains many tables showing contributions and depletions of the flow. One table shows that Colorado contributed 21 percent of the flow, Wyoming 45 percent, Nebraska 34 percent (p. 593), while another table shows that acreages under irrigation in the three States were Colorado 12 percent, Wyoming 29 percent, and Nebraska 59 percent (p. 597).

The North Platte River Basin in Colorado and Wyoming is arid and irrigation is indispensable to agriculture. Western Nebraska is partly arid and partly semiarid and irrigation is indispensable to the kind of agriculture there. Middle Nebraska is semihumid and irrigation is not important from that point east. Irrigation in the basin began in 1865, with projects in eastern Wyoming and Nebraska. Between 1880 and 1890 irrigation began on a large scale but storage of water was negligible until 1899. Prior to 1909 the development in Colorado and Wyoming was relatively more rapid than in Nebraska. Since 1910 the acreage under irrigation in Colorado increased about 14 percent, that in Wyoming 31 percent, and that in Nebraska about 100 percent. Thus, the large increase in Nebraska was mainly attributable to stored water from later developed reservoirs.

We believe it unnecessary to trace the numerous reservoirs and diversions made for the dates of their construction, the nature of the development and the extent of the diversions are easily ascertainable by reference to the decision (pp. 594ff). The commencement of a dry cycle in 1930, which persisted for 13 years, plus the initiation of the Kendrick project in Wyoming precipitated the controversy. Nebraska based her case essentially on shortage and misappropriation of water by the upper States since 1930 and of threats of more serious shortages and diversions in the future.

As we have indicated earlier, the equitable apportionment sought by Nebraska was based on the principle of priority of appropriation applied interstate. Colorado and Wyoming have a rule of priority of appropriation as distinguished from the rule of riparian rights. Nebraska, on the other hand, originally was a riparian doctrine State, but when the more arid sections of the State were settled and the need for irrigation increased, legislation was enacted adopting the appropriation principle. However, the adoption of the rule of appropriation did not extinguish riparian rights which had previously vested. This matter of riparian rights presents no great difficulty for as the majority pointed out riparian rights may be condemned in favor of appropriators; and violation of riparian rights by appropriators will not be enjoined, only compensation for damages awarded (pp. 599–600).

Colorado moved to dismiss the proceedings asserting that there was a surplus of water in the stream as evidenced by the construction, during the dry cycle, of the Kendrick project in Wyoming and the Tri-County project in Nebraska, and by the fact that during the drought there was a divertible flow passing the Tri-State Dam during the season. She argued that the potential threat of injury representing only a possibility for the indefinite future, was no basis for a decree in an interstate suit because the Supreme Court could not issue a declaratory decree, citing *Arizona* v. *California* ((1931) 283 U. S. 423, 462–465). The majority answered by stating that in this instance these precedents would not stand in the way of a decree, for the evidence supported the finding of the special master that the dependable natural flow of the river during the irrigation season has long been overappropriated, therefore, a genuine controversy existed which the States had not been able to settle by compact. Noting that the Kendrick project was junior to practically every appropriation on the river and in view of the general position taken by Wyoming with respect to Nebraska's priority, the Court said it could not be assumed that the Kendrick project would be regulated for the benefit of senior appropriators in Nebraska. Neither Wyoming nor Colorado had ever recognized any extension of priorities across State lines. Thus, use of priority diversions by Colorado had an adverse effect downstream. The fact that on the average there was some water passing the Tri-State Dam unused was no answer to the problem, according to the Court (p. 609). On the other hand, the claim of Colorado to additional demands could not be disregarded. However, the fact that Colorado's proposed projects were not planned for the immediate future was not conclusive in view of the present overappropriation of the natural flow.

We want to emphasize that the only showing of injury or threats of injury in this case was the inadequacy of the supply of water to meet all appropriated rights (p. 610). The court pointed out that if there were a surplus of unappropriated water different considerations would be applicable, citing *Arizona* v. *California* ((1936) 298 U. S. 558). It similarly distinguished and disposed of *Colorado* v. *Kansas* ((1943) 320 U. S. 383). Accordingly, Colorado's motion to dismiss was denied.

The claim of the United States to unappropriated water, based upon original cessions by France, Spain, and Mexico, and by agreement with Texas in 1850, was disposed of as being largely academic so far as the issues of the particular case were concerned. The court pointed out that the property right in water is separate and distinct from the property right in reservoirs, ditches, and canals; that the water right is appurtenant to land the owner of which is the appropriator. A water right is acquired by perfecting an appropriation, in other words, by an actual diversion followed by an application within reasonable time of the water to a beneficial use (pp. 611–616).

Notwithstanding the objection of the minority, the majority undertook an apportionment of the waters of the river stating that a genuine controversy existed. Admitting that the problem of equitable apportionment was extremely complex, the court started with the cardinal rule of the doctrine that priority of appropriation gives superiority of right. Each State applies and enforces this rule in her own territory and it is one to which intending appropriators naturally turn for guidance. However, the court said that that did not mean that there should be a literal application of the priority rule for if allocation between appropriation States was to be just and equitable strict adherence to the priority rule might not be possible. Apportionment therefore, said the court, calls for the exercise of an informed judgment of many factors with priority of appropriation being the guiding but not necessarily the definitive principle to be applied because in this case there was evidence that river-wide priority system would disturb and disrupt long-established uses. The proposal of Wyoming, said the court, envisaged distribution of the natural flow and storage of water indiscriminately as a common fund to all users. The proposal, it said, was based on the theory that there was a sufficiency of water for everyone. This assumption was refuted by what happened following 1930 and the decree, said the court, must of necessity deal with the conditions as they exist and be based, therefore, on the dependable flow which had been overappropriated. Thereupon the court worked out a system of apportionment and adjustment a discussion of which is not important to this study.

It should be noted that in working out the apportionment the court construed natural flow as including return flow (p. 634).

For the three dissenters Mr. Justice Roberts pointed out that the Supreme Court by the majority decision undertook to assume jurisdiction over three quasi-sovereign States and to supervise for all time their respective uses of an interstate stream on the basis of past use. He doubted if in such interstate controversies any State is ever entitled to a declaratory judgment from the Supreme Court and he warned that a precedent of this decision would arise to plague the court not only in this situation but in other situations. Mutual accommodations for the future of States involved in disputes such as this, he said, should be arranged by interstate compact not by litigation. No State, he warned, may play dog in the manger and build up reserves for future use in the absence of present need and present damage. However, a complaining State must show actual or immediately threatened damage of substantial magnitude to move the Supreme Court to grant relief.

Wyoming v. *Colorado* ((1922) 250 U. S. 419):

The decree in this case apportioned the water of the Laramie River which had been overappropriated. One of the interesting aspects is that in making the apportionment the Supreme Court held that the average for all years was far from the proper measure of the available supply. Therefore, apportionment had to be made of the dependable

flow. The fact that the same amount of water might produce more from an agricultural standpoint in lower sections of the river basin is immaterial to an adjudication of this type. Nor does the fact that the flow may be diverted to another basin determine the issue. Here the court apportioned the natural flow but it also took into account in making that apportionment the effects of storage of water in equalizing natural flow in Wyoming.

5. CONCLUDING STATEMENT

We trust that the foregoing will be of assistance to you in reaching conclusions on some of the issues involved in the controversy over the central Arizona project. Much of the debate and many of the objections are very similar to earlier statements by Arizona during the debate or the Boulder Canyon Project Act. See House and Senate debate on H. R. 5773, Seventieth Congress, and the views contained in House Report No. 918, Seventieth Congress. At that time it was claimed that there was dire need for the proposed development and arguments were made pro and con with regard to the desirability of Federal expenditures for rescue operations. Apparently, the allocation made under the Boulder Canyon Project Act is not sufficient to meet the needs of California, especially those for the industrial development now taking place in Los Angeles and elsewhere in the southern part of that State. On this point we invite attention to a statement inserted in the CONGRESSIONAL RECORD by Hon. GORDON L. MCDONOUGH (Appendix of the CONGRESSIONAL RECORD, p. A2856) entitled "Southern California Faces Severe Water Shortage," which contains an editorial entitled "Southern California Must Find New Water Sources." It is possible that in line with the needs of national defense the Federal Government could exercise its paramount power and divert all necessary flow of the Colorado River to industrial purposes for defense. See *Ashwander* v. *Tennessee Valley Authority* ((1936) 297 U. S. 298). Thus, even actual appropriations might necessarily give way to other dominant needs.

FRANK B. HORNE,
American Law Section.

Mr. CHAVEZ. Mr. President, that is all I care to say to the Senate at this time, having in mind only to endeavor to make the RECORD in such a way that New Mexico will at least feel satisfied that her rights would not be jeopardized by the passage of this bill. I hope it will pass.

AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT OF 1947

Mr. TAFT. Mr. President, about 4 years ago Congress passed the Labor Relations Act of 1947. That act was violently attacked and misrepresented, but every poll shows that it commands the support of a large majority of the American people, as it did when it was adopted; and practically every election where it has been an issue has shown the same popular support. Various amendments to the act are desirable, and this Senate passed a number of amendments 2 years ago, but all attempts to amend have been blocked by the administration attitude that they must have repeal or they will take nothing.

Recent proof of this is contained in the following statement from the Report of the Secretary of Labor for fiscal 1950, distributed to Members of Congress last week. In this report, Mr. Tobin says:

During the fiscal year, legislation was introduced to amend the National Labor Relations Act, as amended, to make lawful the use of hiring halls in the maritime industry, a practice held prohibited under the Taft-Hartley Act. Bills to this effect were introduced in the Senate by Senator MAGNUSON (S. 2196, reported favorably by the Committee on Labor and Public Welfare; S. Rept. 1827) and in the House of Representatives by the late Congressman Lesinski (H. R. 5008). While the Department of Labor supports the objective of these bills, it did not favor their enactment since it is the Department's belief that the best approach to the evils of the Taft-Hartley Act is through the repeal of that law.

In other words, the administration is still taking the position that it must have repeal or nothing, and is blocking and objecting to any amendments to the law which may be offered.

I am concerned now that, being unable to achieve repeal against opinion of the people, administration policy is aimed in the direction of trying to sabotage and nullify the law. In the coal case last year, the President refused to invoke the law until matters had gone so far that the situation was almost impossible, and when it was invoked the presentation of evidence was completely inadequate.

In the current discussion of the settlement of labor disputes during the present emergency, the provisions of the law have been largely bypassed and a procedure for settlement established which is completely extralegal, depending on Executive order alone. While I do not think this order nullifies the national emergency section of the Taft-Hartley law, certainly it completely bypasses it and sets up a procedure of doubtful legality. With respect to other provisions of the Taft-Hartley law, the new Board might take cases and make recommendations which will have the effect of bypassing the policy laid down by Congress in various provisions of that law: For example, cases which involve recognition or bargaining with foremen or guards, or where there is an intervening union claiming to represent the employees involved, or where the employer contends the union no longer represents the majority of the employees. The War Labor Board did just that during World War II even though there was a similar statutory prohibition against orders conflicting with the Wagner Act. The purposes of labor peace should be achieved under statutory procedure by statutory board with legal powers, and that can only be accomplished by an amendment to the Taft-Hartley law, given full consideration by the Congress.

I am even more concerned today by the attitude of the present National Labor Relations Board. The general effect of their decisions since the 1948 election has been to whittle away some of the basic principles of the law. This is true particularly of those provisions which were intended to protect the individual workman against the arbitrary action of union officials as well as against similar action by employers. Apparently a majority of the present Board has not yet reconciled itself to the limitations the law places on compulsory union membership, it has been indifferent to the protection of employees from union violence and coercion, and it has failed to carry out the spirit of the law with regard to the signing of non-Communist oaths by union officials. In other words, when the rights of the ordinary worker happened to conflict with the desires of union officials, the ordinary worker is likely to lose before the present Board, although the decisions have almost always produced a dissent from one or more members. I would like to call the attention of the Senate particularly to decisions which seem to me, as one of the authors of the act, to undermine some of its most important principles.

1. CLOSED AND UNION SHOP

One of the most basic rights conferred by the Taft-Hartley law is the provision in section 8 which prevents a union from depriving a workman of a job for any reason other than nonpayment of union dues or initiation fees. This provision was included in the law as a shelter for the workingman. It protects his right to work. Under the law a union may still expel a member for any reason it considers sufficient—whether good or bad—but it may not take away the member's livelihood, or cause discrimination in the terms and conditions of his employment, unless he was expelled for nonpayment of dues. This is a great reform, welcomed by the rank and file, and by most other Americans.

Officials of the National Labor Relations Board are charged by law with the protection of this right. In recent days they have rendered decisions which threaten its destruction. I refer both to actions of the general counsel on appeal from regional directors' refusals to issue complaints and to decisions of the Board itself.

General counsel: On March 30, 1951, in separate opinions where individuals were discharged pursuant to valid union shop contracts for loss of union membership not occasioned by nonpayment of dues, the general counsel refused to issue complaint. One case holds that a union may expel an employee from membership because of something that he did years before when working for another company, and that his current employer may then discharge him at the request of the union on the ground that otherwise his fellow employees will not work with him. In the other case the individual was expelled by the union for communistic activity and then the employer discharged him at the request of the union. On the facts given it is impossible to evoke any sympathy for the individual in either case. In both cases the individuals could have been discharged by the employers on their own motion, although they first learned the facts from the union. To hold, however, that they could be fired upon the union's demand for loss of membership under the union-shop contract or because the union members refused to work with them opens the door to old abuses and endangers the job security of American workmen.

In passing, however, I want to pay compliment to the present general counsel for instituting the practice of

making public his administrative decisions.

CASES BEFORE THE BOARD

In *Firestone Tire and Rubber Co.* (93 NLRB 161 (decided Mar. 27, 1951)) the Board ruled that an employer may lawfully sign a contract with a union which gives the union control of seniority in the plant. The conferring of this vital power on a union encourages membership in a union in a manner not permitted by the act. Many a worker will feel that he must follow even the most arbitrary commands of his union leaders in order to protect his precious seniority. If the employer administers seniority wrongly, the worker can file a grievance. If the union administers seniority wrongly, there is no practical recourse. The Board should face up to its duties and unhesitatingly nullify clauses of this type which threaten to rob the worker of his security under the Taft-Hartley law. In the instant case the employee's seniority was reduced by the union for nonpayment of dues, causing him to lose his job later in a reduction of force. As in the cases dismissed by the general counsel, the facts provoke no sympathy for the particular dischargee, but here again is precedent for recurrence of all the abuses we tried to eliminate. Hard cases make bad law.

Besides undermining the worker's protection under the decisions referred to, the Board has disregarded the limitations of the law on compulsory membership in other recent decisions.

In at least two cases since the first of the year, the Board has placed its stamp of approval on the preferential hiring of men through unions—even though the record shows that the only men referred by the unions for jobs were union members—*American Pipe and Steel Corp.* (93 NLRB 11), and *Missouri Boiler and Iron Co.* (93 NLRB 21). These cases may be distinguished from *Pacific American Ship Owners Assn.* (90 NLRB 167), where the union obligated itself by contract to make no discrimination between union and nonunion applicants in referrals for jobs, and there was no evidence that such discrimination was made in fact. These decisions go beyond the amendments passed by the Senate in 1949—which did not become law—and dangerously approach the authorization of a closed shop. In 1947 it was the view of Congress, with the overwhelming support of the public, that "the closed shop which requires pre-existing union membership as a condition of obtaining employment creates too great a barrier to free employment to be longer tolerated." I still agree with that view and have every reason to believe it has the support of the public. The Board throws out contracts which specify a closed shop. It should not permit this evil to come back through the rear door in some disguised but equally menacing form. If it does, the Board will have betrayed its responsibility to the Congress which created it.

2. COERCION AND VIOLENCE

Another protection for the American worker provided by the Taft-Hartley law was the guaranty of the right to continue at work without coercion from union pickets during a strike if that was the worker's desire. Last year during the debate on plan 12, which would have abolished the independent office of general counsel of the Board, I reported to the Senate on a number of cases in which the Board had excused any and all types of violence if committed by strikers. I find that the Board has continued to close its eyes to the rights of the workers who desire to continue at work during a strike. One of the most effective ways of discouraging the use of mass picketing and picket-line violence is to deny reinstatement to strikers who engage in such conduct.

Standard Oil Company of California (26 LRRM 1587 (Oct. 10, 1950)): Despite the fact that it has long been established by the courts that an employer need not reemploy a striking employee who has been guilty of acts of violence or other unlawful acts in the course of the strike, the Board in this case held the employer guilty of having committed an unfair labor practice where it refused to reemploy strikers who had committed the following acts:

(a) Gathered into a mob in front of the employer's gates, thus debarring persons lawfully entitled to enter the plant. The Board excused this conduct on the ground that the strikers did not gather at the gates "pursuant to any plan" to obstruct entry to or from the employer's premises.

(b) Walked back and forth across railroad tracks leading to the employer's premises, thus preventing the passage of trains to the premises. The striker involved in this incident had also stated that he would lie down on the tracks rather than permit passage of trains. The Board, however, said that this striker had not barred ingress to the plant by merely walking back and forth across the tracks.

(c) Threw stones at nonstrikers inside the plant gates. The Board condoned this action on two grounds: First, the stones which the particular striker threw were small, and second, the stones did not travel far because the striker involved had a crooked arm and the stones therefore fell harmlessly.

(d) Walked back and forth across the entrance way to the employer's parking lot, the striker involved in this incident being bumped by cars seeking to enter, and police officers having to pull him out of the way at least twice. After being so removed he continued to walk back and forth in the entrance way. The Board, however, said that this striker's conduct did not show a "fixed determination" on his part to bar ingress to the plant property.

(e) Followed nonstrikers in an automobile from the employer's premises to a bus stop, the evidence showing that the automobile was owned and driven by an employee of another oil company which was also being struck, and that police officers found the following objects in such automobile: A smoke bomb, two rocks, an ice pick, two hammers, and a 4-foot length of cord. The Board said that the strikers riding in the automobile did not know such objects were in the car and did not know to what use, if any, the bomb was to be put.

3. NON-COMMUNIST AFFIDAVIT CASES

The requirement that union officers must make non-Communist affidavits in order that their unions may enjoy the benefits of the law was perhaps primarily designed to protect the public and the American form of government, but it provided additional benefits to the union member by insuring that his union confine its activities to legitimate trade-union objectives for his benefit. The Supreme Court aptly expressed the congressional purposes in *CIO* v. *Douds* (339 U. S. 382) when it said:

> One such obstruction [to commerce], which it was the purpose of section 9 (h) of the act to remove, was the so-called political strike. Substantial amounts of evidence were presented to various committees of Congress, including the committees immediately concerned with labor legislation, that Communist leaders of labor unions had in the past and would continue in the future to subordinate legitimate trade-union objectives to obstructive strikes when dictated by party leaders, often in support of the policies of a foreign government.

Mr. Justice Jackson in his concurring opinion described the mechanics by which the provision was designed to meet its purposes, as follows:

> This labor leverage, however, usually can be obtained only by concealing the Communist tie from the union membership. Whatever grievances American workmen may have with American employers, they are too intelligent and informed to seek a remedy through a Communist Party which defends Soviet conscription of labor, forced labor camps, and the police state. Hence the resort to concealment, and hence the resentment of laws to compel disclosure of Communist Party ties.

Decisions of the Board have tended to retard the effectiveness of the non-Communist oath when it has been necessary to rule on close legal points.

The most publicized cases have involved determination of whether it is necessary for officers of the CIO and AFL to make the affidavit as well as officers of their constituent international unions and locals.

The Supreme Court of the United States, affirming the action of the United States Court of Appeals for both the Fourth and Fifth Circuits, has now held that the Board is wrong.

In *New Jersey Carpet Mills* (27 LRRM 1114 (Dec. 11, 1950)), the Board took a long step forward toward rendering ineffectual the non-Communist affidavit provisions of the law. The Board here held that an employer cannot defend its refusal to bargain with a majority union, which had not complied with the non-Communist affidavit requirements of the act, on the ground of the union's noncompliance, where the employer did not assert at the time of its refusal to bargain that it was motivated by such noncompliance. Members Reynolds and Murdock dissented sharply and expressed what clearly appears to be the correct view, namely, that the privilege of being an exclusive bargaining agent, conferred by the statute, is conditioned upon the union's being in compliance with the non-Communist affidavit provisions of the law. They pointed out that the effect of the decision

is to impose upon employers the obligation to bargain with noncomplying unions, including those with Communist leaders. Thus, during the period of noncompliance, Communist labor leaders may, as majority representatives, request an employer to bargain, confident, if the request is refused, that at a propitious moment they may perpetuate themselves in their union leadership by belated compliance and recourse to the Board.

As to the point that the employer violated the act because he did not advise the union that his refusal to bargain was based upon its noncompliance, members Reynolds and Murdock pointed out that an employer's good or bad faith is completely immaterial to the issue and that the limitations imposed by Congress on the rights of labor organizations cannot be waived by the employer.

Rawleigh Co. (90 NRLB (Aug. 17, 1950)): In this case the employer was held to have violated the law when he solicited individual strikers to return to work during a strike called by Harry Bridges' International Longshoremen's and Warehousemen's union. The charge was filed by individual employees since the union could not use the law because its officers had not complied with the non-Communist oath requirement. Nevertheless, the Board ordered the employer to cease and desist from discouraging membership in this Communist union.

4. GENERAL DECISIONS AGAINST RIGHTS OF EMPLOYERS

I do not intend at this time to discuss the disparity of treatment by the Board so far as employers are concerned. Such cases as the following illustrate the length to which the Board is going to find employers guilty of unfair labor practices:

(a) *Carter & Bro.* (26 LRRM 1427 (Aug. 22, 1950)): Where the Board held it to be a violation of the act for an employer to seek an injunction in a Texas State court and ordered him to withdraw or seek modification of such injunction.

(b) *Schultz Refrigerated Service* (25 LRRM 1123 (December 9, 1949)): Where the Board in effect removed the protection of the secondary boycott provisions of the act from all employers doing business with truckers by holding that a union did not violate the act by picketing trucks operated by a trucking company with which the union had a dispute while such trucks were on the premises of the trucking company's customers.

(c) *Heider Manufacturing Co.* (26 LRRM 1641 (October 23, 1950)): Where the Board in effect dictated to an employer what terms he must agree to in collective-bargaining contracts.

(d) *Maryland Dry Dock Co.* (25 LRRM 1471 (March 21, 1950)): Where the Board held that an employer could not ban the distribution on his property of insulting and defamatory literature by the union.

(e) The over 3-year delay in processing of cases against the International Typographical Union which so openly defied the law and announced its intention to circumvent it.

I might add that in almost every case I have referred to, there has been a dissent by at least one member of the Board.

As I said at the beginning of this statement, there are a number of respects in which the Labor Management Relations Act of 1947 should be amended. Congress should not be required, however, to take its time to reaffirm principles which are clearly apparent in the law merely for the purpose of reversing decisions of the National Labor Relations Board. Nevertheless, if the Board continues its present attitude, it may be necessary to pass such amendments with the open rebuke to the Board which such action should imply.

THE CENTRAL ARIZONA PROJECT

The Senate resumed the consideration of the bill (S. 75) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes.

Mr. KNOWLAND. Mr. President, returning to the discussion of the so-called central Arizona project, debate on which, under the unanimous-consent agreement will be limited beginning tomorrow at noon, after which votes on amendments to the bill and on the bill itself will be had, I venture again to emphasize some figures for the benefit of Senators who are interested in the growing cost of Government and the burdens upon the taxpayers of the United States.

We have heard much talk about the necessity for economy in government. We have heard much about the need for concentrating our attention pretty largely on national defense. We know that there is pending before the House of Representatives and its committee on Ways and Means a tax bill which will impose perhaps four or five billion dollars or more in new taxes upon the people of the United States.

It is one thing to talk about economy and it is another to face the issues that are involved. We are never going to have economy in government unless we are prepared to analyze each project that comes before the Senate, and to determine whether it is economically feasible, and whether the expenditure is justified in the national interest.

Arizona says in regard to the bill, that—

> The claim that the central Arizona project would cost the Nation's taxpayers $2,000,000,000 is false California propaganda. The cost would be $788,000,000, and it would be entirely repaid.

What are the facts? On May 12, 1950, the House Committee on Public Lands, by formal resolution, addressed to the Secretary of the Interior a questionnaire on the central Arizona project. Question 17 read:

> How much interest on the national debt occasioned by the project would be borne by the Nation's taxpayers, assuming a 75-year repayment period and a reasonable construction period?

The Secretary's reply, dated June 28, 1950, stated that—

> Assuming a construction cost of $703,780,000, a construction period of 8 years, and an interest cost of 2½ percent * * * the net interest on the national debt occasioned by the project and borne by the Nation's taxpayers would total approximately * * * $2,075,729,000.

I wish to say at this point, Mr. President, that so far as I know this is the first time in the history of our country when the legislation for a new reclamation project provided that a period of 75 years would be allowed for repayment. The reclamation laws in the past have provided for repayment periods of 40 years, plus a 10-year development period. I have said before, and I repeat now, I believe that if the pending measure shall be approved we will throw away the yardstick we have heretofore used in reclamation projects; and if we consent to a 75-year period, which some of us believe will actually run close to 80 years, by what standards are we going to measure the countless other projects which will come before the Senate? Certainly the sponsors of such projects will all have a right to say, "By the precedent you have established in the central Arizona project we claim the same rights and privileges for the particular project we have in mind." I believe we will then have thrown away any hope for a sound and constructive basis for our reclamation laws. I speak as a Senator from a western reclamation State. I think those who represent the West should be the first ones to oppose a project which is not economically sound.

In addition to the statement which the Secretary made that the interest would amount to $2,075,729,000, he also showed the burden calculated on the assumption of a lower construction cost and a 2 percent interest rate. Since that information was furnished to the committee by the Secretary, the Bureau of Reclamation itself has testified that costs are now up 11 percent. In other words, the original cost will be $788,000,000, and not $708,000,000, as had originally been figured. Furthermore, the proponents of the project figure at a rate of 2 percent interest, when as a matter of fact E bonds, which we are now selling to our citizens in order to meet deficit spending, bear interest at 2.9 percent. But even on the figures as presented by the Secretary, let us examine the situation.

How did the Secretary calculate the "interest on the national debt occasioned by the project and borne by the Nation's taxpayers"? He calculated it in exactly the same manner in which the interest burden on series E bonds is calculated, except that he assumed that the Government would pay only 2½ percent interest, whereas on E bonds it pays 2.9 percent. On a series E bond the Government borrows $750 for the $1,000 face value bond. It pays no interest year by year, but compounds semiannually the interest for 10 years at 2.9 percent, and at the end of the 10 years pays the holder $1,000. The interest burden on the Nation's taxpayers on every $750 bor-

rowed on a series E bond is $250, provided the bond is paid off at the end of 10 years. To raise $1,000 to pay the bond at maturity, a new bond must be sold for $1,000 in cash, but with a face value of four-thirds times the $1,000 which the buyer pays for it. If this process is repeated the debt grows as follows—and I am using a $1,000 bond so the Senators can clearly see how the burden grows:

The $750 paid in by the taxpayer, at interest which figures out at four-thirds, equals $1,000 at the end of the 10-year period. If the $1,000 then is to be paid off, a $1,000 bond must be sold by the Government, and at the end of that 10 years the taxpayer receives $1,333. At the end of 30 years, it having been necessary to repeat the procedure, the Government again having to sell bonds, it amounts to $1,770. That process continues, Mr. President, until, at the end of the 75-year period, which is the period in which it is estimated the project will pay out, the interest burden, added to the original $750 borrowed from the taxpayer, adds up to $4,859.

The Secretary's similar calculation for the central Arizona project is perfectly simple. He said in his reply to the House committee that the construction cost on the project would be $708,780,000, and that interest during 8 years of construction would increase this to $782,360,000, which would be the investment when the project began operating.

Interest on $782,360,000, at 2½ percent, is $19,559,000 a year.

The project revenues must pay this interest to the Government bondholder, or the taxpayers must do so.

The Secretary had previously reported to Congress that the project would produce the following revenues:

Average annual gross revenue from sale of water and power	$16,310,800
Average annual costs of operation, maintenance, and replacements	6,735,300
Net revenue available for payment of interest	9,575,500

Thus, even if the project had no operating costs at all, the gross revenues would never equal simple interest alone. And after operating costs are paid, the net annual revenue fails by a minimum of over $10,000,000 a year to equal the minimum annual interest the Treasury must pay the bondholder, leaving no revenue to pay off the construction cost over the 75-year period.

The Treasury must raise the difference by borrowing more money, through the sale of E bonds, or in some equivalent manner. The debt thus compounds, year by year. And so the burden on the Nation's taxpayers pyramids until, in the Secretary's language, if the project originally cost $708,780,000, it follows that during the first 75 years of operation the net interest on the national debt occasioned by the project and borne by the Nation's taxpayers would total approximately $2,075,729,000.

And even then, after 75 years, the original debt of $708,780,000 is still unpaid. The Secretary applied all of the net annual revenue to the interest charge and none to repayment of construction cost as proposed by the bill, S. 75. The figure of $2,075,729,000 is net interest alone.

Actually, the picture is a great deal worse because the Secretary has since increased his construction cost estimate 11 percent, to a total of $788,265,000.

Applying this correction, the grand total cost to the Nation's taxpayers occasioned by the project is $3,222,297,000.

The method used by the Secretary is equivalent to the year-by-year computations shown in the following analysis, using the Secretary's 1951 construction cost estimate of $788,000,000, and the Secretary's 1951 estimates of revenues:

Construction cost	$788,265,000
Interest during construction	81,832,000
First year of 75-year period:	
Investment at start of 75-year period	870,097,000
Interest for year at 2½ percent	21,752,000
Less net revenue for year	10,806,000
Interest unpaid for year	10,946,000
Plus investment at start of year	870,097,000
Investment at end of first year	881,043,000

(Note that net revenue is not sufficient to cover the year's interest. The deficiency, $10,946,000, must, therefore, be added to the outstanding investment in the project.)

Mr. President, I ask to have printed in the RECORD at this point, as a part of my remarks, a statement or table to show the situation at the end of the second year, the third year, and so forth.

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

Second year of 75-year period:	
Interest for year (2½ percent of $881,043,000)	$22,026,000
Less net revenue for year	10,806,000
Interest unpaid for year	11,220,000
Plus investment at start of year	881,043,000
Investment end of 2d year	892,263,000
Third year of 75-year period:	
Interest for year at 2½ percent	22,307,000
Less net revenue for year	10,806,000
Interest unpaid for year	11,501,000
Plus investment at start of year	892,263,000
Investment end of 3d year	903,764,000

In the same way, the computations would be carried on for each of the remaining years of the 75-year period and total at the end of that period:

Total unpaid interest end of 75-year period	$2,352,200,000
Total outstanding and unpaid investment	3,222,297,000
The unpaid investment is made up of:	
Construction cost	788,265,000
Interest during construction	81,832,000
Unpaid interest during 75 years	2,352,200,000
Grand total	3,222,297,000

Which is the total cost to the Nation's taxpayers occasioned by the project.

Mr. KNOWLAND. So with the total unpaid interest at the end of the 75-year period, using the same figures which I previously used in connection with the E-bond illustration, showing the investment in an E-bond by a taxpayer, we find a total outstanding and unpaid investment of $3,222,297,000.

Mr. President, we cannot ignore these facts. It is quite true that under the reclamation laws we have had a certain yardstick or standard, namely, that the maximum period shall be 40 years plus a development period. Under the terms of the pending bill it is now proposed to throw away that yardstick. I submit that if we do it in this instance we shall have no opportunity to say to some other area or some other State, "We are going to give the central Arizona project preferential treatment." Other areas and other States will have a right to say, "Since you have modified the reclamation laws to this extent, we claim the same privilege." I think, in equity, they would be able to do so. So we would have destroyed the reclamation laws without bothering actually to amend the laws in the normal legislative manner.

Mr. President, I repeat that I think a case might be made, after proper hearings and consideration by the Congress, for extending the present period under our reclamation laws from 50 years to 55 years, or perhaps 60 years. But I submit that it should be done in an orderly legislative manner, in order that those interested in every project in the country may know that all projects are to be measured by the same yardstick.

On the question of the interest component, if the Congress, in the exercise of its judgment, desires to use a part of the interest on a power project for reclamation needs, the Congress certainly has the right, as a matter of public policy, to reach that determination. But to date Congress has not done so. It may be that the Congress will determine that, instead of all power projects repaying the total investment plus interest—as in the case of Hoover Dam, at 3 percent—as has been the case heretofore under the reclamation laws, perhaps we should require such projects to pay, let us say, only 2 percent, and use the other 1 percent to help out in irrigation. If that is something which the Congress wishes to do through proper legislation, as a matter of public policy, there is no reason why the Congress should not do it. But I submit that it should be done in an open and aboveboard manner, by legislation properly amending the existing statutes, and after hearings have been held before committees in the Senate and House of Representatives. If the Congress wishes to take some other percentage of the so-called interest component, I think it should be done by general legislation, so that the same rules will apply to all projects. But I submit that if the camel once gets his nose under the tent, and we establish a precedent in this situation, we shall have what I believe to be an unsound project from an economic point of view, and I think we would destroy all the yardsticks we have heretofore used.

In addition to the economic features of this project, we have pointed out before that there is a major difference on the question of the amount of water available to the project. Arizona has one view. The two States of California and Nevada have another point of view. I make this statement subject to correction, but I do not believe that there has ever been reported from the Interior and Insular Affairs Committee a bill calling for a project in the upper-basin area of this country on a river which is involved in an interstate situation, with respect to which the committee has not first required either an interstate compact or an adjudication of the differences of opinion. I believe that that is very sound, because it would be most unfair, when there is an honest dispute as to water in the upper basin or in the lower basin, for a committee to report a bill when that question has not been determined by the States directly involved. In this situation there has been neither an adjudication or an interstate compact dealing with the division of lower-basin water as such. Of the lower-basin States which are most directly involved, two of them are opposing this project, and one of them is supporting it. So I submit that I think it is a very dangerous precedent which we are being asked to set by congressional action, to try to take a stand which may prejudice the rights of some of the States which are deeply involved in this subject.

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

Mr. SPARKMAN. Mr. President, will the Senator withhold his suggestion for a few minutes? I have a matter which I should like to present before the committee goes back into session at 2:30.

Mr. KNOWLAND. I withhold the suggestion of the absence of a quorum.

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950—AMENDMENT

Mr. SPARKMAN. Mr. President, I submit for appropriate reference an amendment intended to be proposed to Senate bill 1397, to amend the Defense Production Act of 1950, and for other purposes, which is now being considered by the Committee on Banking and Currency.

The amendment is being submitted by myself and in behalf of the Senator from Maryland [Mr. O'CONOR], the Senator from Louisiana [Mr. LONG], the Senator from Iowa [Mr. GILLETTE], the junior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from Wyoming [Mr. HUNT], the junior Senator from Connecticut [Mr. BENTON], the Senator from New Hampshire [Mr. TOBEY], the Senator from Massachusetts [Mr. SALTONSTALL], the senior Senator from Minnesota [Mr. THYE], the junior Senator from New Jersey [Mr. HENDRICKSON], the senior Senator from Kansas [Mr. SCHOEPPEL], the junior Senator from Pennsylvania [Mr. DUFF], the junior Senator from New Mexico [Mr. ANDERSON], the junior Senator from Kansas [Mr. CARLSON], the junior Senator from South Dakota [Mr. CASE], the senior Senator from Illinois [Mr. DOUGLAS], the Senator from Vermont [Mr. FLANDERS], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNINGS], my colleague the senior Senator from Alabama [Mr. HILL], the senior Senator from New York [Mr. IVES], the Senator from Tennessee [Mr. KEFAUVER], the senior Senator from Oklahoma [Mr. KERR], the senior Senator from West Virginia [Mr. KILGORE], the Senator from North Dakota [Mr. LANGER], the junior Senator from New York [Mr. LEHMAN], the senior Senator from Washington [Mr. MAGNUSON], the junior Senator from Washington [Mr. CAIN], the Senator from Wisconsin [Mr. MCCARTHY], the senior Senator from Connecticut [Mr. MCMAHON], the Senator from Nevada [Mr. MALONE], the junior Senator from Florida [Mr. SMATHERS], the senior Senator from Pennsylvania [Mr. MARTIN], the junior Senator from Oklahoma [Mr. MONRONEY], the Senator from Michigan [Mr. MOODY], the senior Senator from South Dakota [Mr. MUNDT], the Senator from Montana [Mr. MURRAY], the junior Senator from West Virginia [Mr. NEELY], the Senator from California [Mr. NIXON], the senior Senator from Wyoming [Mr. O'MAHONEY], the senior Senator from New Jersey [Mr. SMITH], the senior Senator from Nebraska [Mr. BUTLER], the Senator from Kentucky [Mr. UNDERWOOD], the senior Senator from New Mexico [Mr. CHAVEZ], the Senator from Oregon [Mr. MORSE], the junior Senator from Rhode Island [Mr. PASTORE], the Senator from Maine [Mrs. SMITH], the Senator from Mississippi [Mr. STENNIS], and the Senator from North Carolina [Mr. HOEY].

The PRESIDING OFFICER. The amendment will be received and appropriately referred.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the amendment be printed in the body of the RECORD at this point in my remarks. I wish to make a brief explanatory statement of it.

There being no objection, the amendment was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

On page 41, between lines 9 and 10, insert the following new section:

"SEC. 109. Section 701 of the Defense Production Act of 1950 is amended to read as follows:

"'SEC. 701. (a) (1) It is the sense of the Congress that small-business concerns be encouraged to make the greatest possible contribution toward achieving the objectives of this act. In order to carry out this policy there is hereby created a body corporate under the name "Small Defense Plants Corporation" (hereinafter referred to as the Corporation), which Corporation shall be under the general direction and supervision of the President. The principal office of the Corporation shall be located in the District of Columbia, but the Corporation may establish such branch offices in other places in the United States as may be determined by the Administrator of the Corporation.

"'(2) The Corporation is authorized to obtain money from the Treasury of the United States, for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of $, outstanding at any one time. For this purpose appropriations not to exceed $ are hereby authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Corporation from the revolving fund when requested by the Corporation.

"'(3) The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be a person of outstanding qualifications known to be familiar and sympathetic with small-business needs and problems. The Administrator shall receive compensation at the rate of $17,500 per annum. The Administrator shall not engage in any other business, vocation, or employment than that of serving as Administrator. The Administrator is authorized to appoint two Deputy Administrators to assist in the execution of the functions vested in the Corporation. Deputy Administrators shall be paid at the rate of $15,000 per annum.

"'(4) The Corporation shall not have succession, beyond June 30, 1953, except for purposes of liquidation, unless its life is extended beyond such date pursuant to an act of Congress. It shall have power to adopt, alter, and use a corporate seal, which shall be judicially noticed; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select and employ such officers, employees, attorneys, and agents as shall be necessary for the transaction of business of the Corporation; to define their authority and duties, require bonds of them, and fix the penalties thereof; and to prescribe, amend, and repeal, by its Administrator, bylaws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed. The Administrator shall determine and prescribe the manner in which the Corporation's obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself of the use of information, services, facilities, including any field service thereof, officers, and employees thereof in carrying out the provisions of this section.

"'(5) All moneys of the Corporation not otherwise employed may be deposited with the Treasurer of the United States subject to check by authority of the Corporation or in any Federal Reserve bank. The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Corporation in the general performance of its powers conferred by this act. All insured banks, when designated by the Secretary of the Treasury, shall act as depositaries, custodians, and financial agents for the Corporation.

"'(b) (1) The Corporation is empowered—

"'(A) to recommend to the Reconstruction Finance Corporation loans or advances, on such terms and conditions and with such maturities as it may determine, to enable small-business concerns to finance plant construction, conversion, or expansion, including the acquisition of land; or finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to finance research, development, and experimental work of new or improved products or processes; or to supply such concerns with capital to be used in the manufacture of articles, equipment, supplies, or materials for defense or essential civilian purposes; or to establish and operate technical laboratories to serve small-business concerns; such loans or advances to be made or effected either directly by the Reconstruction Finance Corporation or in cooperation with banks or other lending institutions through agreements to participate insurance of loans, or

by the purchase of participations, or otherwise;

"'(B) to purchase or lease such land, to purchase, lease, build, or expand such plants, and to purchase or produce such equipment, facilities, machinery, materials, or supplies, as may be needed to enable the Corporation to provide small-business concerns with such land, plants, equipment, facilities, machinery, materials, or supplies as such concerns may require to engage in the production of such articles, equipment, supplies, or materials;

"'(C) to lease, sell, or otherwise dispose of to any small-business concern any such land, plants, equipment, facilities, machinery, materials, or supplies;

"'(D) to enter into contracts with the United States Government and any department, agency, or officer thereof having procurement powers obligating the Corporation to furnish articles, equipment, supplies, or materials to the Government;

"'(E) to arrange for the performance of such contracts by letting subcontracts to small-business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Corporation to perform such contracts; and

"'(F) to provide technical and managerial aids to small-business concerns by maintaining a clearinghouse for technical information, by cooperating with other Government agencies, by disseminating information, and by such other activities as are deemed appropriate by the Corporation.

"'(2) In any case in which the Corporation certifies to any officer of the Government having procurement powers that the Corporation is competent to perform any specific Government procurement contract to be let by any such officer, such officer shall be required to let such procurement contract to the Corporation upon such terms and conditions as may be specified by the Corporation. Subcontracts may be let upon such terms and conditions as the Corporation may deem appropriate in accordance with such regulations as may be prescribed under section 201 of the First War Powers Act, 1941, as amended.

"'(c)(1) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining money, property, or anything of value, under this section, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

"'(2) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any money, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of or to the Corporation, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof; or (3) with intent to defraud participants, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Corporation; or (4) gives any unauthorized information concerning any future action or plan of the Corporation which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

"'(d) Whenever the Corporation has completed any transaction under clause (B), or (C) of subsection (b) (1) of this section, it may transfer the plant, equipment, facilities, machinery, materials, supplies, leases, or other property resulting from such transaction to the Reconstruction Finance Corporation, and the Reconstruction Finance Corporation shall service and administer such property, as the agent of the Corporation, remitting to it any interest, principal, or other proceeds or collections, after deducting actual expense of service and administration.

"'(e) (1) It shall be the duty of the Corporation, and it is hereby empowered, to coordinate and to determine the means by which the productive capacity of small-business concerns can be most effectively utilized for national defense and essential civilian production.

"'(2) It shall be the duty of the Corporation, and it is hereby empowered, to consult and cooperate with appropriate governmental agencies in the issuance of all orders limiting or expanding production by business enterprises in order that small-business concerns will be most effectively utilized in the production of articles, equipment, supplies, and materials for national defense and essential civilian purposes.

"'(3) All governmental agencies are required, before issuing orders limiting or expanding production or granting priorities to business enterprises, to consult and cooperate with the Corporation in order that small-business concerns will be most effectively utilized in the production of articles, equipment, supplies, and materials for national defense and essential civilian purposes.

"'(f) The Corporation shall have power, and it is hereby directed, whenever it determines such action is necessary—

"'(1) to make a complete inventory of all productive facilities of small-business concerns which can be used for defense and essential civilian production, or to arrange for such inventory to be made by any other governmental agency which has the facilities;

"'(2) to consult and cooperate with officers of the Government having procurement powers in order to utilize the potential productive capacity of plants operated by small-business concerns;

"'(3) to obtain detailed information as to the methods and terms which Government prime contractors utilize in letting subcontracts and to take action to insure the letting of subcontracts by prime contractors to small-business concerns at prices and on conditions and terms which are fair and equitable;

"'(4) to take such action in the letting of Government procurement contracts as is necessary to provide small-business concerns with an adequate incentive to engage in defense and essential civilian production and to facilitate the conversion and the equipping of plants of small-business concerns for such production;

"'(5) to determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises, which are to be designated 'small-business concerns' for the purpose of effectuating the provisions of this section;

"'(6) to certify to Government procurement officers with respect to the competency, as to capacity and credit, of any small-business concern or group of such concerns to perform a specific Government procurement contract;

"'(7) to obtain from any Federal department, establishment, or agency engaged in defense procurement or in the financing of defense procurement or production such reports concerning the letting of contracts and subcontracts and making of loans to business concerns as it may deem pertinent in carrying out its functions under this act;

"'(8) to obtain from suppliers of materials information pertaining to the method of filling orders and the bases for allocating their supply, whenever it appears that any small business is unable to obtain materials for defense or essential civilian production from its normal sources;

"'(9) to make studies and recommendations to the appropriate Federal agencies to insure a fair and equitable share of materials, supplies, and equipment to small-business concerns to effectuate the defense program or for essential civilian purposes; and

"'(10) to consult and cooperate with all Government agencies for the purpose of insuring that small-business concerns shall receive fair and reasonable treatment from said agencies.

"'(g) (1) In any case in which a small-business concern or group of such concerns has been certified by or under the authority of the Corporation to be a competent Government contractor with respect to capacity and credit as to a specific Government procurement contract, the officers of the Government having procurement powers are directed to accept such certification as conclusive, and are authorized to let such Government procurement contract to such concern or group of concerns without requiring it to meet any other requirements with respect to capacity and credit.

"'(2) The Congress has as its policy that a fair proportion of the total purchases and contracts for supplies and services for the Government shall be placed with small-business concerns. To effectuate such policy, only small-business concerns within the meaning of this act shall receive any award or contract or any part thereof if it is determined by the Corporation (and the contracting procurement agencies) (1) to be in the interest of mobilizing the Nation's full productive capacity, or (2) to be in the interest of the national defense program.

"'(3) Whenever materials or supplies are allocated by law, a fair and equitable percentage thereof shall be made available to the Corporation, to be allocated by it to small plants unable to obtain the necessary materials or supplies from usual sources. Such percentage shall be determined by the head of the lawful allocating authority after giving full consideration to the claims presented by the Corporation.

"'(4) Whenever the President invokes the powers given him in this Act to allocate, or approve agreements allocating any material, to an extent which the President finds will result in a significant dislocation of the normal distribution in the civilian market, he shall do so in such a manner as to make available, so far as practicable, for business and various segments thereof in the normal channel of distribution of such material, a fair share of the available civilian supply based, so far as practicable, on the share received by such business under normal conditions during a representative period preceding June 24, 1950: *Provided*, That the limitations and restrictions imposed on the production of specific items exclude new concerns from a fair and reasonable share of total authorized production.

"'(h) The Corporation shall make a report every 90 days of operations under this title to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include the names of the business concerns to whom contracts are let, and for whom financing is arranged, by the Corporation, together with the amounts involved, and such report shall include such other information, and such comments and recommendations, with respect

to the relation of small-business concerns to the defense effort, as the Corporation may deem appropriate.

"'(i) The Corporation is hereby empowered to make studies of the effect of price, credit, and other controls imposed under the defense program and whenever it finds that these controls discriminate against or impose undue hardship upon small business, to make recommendations to the appropriate Federal agency for the adjustment of controls to the needs of small business.

"'(j) The Reconstruction Finance Corporation is authorized to make loans and advances upon the recommendation of the Small Defense Plants Corporation as provided in (b) (1) (A) of this section not to exceed an aggregate of $100,000,000 outstanding at any one time, on such terms and conditions and with such maturities as Reconstruction Finance Corporation may determine.

"'(k) The President shall transfer to the Corporation all functions, powers, and duties of each department or agency of the United States which relates primarily to small-business problems.

"'(l) Section 101 of the Government Corporations Control Act is amended by inserting immediately after "Commodity Credit Corporation;" the following: "Small Defense Plants Corporation;".'"

Mr. SPARKMAN. Mr. President, in America today small-business men in great numbers are in trouble. Since the outbreak of war in Korea evidence has been piling up daily that the economic cards are stacked against small manufacturers and that unless immediate and concrete assistance is given to them a disastrous situation may be recognized too late. Therefore more than 30 Members of the Senate are joining me in submitting at this time to the bill proposing to amend the Defense Production Act of 1950 an amendment which would create an independent small-business agency.

The amendment is supported by the entire membership of both the House and Senate Small Business Committees.

I may say that the first 13 names of the sponsoring Senators are the names of the members of the Select Committee on Small Business. The amendment is unanimously supported and sponsored by the entire membership of the committee. Every Senator has had numerous daily reminders of how ineffective are the efforts of existing small-business offices in the executive defense agencies.

Our mail is heavy with pleas of small-business men for an even break in the mobilization program. We have a continuous stream of small-business men who come to Washington to see us. They want no hand-out; they merely want fair treatment. After 11 months I know that many of my colleagues share my feeling that the defense agencies have failed in their efforts to aid small business.

To literally thousands of small manufacturers it is as though the calendar had been turned back 10 years. They have not forgotten how, after Pearl Harbor, the managers of our war-mobilization activities turned their backs and said in effect, "We don't need you." Naturally it then became a matter of sinking or swimming. Thousands sank. In fact, almost one out of every five of our smaller enterprises disappeared from the face of our economy during the early years of the last war.

How could it have been otherwise when, with civilian production cut to bone, the vast bulk of war contracts was then funneled to a handful of our biggest corporations? Let me recall that from 1940 to 1944, 100 corporations received 67 percent of all prime war contracts of $50,000 and more. Was it any wonder that the rank and file of small plant operators suffered?

Incredible as it may seem, since Korea, we have permitted ourselves to fall into the selfsame errors. In 1942 it took an act of Congress to correct the ruinous position into which small business had been forced. Today, I am convinced, action by the Congress will again be required to preserve our smaller business units.

It is a matter of common knowledge that current material shortages and cutbacks in certain civilian lines of production have worked extreme hardships on many small producers. They must either convert to war work or close down. However, the percentage of small establishments which so far has been successful in obtaining defense contracts is negligible. To a considerable extent, our mobilization program is still in the tooling-up stage. There have been many multi-million-dollar contracts awarded to large prime contractors, but the bulk of these is not as yet in production. This means that subcontracts, upon which so many thousands of small plants must hang their hopes of survival, have not been available.

That something must be done for small business, and done now, is evident to everyone who has had occasion to speak with small-business men during the past 11 months.

A brief statement of the proposed functions of the contemplated emergency and temporary defense agency will clarify its scope and objectives.

Small business needs defense contracts. Small Defense Plants Corporation is empowered to certify qualified small plants to procurement agencies for prime contracts. In addition, the Corporation is authorized, when necessary, to actually take contracts as a prime contractor and to break these down into subcontracts for distribution among small producers. Procurement officers are also required to report from time to time on the extent to which they have utilized small productive facilities.

Small business needs materials. The Corporation is authorized to act as a claimant agency on the available stocks of materials and supplies to assure that the smaller units obtain a fair share. Reports will be asked from producers and distributors of scarce materials so that any marked tendency toward maldistribution or hoarding may be checked.

Small business needs readier access to general credit and financial assistance. The Corporation is authorized to recommend to the Reconstruction Finance Corporation worthy small producers in need of funds for conversion, expansion, machinery, and equipment to be used for defense or essential civilian production. Such loans and advances shall be covered by a special fund of $100,000,000 earmarked by the RFC for this purpose. In addition, the Small Defense Plants Corporation may from its own revolving fund extend credit to small establishments in cases where financial assistance is not available from other sources.

These are the major provisions of the amendment. Perhaps as important as any of those mentioned, however, is that the amendment will create and centralize, in one place within the Federal establishment, responsibility for safeguarding the welfare of a vital, yet unprotected, segment of our economy.

The very fact that such a Corporation is in existence will provide an inestimable advantage to small-business men by serving notice on any who might, by design or unconsciously, seek to foist on this industry segment a disproportionate share of our mobilization hardships, that small business is in the mobilization picture to stay.

That is only as it should be. Throughout our history the staying power of small independent American enterprises has, with only occasional help over the rough spots, been a mighty bulwark against the whole host of "isms" which seek to undermine that economic democracy which is the basis of our political freedom.

This amendment, which seems to have the limited objective of aiding small business, actually will invigorate and strengthen our entire economy which, in the last analysis, rests squarely upon the broad base made up of and vitalized by hundreds of thousands of small free enterprises.

THE CENTRAL ARIZONA PROJECT

The Senate resumed the consideration of the bill (S. 75) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes.

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

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NIXON. Mr. President, I ask unanimous consent that further proceedings in connection with the calling of the roll be suspended, and that the order for the calling of the roll be rescinded.

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

Mr. NIXON. Mr. President, before the Senate votes tomorrow on Senate bill 75, which is now pending, I think it might be well to place in the RECORD some of the answers to the contentions which have been made by the distinguished Members of the Senate from the State or Arizona on this controversy. I recognize that this is an issue involving a legal controversy which will not be resolved one way or the other by anything which either the Senators from Arizona or the Senators from California may say in regard to it.

On the other hand, in order that the other Members of the Senate who are

not directly involved may have an opportunity to have before them all the facts in connection with this matter, I think it would be well to answer specifically some of the propositions which have been laid before the Senate during the past week in which this debate has been going on.

In the first place, I have noted that the distinguished majority leader, the Senator from Arizona [Mr. MCFARLAND], has expounded at considerable length and in great detail his views as to the legal issues which have existed for the last generation among the States of the lower basin of the Colorado and he has asserted that Arizona's rights to the water in question are unassailable—that is to say, rights to the waters which are needed for this particular project. Obviously, he is entitled to his opinion. However, there are those of us who disagree with that opinion. Nevertheless, I think there is one point of agreement, namely, that the Senator from Arizona has admitted that there is a dispute over these questions which is so grave that passage of Senate bill 75, his bill, is necessary because its passage is the only way, as he puts it, that the dispute can get into court. The Senator from Arizona grants that the project proposed under the terms of section 15 of the bill cannot be constructed for years.

Notwithstanding the Senator's argument of the legal questions, he cannot settle them, the Senate cannot settle them, and the entire Congress cannot settle them. The only forum in which they can be determined is the Supreme Court of the United States.

It is for this reason that the Senators from California will not take the time of the Senate to make an exhaustive examination of the merits of the legal questions which make up the controversy. To do so would serve no useful purpose. It is perhaps sufficient to say that every contention which Arizona makes is controverted on substantial grounds by well-informed and able counsel for the two States of Nevada and California, including, for example, the attorneys general of both States.

To demonstrate, however, the substantial character of the arguments of California and Nevada, I should like to submit at this time some thumbnail comments on the principal Arizona positions:

First. In answer to the general charge that California, by making contracts with the United States for 5,362,000 acre-feet a year of Colorado River water, has exceeded the terms of the California Limitation Act, it is sufficient to say that in the last suit in the Supreme Court between Arizona and the other six States of the Colorado River Basin, Arizona, herself, alleged that California was legally entitled to 5,484,500 acre-feet a year; and the Supreme Court so found. That quantity, as Members of the Senate will note, exceeds the total amount of water claimed by California under her Government contracts. Arizona now repudiates what she told the Court.

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

Mr. NIXON. I yield to the Senator from New Mexico.

Mr. ANDERSON. Did the Senator say the Supreme Court so found, and that the Supreme Court decreed that California was entitled to 5,484,500 acre-feet a year?

Mr. NIXON. The Supreme Court, in making its decision in the case of *Arizona* v. *California* (298 U. S. 558), proceeded on the assumption that Arizona's allegation of the amount of water to which California was entitled was correct. I give the citation because there were three cases between those two States involving water rights. In other words, no question was raised, either during the consideration of the case or in the opinion itself, on that particular point.

Mr. ANDERSON. It seems to me incredible that the Supreme Court would hold that California was entitled to 5,484,500 acre-feet of water a year, because that would amount to a partial allocation of these waters. The States of Nevada and New Mexico are participants. If any final allocation is to be made, I do not believe the Supreme Court should make it without those States being in court. I may say to the Senator, that while in general I thought he was approaching his discussion of the subject in a very fair and open fashion, in my opinion the statement that the Supreme Court so found, and which is the only one I desire to challenge, is, perhaps to some degree, at least, in error

Mr. NIXON. I think a reading of the opinion of the Court in the case cited will bear out the statement I have made, that, so far as the Court was concerned, no question was raised as to the allegation of Arizona in her complaint to the effect that California was entitled to 5,484,500 acre-feet of water. It seems to me that, since the opinion of the Court proceeded on that assumption, we would be justified in saying that, at least for the purposes of that opinion, it was a finding of the Court, as to the facts in that particular case, at least.

Mr. ANDERSON. I should like to add, if the Senator from California will permit, that every time a matter gets into the CONGRESSIONAL RECORD which would tend to establish legislative history, some of us become interested and get excited. I merely wanted to make sure that there is a challenge, here on the floor of the Senate, to any idea that the Supreme Court actually conceded that much water to the State of California. I am sure the Senator from California will excuse me, realizing I am not an attorney, but my impression was that the Court failed to pass entirely upon the merits of the claims of the various States to the waters of the Colorado River, but ruled against Arizona on other grounds.

Mr. NIXON. The Senator is absolutely correct in his impression as to the findings in the case, so far as the merits of the controversy are concerned. That is why both Senators from California and, I may add, the Senators from Arizona, say that it is now essential that, somehow, a case be taken to the Supreme Court, so that that particular point may be established.

The point I was making was that, in this particular case, Arizona alleged in its complaint that California was entitled to that amount of water, and the opinion in no way controverted that point made by Arizona.

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

Mr. NIXON. I yield to the Senator from Arizona.

Mr. MCFARLAND. This is a strange interpretation, and certainly new to me; I have never heard it claimed that the Supreme Court has ever held that California was entitled to this amount of water. This is the first time I have ever heard that construction placed upon the decision, namely, that California has a firm right to 5,484,500 acre-feet of Colorado River water, or any other construction than California was entitled to 4,400,000 acre-feet of III-(a) water, and one-half the surplus. I think the Supreme Court, in its last decision in these cases, was very clear in stating that III-(b) water was not surplus. I shall discuss this allegation in my own time; but I certainly want to challenge the statement of the Senator now when he makes it on the floor of the Senate. Of all the lawyers representing California whom I have heard testify, I have never yet heard one contend that the Supreme Court has in any way, even by inference, said that California was entitled to that amount of water.

Mr. NIXON. Let me say, in answer to the Senator from Arizona, I do not believe he can question the fact that the complaint of the State of Arizona in this case alleged that California was entitled to the 5,484,500 acre-feet of water. On the question of how the opinion and finding of the Court in the case should be interpreted, we might have disagreement; but the point I was making—and I think the decision will bear me out completely in this instance—was that in this case the position of the State of Arizona, as of the time the case was decided, in 1936, was considerably different from what it is now. I may say, of course, the State of Arizona, like the State of California, has a right to change its position; but, in any event, as of that time, the State of Arizona was not even questioning the amount of water to which California was entitled, up to 5,484,500 acre-feet a year.

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

Mr. NIXON. I yield to the Senator from Arizona.

Mr. MCFARLAND. The mere allegation of a claim by another State does not establish a right. California is not entitled to more than the 4,400,000 acre-feet of III-(a) water, and one-half the surplus unapportioned water. But California disclaims any interest to anything other than surplus waters except for the 4,400,000 acre-feet of water which she, by her own act, has said is all of the apportioned waters she would claim.

The only reason we have not been able to get into court to settle the water claims is because the Supreme Court has declared that there is no authorized

project, and until Arizona does have an authorized project there is no legal threat to California.

Mr. NIXON. Let me say that I shall discuss in greater detail, tomorrow, when there are more Members of the Senate present to hear the discussion, the problem whether a case can be made for court action under the particular sections of the pending bill. But, in any event, I think the Senator from Arizona will recognize that we have a basic disagreement on that point. I may say that this colloquy between the Senators from Arizona and New Mexico, on the one hand, and the junior Senator from California on the other, indicates certainly that we have agreement on one thing, and that is that there is involved a decision which cannot be made by the Senate of the United States, it is a decision which cannot be made by counsel for either of the two States, but it is a decision which must be made by the Supreme Court.

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

Mr. NIXON. I will yield in a moment. I may say it seems to me that a decision on this question should be made before the Senate of the United States approves a project which, I respectfully suggest, is of such doubtful feasibility as the one immediately before us. The Senator, of course, I know holds to the proposition that approval of an unfeasible project—and I recognize that the Senator from Arizona would not agree with my characterization of the project—is essential before it becomes possible to get the question into court. I do not think that is the case, and I believe the arguments which can be made on that point will support California's position rather than that of Arizona.

Mr. McFARLAND. Mr. President, will the Senator now yield?

Mr. NIXON. I yield to the Senator from Arizona.

Mr. McFARLAND. I do not agree with the Senator when he says that the Congress has not settled the legal question. In my judgment, it was definitely settled by the Boulder Canyon Project Act. I think that law definitely declared, as I pointed out on the opening day of this discussion, as to what III-(a) water was and as to what III-(b) water was. It said that III-(b) water was apportioned water; because it approved in advance a compact between the States which would give Arizona all the waters of the Gila and half of the surplus above that. Under any other interpretation, that amount of water would not be available for division by compact. Therefore, it cannot now be asserted that Congress was doing a meaningless thing.

It should be repeated that California, after the interpretation by the Congress, went ahead and passed its on Self-Limitation Act which clearly shows that it accepted the original interpretation by the Congress. Despite its own official act, California claims more and more and now indicates by its action in talking about "feasibility," that her representatives will continue to fight this project and all other projects involving Colorado River water for the purpose of claiming for California all water regardless of whether she has a right to it or not.

Mr. NIXON. I am sure the Senator did not mean to indicate by his statement that he believes this issue has been settled and that it does not have to go to the Supreme Court. It may be the Senator's opinion that possibly the legislative action of several years ago settled it, but certainly the Senator from Arizona, by including in this bill the sections providing for court adjudication, indicates that he must have some doubts as to whether the issue has been settled.

Mr. McFARLAND. Frequently questions which apparently have been settled by law or court decision have to again go to the courts because there are interests, such as in California which use every artifice to win their point. Not all Californians support such moves because I have correspondence showing that many people do not agree, but there are certainly persons who will not admit that Arizona is not entitled to anything. So the only way in which we can dispose finally of the question is to go into court—something which some of the interests in the Senator's State have been trying to prevent us from doing all these years.

Mr. NIXON. Mr. President, I think we have again seen an excellent example of why the case must go to court, because the disagreement over decisions which have been made in the past by the court and over the effect of legislation which has been passed by the Congress indicates that a Supreme Court decision is needed to settle the dispute. On that point, we shall be confronted tomorrow with a clear-cut opportunity on behalf of Members of the Senate to determine whether, in order to get the question decided by the Court, it is necessary for Members of the Senate to vote for a project which they might consider to be unfeasible. It seems to me that is an unsound proposition, and I, of course, intend to discuss it at greater length tomorrow.

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

Mr. NIXON. I yield.

Mr. McFARLAND. In other words, even if the Supreme Court declared we were entitled to the water, the Senator would be in the same position as some of the witnesses from California, and as has been indicated on the floor; the Senator would be fighting right here to keep us from having the project passed upon.

Mr. NIXON. Let me say to the Senator from Arizona that I do not think he should construe the opposition of the Senators from California and of other Senators who may vote against this project, as being simply spiteful action against the legitimate interests of the State of Arizona.

Mr. McFARLAND. I did not suggest that the Senator's viewpoint is "spiteful."

Mr. NIXON. We may characterize the action in any way we like. But, so far as this bill is concerned, there are a number of Members of the Senate who contend that this project is one which is of such doubtful feasibility that it should not be approved even if Arizona were entitled to all the water in the river. Personally, I am convinced that that is the case. I realize that there are others who will disagree with that contention. It also seems to me that we should recognize that once the decision is made as to how the water should be distributed, certainly when Arizona or California or Nevada or any of the other States involved comes before the Senate with a particular project, we should consider that project on its merits, and if it is one which will prove to be feasible, certainly I shall be happy to join with the Senator from Arizona in supporting it. I think, however, that the Senator from Arizona should have respect for the opinions of those who believe that this is not a feasible project, as I have respect for his disagreeing with my characterization of the project before us.

As to the question of the meaning of the term "beneficial consumptive use" which appears in the Colorado River compact and the Boulder Canyon Project Act, California only asks that the same definition be applied to uses in California and in Arizona. Arizona apparently urges that the term has one meaning as applied to California and another as applied to Arizona. California is satisfied with the definition of consumptive use written into section 4 (a) of the Boulder Canyon Project Act and article I (j) of the Mexican Water Treaty: "Diversions less returns to the river." Arizona opposes that definition, as to her uses.

As to the dispute over the water covered by article III (b) of the Colorado River Compact, Arizona still makes about the same argument on which she was defeated in the second case which she filed in the Supreme Court against the other six States in the basin—*Arizona* v. *California et al.* (296 U. S. 341 (1934). We are satisfied with the Court's decision.

As to the claim that the California Limitation Act is to be interpreted as requiring a deduction from California's share for reservoir losses in Lake Mead and elsewhere, it is noted that the Limitation Act specifies a quantity of water "for use in the State of California" and further defined as "diversions less returns to the river." The diversions for use in California take place at points 200 to 300 miles below Lake Mead. Obviously, the act refers to a net quantity of water to be delivered "for use in California."

We will not labor this discussion. Enough has been said to show that the questions involved are serious, of great magnitude and are stoutly and sincerely argued by Arizona on the one side and by California and Nevada on the other. They are strictly legal questions, which can only be solved by the Supreme Court.

Mr. President, continuing with comments on some of the points in controversy in this debate, I noted that the Senator from Arizona, in his speech last Monday, gave figures which purported to show that there was a sufficient supply of water in the Colorado River to which Arizona had legal title. He stated that the figures were those used by the

Bureau of Reclamation in its report on the project, and that the figures "cannot be successfully challenged or disputed."

It is my understanding that the Bureau of Reclamation itself now challenges and disputes these figures. In its recent report on the proposed Upper Colorado River Basin storage project, now being reviewed by the interested States, the Bureau of Reclamation includes studies of river water supply over a 50-year period, and comes out with an average flow which is 680,000 acre-feet per year less than the figures shown by the junior Senator from Arizona.

In other words, Mr. President, the Bureau of Reclamation says, in effect, that the old figure of average annual flow upon which the Central Arizona report studies are based, has now been found to be 680,000 acre-feet too high. Even on Arizona's interpretations of the compact and other Colorado River laws, which interpretations California, of course, does not agree with. The figures submitted by the Senator from Arizona show just enough water to meet the projects requirement.

Which figure of available supply is correct? Both cannot be right. It should be pointed out that 680,000 acre-feet is over 50 percent of the amount of water proposed to be taken by the project, and this would certainly seem to be a most serious matter.

Mr. President, I agree with the Senator from Arizona in his statement that "the feasibility of any project naturally depends upon the availability of water for the project." That being the case, I submit that the recent studies of the Bureau of Reclamation show the proposed central Arizona project to be infeasible for lack of an adequate water supply, and certainly on this basis alone Senate bill 75 should not be passed.

Mr. President, California's rights to the use of Colorado River water are based mainly on old appropriative rights initiated in the last century, supplemented by contracts with the United States under the Boulder Canyon Project Act. These contracts were drawn by the Federal Government and executed by California agencies on the basis that the total amount of water to be delivered under them was within the California Self-Limitation Act as set forth in the Boulder Canyon Project Act. These contracts were the basis for the expenditure of several hundred millions of dollars by the Federal Government and State agencies on projects to use this water in California.

In 1944 Arizona, with the authorization of its State legislature, executed a water delivery contract with the Federal Government. The total quantity of water to be delivered under the contract was made subject to the rights of several other States included in which were the California rights under its Self-Limitation Act. This is specified by article 7 (h) of the Arizona contract which reads as follows:

> Arizona recognizes the right of the United States and agencies of the State of California to contract for storage and delivery of water from Lake Mead for beneficial consumptive use in California, provided that the aggregate of all such deliveries and uses in California from the Colorado River shall not exceed the limitation of such uses in that State required by the provisions of the Boulder Canyon Project Act and agreed to by the State of California by an act of its legislature (ch. 16, statutes of California of 1929) upon which limitation the State of Arizona expressly relies.

It follows then, that if the California water contracts are within the California Self-Limitation Act, Arizona has nothing to complain of; she has recognized such rights by her water contract.

By S. 75, Arizona is seeking the authorization of a project for which there is admittedly no water if California has not exceeded her rights under the Self-Limitation Act. But Arizona says that California has exceeded such rights—contrary to what the Federal Government and California thought when the California water contracts were made. Therefore, it would seem no more than proper and right that the burden of proof be placed on Arizona, since she is the one asking for the new project—she is the one asking the Nation's taxpayers to assume a burden of over $2,000,000,000 for that project. The least Arizona should do is to prove her legal right to the water required for that project.

Mr. President, I now wish to answer some of the other vulnerable claims which have been made by the proponents of S. 75.

It has been stated that—

> If Imperial Valley would forego development of its east and west mesas, now unimproved, there would be water enough for the cities and for Arizona. The Secretary of the Interior has found the east mesa lands of too poor quality to be irrigated.

The answer:

First. Imperial Valley has valid appropriations of Colorado River water for its east and west mesas with priorities dating from the early 1890's. The plan for construction of the All-American Canal to serve the valley and the mesas has been diligently pursued since about 1914. Imperial Irrigation District was a prime mover in the long campaign for construction of Hoover Dam and the All-American Canal which culminated in the passage of Boulder Canyon Project Act over Arizona's bitter opposition in 1928. Section 7 of the act provided that the public lands on the mesas should be reserved for veterans. The Secretary of the Interior, in 1932, contracted with the district for construction of the canal to serve both the valley and the mesas. The contract—House Document 717, Eightieth Congress, second session, page A614—required the district to annex the two mesas. Under the contract the canal has been constructed with full capacity to serve the mesas and the district is bound by the contract to repay the construction cost. The district has pursued with due diligence, since its original appropriations were made, the development of the project in a manner consonant with its magnitude and the many difficulties which it has encountered. It has the water right and does not choose to surrender it, either to the California cities or to Arizona.

Second. The district regards the Secretary's finding against feasibility of east mesa as politically inspired. It is carrying on farming operations in that area which, it considers, demonstrate that irrigation of east mesa is feasible.

Third. Now Arizona would rearrange California's vested water rights, in order to retrieve her four disastrous mistakes: (a) Her 20 years of unproductive opposition to the Colorado River Compact and Boulder Canyon Project Act; (b) her support of the Mexican Water Treaty of 1945, which needlessly cost the lower basin 750,000 acre-feet of water a year; (c) her insistence upon construction of the Gila project, which used up the last 600,000 acre-feet of noncontroversial lower basin water to serve an area of vacant desert land—less than 25,000 acres out of 115,000 in cultivation; and (d) her reckless war-boom development of 200,000 new acres in central Arizona during the last 10 years with full knowledge that she was overdrawing the net safe yield of her underground basins.

Fourth. Arizona might more naturally rearrange her own priorities, e. g., abandon the vacant-land Gila project on which water rights have not yet become vested in anyone.

It has been claimed by proponents of S. 75 that—

> The negotiators of the Colorado River compact in 1922 for the lower basin States orally agreed to negotiate a lower basin compact under which the million acre-feet mentioned in article III (b) should belong to Arizona.

The answer:

First. As a matter of law, as the Supreme Court said in *Arizona* v. *California* (292 U. S. 341 (1934)):

> The Boulder Canyon Project Act rests, not upon what was thought or said in 1922 by negotiators of the compact, but upon its ratification by the six States.

Second. No pretense is made that the alleged oral understanding was communicated to any of the legislatures which ratified the compact. The reports made to the legislatures by the negotiators of six of the States have been published and the Arizona negotiator and his legal adviser published full statements regarding the compact on January 15, 1923—House Document 717, Eightieth Congress, second session, pages A57 to A133, inclusive. In none of these statements is there any mention of the alleged tri-State compact. The Arizona negotiator does not mention article III (b). Thorough search of the files and correspondence of the California negotiator discloses no reference to the alleged tri-State compact.

Third. Although in the meantime there had been many Congressional hearings and a large number of interstate conferences looking to the making of a lower basin compact, the first intimation to California that Arizona claimed an oral agreement under which she would have all the III (b) water came with the filing in 1934 of the second case of *Arizona* v. *California* (292 U. S. 341), in which the Court denied Arizona's prayer to perpetuate the testimony of the negotiators as to their oral discussions. The fact that Arizona did not disclose her claim for 12 years after the compact was written intimates that the claim was an afterthought.

Fourth. On December 5, 1928, while the Boulder Canyon Project Act was under debate in the Senate, 10 days before the Senate passed it, Senator Hayden introduced an amendment to section 4 (a) of the bill providing for a California limitation act and for a tri-State compact. On the former point the amendment included the following:

And that the aggregate beneficial consumptive use by that State (California) of waters of the Colorado River shall never exceed 500,000 acre-feet of the water apportioned by the compact to the lower basin by paragraph (b) of said article III.

And on the latter point, the tri-State compact, the amendment provided:

And (2) of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article, there shall be apportioned to the State of Arizona 500,000 acre-feet for beneficial consumptive use (hearings on S. 75, Senate Committee on Interior and Insular Affairs, pp. 832, 933). Senator HAYDEN'S explanation of this amendment to the Senate conveys no intimation that Arizona claimed a right to all the III (b) water (CONGRESSIONAL RECORD, vol. 70, pt. 1, pp. 165, 174.) (See hearings on S. 75, pp. 830, 838, inclusive.)

It has been claimed by proponents of S. 75 that—

The tri-State compact mentioned in the second paragraph of section 4 (a), Boulder Canyon Project Act, is an apportionment by Congress of the lower basin water, or in some way establishes Arizona's rights.

The answer:

First—

Mr. CARSON. No. The reason I say that, Mr. D'EWART, is because I do not believe it is within the constitutional power of Congress to allocate or apportion water between States. (Hearings before House committee, March 14, 1951, galley 6KKR).

Second. The three States have never agreed to the proposed compact. The authorization by Congress, of which they have not availed themselves, is a nullity.

Third. The Hayden amendment to section 4 (a), proposing the tri-State compact was perfected by Senator Pittman and was then accepted by Senator Johnson in a colloquy on the floor with Senator Pittman (CONGRESSIONAL RECORD, vol. 70, pt. 1, p. 472) as follows:

Mr. JOHNSON. With the distinct understanding that this authorization is one that is after all an authorization that is wholly unnecessary, because the parties may, in any fashion they desire, meet together and contract and subsequently come to Congress for ratification of that contract; that there is no impress of the Congress upon the terms, which might be considered coercive to any one of those States, I am perfectly willing to accept the amendment.

* * * * *

Mr. JOHNSON. That is all right, but what I want to make clear is that this amendment shall not be construed hereafter by any of the parties to it or any of the States as being the will or the demand or the request of the Congress of the United States.

Mr. PITTMAN. Exactly, not.

Mr. JOHNSON. Very well, then.

Mr. PITTMAN. It is not the request of Congress.

Mr. JOHNSON. I accept the amendment, then.

Fourth. The proposed tri-State compact could not have been executed. It provided no water for the lower basin areas of Utah and New Mexico.

It has been claimed by proponents of S. 75—

The project will so enhance Arizona's income-tax-paying ability that the United States will from this source recoup the cost of the project many times over.

The answer:

First. This thought, expressed vaguely and in various exaggerated forms, is intended to sound as though there was a special national benefit from the project. It is a false quantity.

Second. Since no new land is to be irrigated, the project would not enhance Arizona's present income taxes, but would only tend to prevent their being reduced.

Third. Figures of $75,000,000 to $90,000,000 used by some Arizona witnesses, when scrutinized, are seen to represent recent income-tax estimates for the entire State, including its mines, lumber operations, tourist business and farming outside the central Arizona area. More pertinent is a figure of $36,000,000 a year, which seems to be an estimate of present income taxes from central Arizona farming operations—Bimson, galley CC72. Assuming the retirement of one-third of central Arizona farming acreage, the result might be the loss of $12,000,000 a year in income taxes. On the other hand, the dead loss to Federal taxpayers in interest on the project cost is certified by the Secretary of the Interior—answer to question 17—to be $2,075,000,000, which prorated over 75 years is $27,666,666 a year. That is the cost of saving the $12,000,000 in taxes. It is a national loss, not benefit.

Fourth. Arizona disregards the alternative use of the same water at no Federal expense, in California, in compliance with the contracts held by California agencies. Total income-tax payments of the entire State of California in recent years are on the order of $3,000,000,000 a year—Congressman SAYLOR, galley 5KKR. While no breakdown is available, it is apparent that use of 1,200,000 acre-feet to supply industrial and domestic water in metropolitan water district, which is the alternative that must be sacrificed if central Arizona takes the water from California, would produce in taxes many times the possible loss of income taxes in central Arizona if the project is not built. So the result is again national loss, not benefit.

Fifth. Arizona's argument is based on no tenable principle. The United States cannot afford to make non-interest-bearing, and in fact, nonreimbursable, advances to establish productive facilities anywhere in the Nation, on the theory of creating taxpaying ability. It would actually suffer losses far exceeding the taxes collected. And if it could do so, Pennsylvania, South Carolina, and every other State would be entitled to like treatment, with a consequent broadening of the inquiry as to the most advantageous alternative use of the taxpayers' money.

It is claimed: "This is a rescue project. If S. 75 is not passed, 250,000 people must leave Arizona."

The answer: Section 15 of S. 75 prohibits construction until materials are available. Amendments printed by the Arizona Senators May 29 prohibit construction until after the end of the present emergency. When, if ever, construction does begin under these amendments, it will require 15 years to complete. At best, therefore, no water could be delivered for 20 years or more. Long before then, Arizona's periodic wet cycle would have replaced the present dry cycle, or her economy would be readjusted to the fact that she has overdrawn, mined, and exhausted part of her underground water supply. The project could not possibly rescue Arizona from the consequences of the present drought.

The Senator from Arizona [Mr. MCFARLAND] says that if central Arizona does not get this project "at least 250,000 people would have to leave Arizona to find a means of life elsewhere. They would be displaced persons just as truly as the people in Europe who lost their homes in World War II."

Also he says that "the economy of the whole State of Arizona" is "at stake."

The absurdity and exaggerated character of such statement are shown by the following:

First. In the Senate hearings on S. 75 held in 1949, the Bureau of Reclamation submitted a chart—page 585—showing that the total annual loss in crop production, if the project were not built, would amount to $5,300,000. But on May 31, Senator Hayden placed in the CONGRESSIONAL RECORD—page 5977—the statement that "during 1950 the cash value of all products sold from the farms and ranches of Arizona amounted to over $273,000,000." Can it be that such a relatively small loss of $5,300,000—2 percent—would wreck the economy of the entire State or cause 250,000 people to leave Arizona. Of course not.

Second. While it may be that many years ago the economy of the central part of Arizona was geared to a great extent to agriculture, such is not the case today, nor will it ever be again in the future. This can be shown by considering a number of factors affecting the economy of the State, among which are the following:

FACTORS AFFECTING ECONOMY OF CENTRAL ARIZONA

First. Relation between acreage irrigated and population, Maricopa County:

Population in 1940 (table C-4 and C-7 of appendixes)	186,193
Population in 1946 (tables C-4 and C-7 of appendixes)	275,000
Gain of 1946 over 1940—48 percent or	88,807
Population in 1950 (preliminary census)	329,266
Gain of 1950 over 1940—77 cent or	143,073
Acreage irrigated in 1940 (tables C-4 and C-7 of appendixes)	376,147
Acreage irrigated in 1947 (Lane statement)	430,145
Increase in 7 years—14.5 percent or	54,000
Acreage irrigated in 1949 (based on Lane data)	460,000
Increase in 1949 over 1940—22.5 percent	84,000

The foregoing shows an increase in population of Maricopa County for 1946 of 48 percent and for 1950, 77 percent, over 1940. On the other hand, the increase in acreage irrigated in 1947 was only 14.5 percent and for 1949 but 22.5 percent over 1940.

Surely, no one would contend that the 14.5 percent increase in 1947 or the 22.5 percent increase in 1949, in acreages irrigated as compared to that for 1940, played more than a relatively small part in the causes for the large increases in population of 48 percent for 1946 and 77 percent for 1950 over that for 1940.

Second. Growth in tourist business and industrial production:

The explanation for these major increases in population is found, primarily, in two factors, first, growth of tourist business; and, second, growth in industrial development and production.

Growth of tourist business

Tourist expenditures in Arizona:	
Year 1940 [1]	$25,000,000
Year 1945 [1]	30,000,000
Increase for 1945 over 1940—60 percent or	15,000,000
Year 1950 (estimated)	100,000,000
Increase for 1950 over 1940—300 percent or	75,000,000

[1] Table C-15, page C-4 of appendixes.

The larger part of the tourist business of the State centers in the Phoenix and Tucson areas.

In an article by Joel Keith appearing in the Phoenix Gazette of February 24, 1951, the statement is made that "there are accommodations for 35,000 visitors in the Phoenix area, and they are 99 percent filled every night."

Growth of industrial development and production

(Types of manufacturing plants in Maricopa County (table C-12, p. C-38 of appendixes))

Type of plant	Number of plants	
	1946	1940
Food packing and processing	103	76
Printing	83	29
Woodworking	30	13
Brick, tile, and gypsum	22	9
Fertilizers, insecticides, and paints	22	8
Fabricated steel and metal work	48	5
Leather goods	7	1
All others	48	11
Total	363	152

Industrial production, Maricopa and Pinal Counties

	1950	1945	1940
Manufacturing	[1] $96,590,000	[2] $43,318,000	[2] $12,093,000
Increase over 1940	$84,497,000	$31,225,000	
Percent increase over 1940	700	28.2	

[1] Census.
[2] Table C-14, p. C-40, appendixes.

That Arizona anticipates this industrial development to continue at an even more rapid rate than in the past is shown by statements of Arizona witnesses that Arizona could use the total output of firm power which could be produced at Bridge Canyon power plant—3,594,000,000 kilowatt-hours per year—as soon as it could be made available. Also that such industrial firms as Reynolds Aluminum, Airresearch, Howard Hughes, and American Smelting & Refining were expected to locate in the area soon. These firms will require little water but lots of electric power.

Arizona and the Pacific Southwest would gain far more if the 1,500,000,000 kilowatt-hours per year of Bridge Canyon power—about the same total amount as now used by Washington, D. C.—were made available to industrial, commercial, and domestic service, than were it to be dedicated to the pumping of irrigation water.

Third. Comparison with city of Tucson, Pima County:

Population, city of Tucson, 1940	36,818
Population, city of Tucson, 1950	45,064
Increase in 1950 over 1940, 50 percent, or	18,246

There is very little agriculture in Pima County, which is outside of the central Arizona project area, yet there was a 50-percent increase in the population of the city of Tucson between 1940 and 1950. As in other cases cited, this large increase has been due primarily to a phenomenal growth in the tourist business and to a lesser extent to the growth in industrial activity.

Fourth. Comparison with Imperial County, Calif.: Imperial County, Calif., from an agricultural standpoint, is very similar to Maricopa County, Ariz. About 450,000 acres are being irrigated in Imperial as compared with 460,000 in Maricopa. The climate, types of crops grown, and the value produced per acre are quite alike. The main difference is that Imperial's economy is geared practically 100 percent to agriculture, while Maricopa County has the capital of the State, Phoenix, and a rapidly expanding tourist business and industrial production with all the related factors. These are the main reasons why the population of Imperial County is around 65,000 while that of Maricopa County is 330,000. This comparison is made to show the relation of agriculture to population and the absurdity of statements as the one that without the Central Arizona project—admittedly resulting in the loss of production from only 150,000 acres of land—150,000 to 250,000 people in Arizona would have to seek new homes, and so forth.

Fifth. Property values in Maricopa and Pinal Counties: The following appears on page C-41 of the appendixes:

SUMMARY OF ECONOMIC GROWTH AND DEVELOPMENT IN MARICOPA AND PINAL COUNTIES

These values are based on United States Census data and tax assessments for 1940. The assessed values were converted to true values and coordinated with the Census values, after which an adjustment was made to obtain an average to represent the period 1939-44. It should be recognized that these values are a great deal less than 1947 construction costs.

Agricultural values:	
Farm land, 420,612 acres	$78,795,000
Farm buildings and improvements	20,597,000
Subtotal	99,392,000
Urban and industrial values:	
City and town lots, improvements, industrial plants and installations	$153,130,000
Railroads	52,084,000
Subtotal	205,214,000
Public service property values:	
Utilities, including telephone, telegraph, gas, electric and water	57,664,000
Facilities, including schools, hospitals, churches, irrigation works, etc	152,504,000
Roads, highways, and other pavement	67,896,000
Subtotal	278,064,000
Total	582,670,000

It will be noted that the total agricultural values represent only about 17 percent of the total values shown for both counties. Also that this total applied to the acreage shown of 420,612 represents a value of about only $235 per acre of farm land.

It should also be pointed out that the burden which the central Arizona project would put on the Nation's taxpayers of $3,000,000,000 to $4,500,000,000 is from five to nearly eight times the total value shown by the foregoing of all farm land, cities, towns, industries, and other properties and improvements in the project area.

Arizona's economy is becoming geared more and more to the tourist business, industrial development, and the growing of specialty crops not dependent on whether the central Arizona project is constructed or not. It is submitted that there has not been nor can there be submitted evidence to substantiate the contention that failure to build the central Arizona project or bring Colorado River water to central Arizona would cause serious consequences to the economy of the State.

It is claimed:

Arizona would only be using her just share of the eight or ten million acre-feet now annually flowing and wasting into the ocean. (Senator MCFARLAND, RECORD, May 28, 1951, p. 5870.)

The answer:

First. The correct figure is seven million—testimony of Bureau Engineer Nielsen before the House Committee, February 27, 1951.

Second. Five million of this is the unused right of the upper basin, which is now using not over two and one-half million of the seven and one-half million perpetually allotted to it by article III (a), Colorado River compact. No lower-basin project can be premised on the use of that water.

Third. One million will be required to serve authorized projects in Arizona which are now in construction—Gila project, Colorado River Indian Reservation, and miscellaneous small projects.

Fourth. The remaining one million is insufficient to serve the full development of existing commitments in the other four States of the lower basin—California, Nevada, New Mexico, and Utah.

So Arizona has no share in the water now wasting to the ocean which could be used for a new project.

Mr. President, it seems to me the debate comes down to one very simple and important question, which is: What justification is there for consideration and approval of this project in wartime?

The only justification which has been offered for consideration of the project is that passage of S. 75 will open the door to the Supreme Court.

It is no longer pretended that the project can be built in time to rescue Arizona from the results of overexpansion since section 15 postpones construction until materials are available, and the Arizona amendments to section 13 postpone construction until the end of the emergency. It would take 15 years to build the project after that.

In other words, Mr. President, what we have here in effect are two emergencies. We have the national emergency, with which we are quite familiar. We have the emergency which exists in Arizona. Both emergencies cannot be met at the same time. The national emergency must take precedence. The bill (S. 75) makes the assumption that it must take precedence. If it must take precedence, then it seems to be quite apparent that the Arizona emergency is not going to be met by this bill.

The second point which should be made in that connection is: What is the price for getting into court on this vehicle, through this bill? This is the first reclamation project for which, in its initial authorization, an 85-year-repayment period is asked—10-year development followed by 75 years of repayment. This is as long as from Lincoln's second administration to President Truman's. Other projects have had to come back to Congress for extensions of their pay-out periods, but there has never been a project, prior to this one, which admitted the need for nearly a century of time before authorization.

In other words, that is one of the precedents which will be established by approval of the bill. It is one of the price tags for getting into court.

Another point which should be made is that this is the first reclamation project for which the water users would pay less than 1 percent of the cost of their irrigation works. As a matter of fact they could scarcely pay the operation and maintenance expenses.

This is the first project of its kind which will cost the taxpayers of the Nation in excess of $2,000,000,000, or any sum remotely approaching that amount in interest money alone.

I submit that this is not California's figure; it is the figure, the estimate, of the Secretary of the Interior. The House Public Lands Committee asked the Secretary in writing, by formal resolution:

> How much interest on the national debt occasioned by the project would be borne by the Nation's taxpayers, assuming a 75-year repayment period and a reasonable construction period?

The Secretary answered, in writing, on June 28, 1950, that assuming a construction cost of $708,780,000 a construction period of 8 years, and an interest cost of 2½ percent—and I quote his answer:

> The net interest on the national debt occasioned by the project and borne by the Nation's taxpayers would total approximately * * * $2,075,729,000.

This is the net interest only, because the construction investment would be left unpaid. Since that time the Secretary has increased the cost estimate by 11 percent, to $788,265,000. And Federal interest costs have increased, not decreased.

So in these three major points the Senate is in effect asked to create precedents far exceeding anything it has ever done before, for the purpose of facilitating a lawsuit.

It seems to me that on its face that does not make sense. It appears to me that if there is another method, a method which has support in legal circles, I might say, for settling the controversy as to which State is entitled to how much water, that method should at least be tried first. An amendment by way of a substitute for the pending bill, which the senior Senator from California, my colleague [Mr. KNOWLAND], and I will submit tomorrow, I believe will present to the Senate an alternative method, a method which does not have the tremendous price tag the bill before us, S. 75, has, and a method which will solve the controversy much more effectively in the courts than would sections 12 and 13 of the bill before us.

THE LOWER BASIN—COLORADO, ARIZONA, CALIFORNIA, NEW MEXICO, NEVADA, UTAH

Mr. MALONE. Mr. President, prior to the vote on Senate bill 75 tomorrow the junior Senator from Nevada again wants to make clear his position and that of his State in regard to the project. First I want to say we are in no way opposed to the irrigation and the development of the State of Arizona.

We are for the development of the State of Arizona in the same manner as all other States in the Colorado River Basin and, in fact, the entire West, which is dependent upon irrigation for development. This development should be done in the same manner and through the same policies that have long been adopted by the Congress of the United States, and, of course, on an even basis with the other States in the basin.

The junior Senator from Nevada became State engineer of Nevada in 1927, as well as the engineer member of the Colorado River Commission. He has been entirely familiar with all the conferences held since that time, with special reference to the conferences that were held, of course, during the 8½-year period beginning 1927 until 1935, inclusive, while he held the office of State engineer of Nevada and Colorado River commissioner.

At that time Mr. A. M. Smith, who had been employed by me as State engineer for some time prior to my resignation as State engineer, took over the office of State engineer and, as a matter of fact, also of Colorado River commissioner, and held the two offices until his recent resignation.

Mr. President, the junior Senator from Nevada, as State engineer of Nevada and in his long service as a private engineer, has always supported development of irrigation and flood-control projects throughout the United States, as a matter of fact, but more especially in the 11 Western States, where he was entirely familiar with the proposed projects, whenever they were feasible under the criterion prescribed by the Army engineers and the Bureau of Reclamation, and when the water problems were settled in accordance with the custom, which, of course, has always been by interstate agreements on such interstate streams, or by an adjudication by a court of competent jurisdiction.

UPPER AND LOWER DIVISIONS AND BASINS

One misunderstanding which seems paramount is the reference to upper and lower basins of the Colorado River and upper and lower divisions of the Colorado River. They are not the same, but both are referred to and have a definite reference in the Colorado River compact.

In 1948 the junior Senator from Nevada defined the upper and lower divisions of the river. Reading from the definition as found in the CONGRESSIONAL RECORD as of that time:

> Much has been said of the upper and lower basins, and I think an explanation would be helpful. The Colorado River Basin is a seven-State affair, and the term "upper division" means the States of Colorado, New Mexico, Utah, and Wyoming.
>
> The "lower division" means the States of Arizona, California, and Nevada. Lees Ferry is the geographic dividing point between the divisions. The term "upper basin"—and this is where a misunderstanding exists—means the States of Colorado, New Mexico, Utah, and Wyoming * * * within and from which waters naturally drain into the Colorado River system above Lees Ferry.
>
> The first is a geographic arbitrary division and the second is a drainage division.

This is where the misunderstanding arises.

> The lower basin, then, instead of only meaning just the States of Arizona, California, and Nevada, means those parts of the States of Arizona, California, Nevada, New Mexico, and Utah within and from which waters naturally drain into the Colorado River system below Lees Ferry.

It will be seen that there are four States in the upper division and three States in the lower division, whereas in the upper basin there are four States, but there are five States or parts of States in the lower basin.

When we refer to the lower basin, as is continually done in this debate, we refer to the States of Arizona, California, and Nevada, and to those parts of New Mexico and Utah which drain into the river below Lees Ferry.

Mr. President, it is obvious, of course, that no agreement can be made among the lower-basin States without consideration of the five lower-basin States, not three, and certainly not two. It is continually stated in the newspapers generally that the fight is between California and Arizona. The obvious fight is between California and Arizona, because they are continually and aggressively talking about it. Nevada has said little except when its water rights are actually threatened, in the absence of an interstate agreement or adjudication by a court of competent jurisdiction.

The actual situation which exists on the river is that there is very little water used out of the Colorado River and its

tributaries in either New Mexico, Utah, or Nevada, while there is a considerable amount of water utilized out of the Colorado River and its tributaries by both Arizona and California. Arizona now claims 2,000,000 acre-feet and California more than 4,000,000 acre-feet.

But when further development is discussed, Nevada is vitally interested, because, as in the case of the other States mentioned, certain areas are entirely dependent upon water from that source, there being no other source of water for a large part of Arizona, California, Nevada, New Mexico, and Utah except the Colorado River and its tributaries.

Mr. President, it had been the hope of the junior Senator from Colorado, even after watching and participating for 8½ years in the interstate conferences, the seven-State conferences, and the lower-basin State conferences on the division of water, and after watching the conferences which have continued from that date almost to the present time, even after all that experience and observation the junior Senator from Nevada hoped that there would be an agreement, or that we could obtain an adjudication of the waters of the lower-basin stream system through the Supreme Court.

The junior Senator from Nevada joined with the senior Senator from Nevada [Mr. McCARRAN] and the two California Senators [Mr. KNOWLAND and Mr. NIXON] in the introduction of a joint resolution, Senate Joint Resolution 5, this year asking that the Supreme Court take jurisdiction for such an adjudication. The same bill was also introduced in the Eighty-first Congress, but was held in committee.

The Committee on Interior and Insular Affairs, of which the junior Senator from Nevada is a member, has chosen each time to report S. 75 or a similar measure, instead of the joint resolution.

Each year the Arizona project has been promoted to the fullest extent, and debated on the floor of the Senate.

FIVE IRRIGATION PROJECTS FOR NEVADA TOTALING 189,400 ACRES

In the absence of any interstate agreement or adjudication the junior Senator from Nevada, on April 9, introduced five irrigation project bills. Since that time those bills have reposed in the Committee on Interior and Insular Affairs.

No hearings have been called on such bills. They provide for projects as follows:

S. 1297

Project No. 1 contains a total of 7,660 acres in the following seven areas:

Area No. 1: 1,300 acres in the Mesquita area irrigated from the Virgin River.

The Virgin River is a tributary of the Colorado, or was a tributary of the Colorado. Since the construction of the Hoover Dam both the Virgin River and the Muddy River, which before that development was a tributary of the Virgin River, have flowed into the northern part of Lake Mead.

Area No. 2: 900 acres in the Bunkerville area irrigated from the Virgin River.

Area No. 3: 60 acres below Riverside station irrigated from the Virgin River.

Area No. 4: 1,600 acres just above Lake Mead.

Area No. 8: 2,800 acres near St. Thomas irrigated from Lake Mead.

Area No. 9: 600 acres in two separate tracts irrigated from Lake Mead.

Area No. 10: 400 acres irrigated from Lake Mead.

Project No. 1 would include all of these areas, a total of 7,660 acres. The pump lift for these areas probably would not exceed 25 to 40 feet.

S. 1298

Project No. 2 contains a total of 20,600 acres in the following three areas:

Areas Nos. 5 and 6: 12,000 acres in the Muddy River and Meadow Valley Wash above Glendale and below Warm Springs, irrigated from Lake Mead and the Muddy River.

Area No. 7: 8,600 acres, including land now under the Muddy Valley Irrigation Co.'s canals, with additional acreage irrigated from Lake Mead.

I may say at this point that the map which shows the areas, which areas were investigated and mapped at the time the junior Senator from Nevada was State engineer and Colorado River commissioner of Nevada, is available in his office to any committee which might be interested in the areas. The surveys and investigations were made under the supervision of the then State engineer of Nevada and now the junior Senator from Nevada.

S. 1299

Project No. 3 contains a total of 61,200 acres in the following two areas:

Area No. 11: 1,200 acres 14 miles east of Las Vegas on a branch of the Las Vegas Wash, irrigated from Lake Mead.

Area No. 12: 60,000 acres lying in Las Vegas Wash, irrigated from Lake Mead.

I may say that project No. 3 lies east, west, and south of Las Vegas.

S. 1300

Project No. 4 contains a total of 40,000 acres in the area southwest of Boulder City:

Area No. 16: 40,000 acres lying approximately 5 miles southwest of Boulder City, irrigated from Lake Mead.

Project No. 5 contains a total of 60,000 acres in the following three areas:

Areas Nos. 13, 14, 15: 60,000 acres, including bottom and bench land in the vicinity of Davis Dam, irrigated from the Colorado River.

I quote further from the CONGRESSIONAL RECORD of April 9, 1951, at page 3515:

Mr. MALONE. Mr. President, the five projects are shown in detail on map No. 4 which was made under my direction as State engineer of Nevada and secretary of the Colorado River Commission on February 20, 1925—and which is included in the official report of the Colorado River Commission of Nevada, covering the period of January 1, 1927, to September 1, 1935.

I quote further from the CONGRESSIONAL RECORD of April 9, 1951, at page 3516:

Mr. MALONE. Mr. President, the junior Senator from Nevada has delayed the introduction of proposed legislation providing for the consumptive beneficial use of the 900,000 acre-feet of the waters of the Colorado River which my State of Nevada has officially claimed, hoping that an interstate agreement between the lower basin States of Arizona, California, Nevada, New Mexico, and Utah might be consummated within a reasonable time. However, the population of the Nevada area has increased more than 10 times its original number during the period subsequent to the passage of the Boulder Dam Project Act in 1928, and the underground water supply is rapidly diminishing and the pumping lift is increasing at an alarming rate.

Mr. President, as has been heard on the floor of the Senate many times in the past 2 or 3 years, the same thing is happening in Arizona, according to the debate, and the junior Senator from Nevada is in a peculiar position to appreciate what it means to those areas. The same thing is happening in the Nevada area. While I was State engineer, underground water laws were either passed or perfected in many of the 11 Western States.

I believe that at that time New Mexico had about the only well established underground water law. Under it filings were received in the office of the State engineer. In most cases when the water table began consistently lowering the State engineer had authority to do something about it by way of priorities. Unfortunately for many years there was no adequate underground water law in existence. Engineers were partly to blame. The public thought, as did some engineers, that the underground water supply was inexhaustible. However, engineers in California and New Mexico, as well as in the other 9 of the 11 Western States, as the development of underground water supplies progressed, soon found that underground water supplies were fed by the annual runoff, in the same manner that surface streams were fed, except that, because of its nature, the water found its way underground.

The supply of water built up over the years, sometimes near the surface was found to have been the accumulation of many years.

Geologists say it was the accumulation of many thousands of years.

For some considerable periods of time almost unlimited amounts of water could be pumped from the underground supply. It was water that had been deposited over thousands of years. However, it was being used faster than the inflow replenished it.

As engineers began to investigate the matter it was found that there were definite methods of computing the underground supply. It was not so accurate a method of computation as that used in connection with surface supplies, which one could observe. It was necessary to estimate the annual accretion of the underground water supply in order to determine the amount of water which could be used each year with safety. As soon as that situation was realized by the engineers of the districts and the original users of the underground water, they became sufficiently alarmed because of the lowering of the water table to begin to demand a State law which would control the use of the water.

The matter of State law has been fairly well taken care of. However, the overappropriation of the underground water resulted in the abandoning of certain valleys in California and Nevada, for example and in all of the arid States.

In several of the valleys in Nevada the evidence of former settlements on the land has almost entirely disappeared, but abandoned cabins were found in a great many of the valleys. I remember

as far back as 1912 and 1913 working in California on Government surveys in the Apple and Lucerne Valleys near the Mojave Desert, where water had been overappropriated for irrigation purposes, with the result that houses, streets, towns, and whole valleys had been abandoned en masse. There was no help for that, Mr. President, although it was a sorry spectacle.

However, water had been used beyond the dependable supply. In connection with the promotion of those areas, land was sold to settlers or was taken up under the land laws or in other ways. It was just a matter of learning the hard way, over a period of 40 or 50 years, about the supply of water. Those of us who came onto the scene later—engineers and economists—took our place in State affairs at a time when more had been learned about that subject.

In those areas in California, Nevada, and other States which were overdeveloped, and where water was found not to be available because the underground accretion or supply, which had been built up over many years, had been used up and the dependable annual supply was found to be much less than the real estate promoters, the farmers, and others who had filed on the land had depended upon, the populations of the valleys later were either substantially reduced or the valleys were entirely abandoned.

The result in most cases was that fewer persons could live there. Finally those who remained reached the point where they were using the annual supply of water.

That was accomplished in several ways—in some cases by abandonment and in other cases by certain persons buying up and consolidating the water rights.

Mr. President, I have the utmost sympathy for any of these abandoned valleys. I have the utmost sympathy for the valleys which are described by the Senators from Arizona.

NEVADA UNDERGROUND WATER OVERAPPROPRIATED

On the other hand, Mr. President, I have the same utmost sympathy for people in Nevada who find themselves in a similar condition.

Mr. President, if you were to follow through the negotiations in regard to the Colorado River, beginning in 1922, in Santa Fe, and eventually culminating in the entire seven-State basin compact—which was approved first by five States, and then by six, and eventually by Arizona, which was the last State to approve it, having done so only a few years ago, following the construction of Boulder Dam, now called Hoover Dam—you would find that there is only one method of discussing the matter of interstate agreements in such cases, and that is by means of discussing the sovereign rights of the individual States.

Of course, Mr. President, the right to the use of water in the West is, generally speaking, determined within the State by means of priority. In other words, as people came into the valleys, long before there was a water law, they started using a certain amount of water, simply by taking it out of the river or the stream system in any way they could take it.

Later, some of the States had what was called a riparian theory of water rights. Most of the States, however, began with the appropriation theory.

The riparian theory was simply a theory of water use according to which any owner of land was entitled to have a stream flowing by his land, or his farm, undiminished. The riparian theory did not lend itself to the fullest development of the arid areas, simply because if the stream were to flow undiminished past a certain farm, perhaps one which was well down on the stream, certainly persons who had financed irrigation districts as provided by State law over a period of 25, 30, or 40 years through bond issues could not sell the bonds.

So practically all the States—even including California, which held on to the riparian theory longer than any other State—finally turned to the appropriation theory of water use.

However, Nevada, my own State, soon realized that the riparian system was not conducive to the fullest development of the State's water supply, which of course we must have, inasmuch as our State has a very limited water supply. So the Supreme Court soon ruled out everything on that particular but the appropriation method.

In 1913 the State of Nevada passed a water law. Any rights established prior to that time could not be impaired by the State engineer, under that law; but the law set down rules and regulations by means of which the State engineer could determine the extent of those water rights, which were called vested rights.

On the other hand, any water rights claimed subsequent to the passage of that act had to be filed in accordance with the State law.

Necessary blanks were furnished by the State engineer's office and were filled out and filed—stating the dates on which the water would be put to beneficial use, the land on which it would be used, and the amount of water which would be utilized over a 3-year period—then he owned the use of the water.

In that way the priority system was developed, and that same system was established for the underground water. In addition, Mr. President, I think it is generally recognized, and I think all the old timers would so testify, that the surface water was also overappropriated. When I refer to the old timers, Mr. President, I refer to such persons as Ed Hyatt, State engineer of California, and Mike Hinderlider, of Colorado, who was State engineer for 25 or 30 years. Sometimes the controversies were carried on with shovels and shotguns. The question of use was always finally adjudicated, which is what the State engineer's action would be called, and much of such lands would be found to have such a late priority that it was almost impossible, and was, in many cases, quite impossible, to make a living on the land with the water allowed. Those lands also went the way of the overappropriated underground rights, or the areas where it was proved there was more taken from underground water to irrigate the land put under cultivation than the annual accretion to that amount. So the question is not new. If Nevada could not take water from the Colorado River then there would be no recourse for the 30,000 or 40,000 people in southern Nevada who would be affected, many would have to leave.

Mr. President, I simply mean to point out that the principle is the same. The condition has been the same for the 30 years the junior Senator from Nevada has been entirely familiar with his own State, and, in a general way, familiar with all 11 of the Western States.

Reading again from page 3516 of the CONGRESSIONAL RECORD of April 9, 1951, the junior Senator from Nevada said:

> It is freely predicted that unless additional Colorado River water supplies can be secured from Lake Mead and tributaries that the present population and industrial activities are in serious danger for domestic and industrial water supplies. One of the larger air training bases, Nellis Field—

The Senator from Nevada was speaking then of southern Nevada—

> is being utilized almost to capacity by the Air Corps, and the war industrial manufacturing and processing plants at Henderson are being enlarged. New industries are being established.

The Henderson industrial plant is where large amounts of magnesium were manufactured during the war, and units of the plant still remain and are being utilized.

Those which were not already being utilized by regular industries are being brought very rapidly under war utilization. Continuing:

> Mr. President, the city of Las Vegas, Nev., is at this time officially trying to purchase an interest in, or gain title to, the one pumping plant from Lake Mead furnishing domestic and industrial water to the industrial plants at Henderson, Nev. The plant can furnish approximately 30,000,000 gallons per day, while only about 40 percent is needed at Henderson.

That plant may be turned over to the city of Las Vegas as a result of negotiations now under way, and, if it is turned over, the city will operate the plant, according to present negotiations, furnishing the amount of water which Henderson and the BMI plant at that point need. During World War II, "BMI" meant the basic magnesium industries. At the present time no magnesium is being manufactured, but there are different types of plants, to which would be supplied the necessary water, which may require about 40 percent of the capacity of the plant, the remainder of it to be taken to Las Vegas.

NINE HUNDRED THOUSAND ACRE-FEET OF WATER

That water would be part of the 900,000 acre-feet demanded and established as Nevada's need by an engineering report made in 1935. An engineering committee was appointed at that time by the Colorado River States, consisting of Edward Hyatt, State engineer of California at that time, recently retired; M. H. Hinderlider, State engineer of Colorado, and still State engineer of Colorado; and the junior Senator from Nevada, who at that time was State engineer of Nevada. That committee, after investigation, determined that Nevada was entitled to 900,000 acre-feet.

I shall later ask that the table be included in the RECORD.

Quoting further from the CONGRESSIONAL RECORD of April 9, 1951, the junior Senator from Nevada said:

SUBSISTENCE HOMESTEADS

Mr. President, much of the land proposed to be irrigated through the medium of the five projects would be available for subsistence homesteads—that is, relatively small tracts of 2 or 3 acres up to 5, 10, or 15 acres would be made available to the thousands of workers in war industries so they might raise vegetables and other farm products to supplement their wages and to carry them over any temporary slump in peak production.

At this point I ask that the preliminary report of the engineering committee appointed by the Colorado River conference, at Salt Lake City, Utah, on March 1, 1945, which appears in the CONGRESSIONAL RECORD of April 9, 1951, at page 3521, be printed in the RECORD at this point, as a reference for Senators.

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

PRELIMINARY REPORT OF THE ENGINEERING COMMITTEE APPOINTED BY COLORADO RIVER CONFERENCE IN SALT LAKE CITY, UTAH, MARCH 1, 1935

A study of the water ultimately available in the lower basin of the Colorado River including all tributaries, based on the report of E. B. Debler, December 1934; analysis of commitments thereon; and an assumed distribution thereof.

ASSUMPTIONS

1. Consumptive use of 7,500,000 acre-feet annually in the upper basin as apportioned by the Colorado River compact.

2. Complete reservoir development in lower basin as set forth in the Debler report.

3. That Mexico will be allocated 750,000 acre-feet annually.

I. Ultimate usable water supply in acre-feet

1. Net supply for use from main stream below Boulder Dam	8,370,000
2. Net supply for use from Gila River	2,259,000
3. Net supply available for lower basin use above Boulder Dam	240,000
4. Waste crossing international boundary and usable in Mexico	200,000
Total	11,069,000

NOTE.—Items (1) and (2) are exclusive of waste into Mexico.

II. Present commitments on lower basin supply (including total Gila River, vested rights and contracts) in acre-feet

1. Arizona—total of Gila River	2,259,000
Vested in Colorado River below Boulder Dam	600,000
2. California contracts	5,362,000
3. Present lower basin uses above Boulder Dam in Arizona, Nevada, New Mexico, and Utah	90,000
Total	8,311,000

III. Assumed distribution—additional assumptions in acre-feet

(a) Use in Arizona, Nevada, New Mexico, and Utah above Boulder Dam of	240,000
(b) Total use by Nevada	900,000
(c) Allocation to Mexico	750,000

DISTRIBUTION

1. Arizona:	
(a) Gila River	2,259,000
(b) Rights below Boulder Dam	600,000
(c) Total above Boulder Dam	30,000
(d) Remaining water in stream	[1] 988,000
	3,877,000
2. California contracts	5,362,000
3. Nevada:	
(a) Above Boulder Dam	30,000
(b) Balance of proposed contract	870,000
	900,000
4. New Mexico above Boulder Dam	30,000
5. Utah above Boulder Dam	150,000
6. Republic of Mexico	750,000
	11,069,000

[1] Total available quantity for use in lower basin less allocations, contracts, and assumed distributions.

AVAILABLE TO ARIZONA FROM MAIN STREAM OF COLORADO RIVER

Present uses from Colorado River below Boulder Dam	600,000
Assumed ultimate uses above Boulder Dam	30,000
Remaining water below Boulder Dam	988,000
Total	1,618,000

REMARKS

1. It is herein understood that water used or to be used above Boulder Dam as above listed, is assumed to come from tributaries of the main stream of the Colorado River. The Nevada contract for water deliveries proposed to the Secretary of the Interior for 900,000 acre-feet, includes both present and proposed uses.

2. It is assumed that the water used by New Mexico from the Gila River is included in the Gila River commitments.

3. It is also assumed that Utah will use 150,000 acre-feet of the 240,000 acre-feet of the lower basin water to be used above Boulder Dam, as determined by the Debler report. If as indicated by Utah, that State may require a total of 300,000 acre-feet, the additional amount must be deducted from the net supply listed as available for use below Boulder Dam.

4. It is not necessarily assumed that all members of the Commission agree in all particulars to the accuracy of the Debler report, but this report is a preliminary analysis of the water supply available for use in the lower basin, based on that document.

EDWARD HYATT.
M. G. HINDERLIDER.
GEO. W. MALONE.

SALT LAKE CITY, UTAH, *March 1, 1935.*

Mr. MALONE. Mr. President, I now come to one of the principal points made by the supporters of this project, namely, that there must be what they call a justiciable issue. It will be noted that in each of the five separate projects introduced by the junior Senator from Nevada, to irrigate lands in southern Nevada from Colorado River sources, the same language is used. In other words, any of these projects which might be reported by a committee and passed by the Senate—if it is necessary to authorize a project, in order to have a justiciable issue—would be quite as effective as the Arizona project; and, I may point out, very much smaller and very much less in argument. In other words, let us take the 189,400 acres as the total of the projects which would use the entire 900,000 acre-feet of water.

It was estimated that but two of those projects, with perhaps 75,000 acres in all, would use enough water to make a justiciable issue, and the cost of the development would not exceed $500 per acre. These are very simple projects, in which no dams in the river are needed for that special purpose, nothing but plain pumping plants and canals, and, in certain instances, as along the Muddy River, and along the Virgin, the canals are already available, so there would be only pumping plants.

ALLOTMENT TO MEXICO

Since 1922, when the first meeting of the representatives of the seven basin States of the Colorado River was held, there had been a discussion as to the water Mexico could demand from the United States in case of a treaty. No one took it too seriously, because the amount of water which Mexico was using at that time was generally considered to be a relatively small amount.

The junior Senator from Nevada, then State engineer of Nevada, made a trip into Old Mexico for the purpose of reviewing the lands which were under cultivation, to satisfy himself that there was not any great danger of a demand on the river that would seriously interfere with irrigation in the basin States. What I found at that time was simply that Mexico was a great country; that the land was good; it was on the Colorado River delta where, for thousands upon thousands of years, the river had dumped its load of silt, and the land was very fertile. But probably there were never more than 40,000 or 50,000 acres of land in Mexico that was irrigated at any one time. There were approximately 200,000 acres of land under cultivation, as estimated by other engineers as well as by myself. But this land was not all irrigated at one time, because the Colorado River flow was dangerously low during the low-water season in most of the years, there being no storage of the water to equalize the flow. There was not a storage dam on the Colorado River. The record will show that at low-water periods there was only approximately 1,500 second feet of water annually for the Imperial Valley and the Mexican lands. There was the All-American Canal, which was not in too good repair, but it was a usable canal, and there was a method of dividing the water and returning certain water to Mexico.

The point is, Mr. President, that in Mexico not more than 40,000 or 50,000 acres of land were ever in cultivation at one time. For whatever land Mexico had under cultivation we were in favor of giving sufficient water to irrigate it, which would mean not more than 600,000 acre-feet of water. Most of us in our computations allowed 750,000 acre-feet of water. We all knew that a treaty was in the offing for consideration at some future time. I think the junior Senator from Nevada and the Governor of Arizona, Sid Osborn, were the first two persons to hear about the treaty. We were in President Roosevelt's office

in connection with another matter. As everyone will remember, President Roosevelt was a very genial man, and we were visiting and having a rather pleasant visit. After we had completed the business which we had come to his office to transact, suddenly, without warning, the President said to us, "Just this morning I signed a treaty with Mexico giving her 1,500,000 acre-feet of water."

Sid Osborn was a very close personal friend of mine who has since died. I remember he jumped about a foot when he heard the news. I had never heard of it. There was no reason why I should have heard of it, because I did not hold any official position. But no one else in the basin States had heard of it, either. The information was received from the President's office, and we could not repeat it. The treaty provided for twice the amount of water that anyone in his wildest imagination ever figured Mexico would receive.

An acre-foot, Mr. President, is the amount of water that will cover 1 acre 1 foot deep, and the extra water that was given to Mexico would cover 250,000 acres 3 feet deep, which involved more land than Mexico ever had under irrigation.

To emphasize further the seriousness of this action the amount of water was computed very closely. The lower basin was given 7,500,000 acre-feet plus 1,000,000 acre-feet of surplus, if there were a surplus of water, and under certain conditions; the upper basin States were given 7,500,000 acre-feet of water. The treaty was not worded in exactly that way. It provided that the upper basin should turn down 7,500,000 acre-feet of water each year, or 75,000,000 acre-feet of water over any 10-year period. The lower basin was not guaranteed any water, but the flow of the river over many years justified the conclusion that there was 15,000,000 acre-feet of water in the river each year, and there might be an additional million.

But, Mr. President, the treaty included one and one-half million acre-feet of water for Mexico. Three-quarters of a million acre-feet of water is within 150,000 acre-feet of the amount which Nevada is claiming. So, if there had been a fair treaty, there is a possibility that there might be water for the Arizona project and the water which Nevada could beneficially use. Nevada would be the smallest user of the three lower-basin States of Arizona, California, and Nevada in any court.

Mr. President, in the month of September of 1949 I stated on the Senate floor that our great Secretary of State was conniving with the British to recognize Communist China. I also said he was supporting England in the devaluation of the currency to nullify any trade agreement we had ever made with them up to that time.

Of course, Mr. Cripps, who was present at the international conference of Canada, England, and the United States, denied several times that they were going to devalue the currency, but they did so as soon as they returned to England.

We may now gather from some of the evidence—it may be from a secret State Department document which was made public through the MacArthur hearings—that Mr. Acheson had intended to dump Formosa, and, as stated in Mr. Lattimore's letter about Korea, give them a little money along with it so it would not look as if we pushed them, and, in the meantime, fool the public. But now, since the report has come out, it would be interesting to know what the Secretary's position is at this moment.

Of course, no one really knows, and will not know until after he has testified, Mr. President. In the humble judgment of the junior Senator from Nevada he is still for the recognition of Communist China, following England and India, and anything that follows the British Empire policy.

Mr. President, on the 18th of April the junior Senator from Nevada addressed the Senate on the need for an American policy, and merely reference to it will be enough. If any Senator is interested in finding out what the junior Senator from Nevada thinks about the foreign policy we are now following, and what we should do to establish an American policy, I simply make reference to my address of that date.

We go back into the Mexican Treaty and we find Mr. Acheson mixed up in it. Mr. Acheson at that time made the statement that unless there was a definite treaty—I presume the one he had already written, giving them twice as much water as they had ever used, and the junior Senator from Nevada thinks about four times as much water as they had actually used at any one time, and certainly twice as much as they had ever used, was not enough, then Mexico might use several million acre-feet of water. He apparently based this conclusion on one of his profound theories that the water would have to continue to run down toward Mexico.

Mr. President, many students of the Colorado River problem, including the junior Senator from Nevada, who was then State engineer of Nevada as well as Colorado River commissioner, have studied this question rather closely and inquired of constitutional lawyers and international authorities on law, as to whether additional water made available in an interstate stream by money expended by one country to make more water available could be demanded by another nation, and never has any authority been found who said that such a nation could claim the additional water. In other words, if they could not obtain the water under the natural flow or the flow before the expenditure of the money by the other nation, then they could not demand it under any pretext.

So Mr. Acheson does not show himself to be a very great attorney, as he did not seem to have taken the time to find out that all the water could be used within the boundaries of the United States that the Colorado River produced; that it would be, of course, overly fair for the United States to give more water to Mexico, three-quarters of a million acre-feet in the final adjudication more water than they had ever used. However, Mr. Acheson got his way, it gave Mexico one and one-half million acre-feet of water. The Senate passed the treaty and American interests were irreparably damaged. That is the start of this controversy. Mr. Acheson seems to have been in the fight before, but this is the first time that he ever did get away with giving away the water of the basin.

Mr. Acheson also appeared in Colorado River matters when he reversed the decision made by his department, when General Marshall was Secretary of State.

The Imperial irrigation district signed a contract with the Department of the Interior for operation of the All-American Canal. The contract provided that when the canal was completed it was to be turned over for operation to the district, which would operate it, pay maintenance costs, and repay all construction costs. When the Boulder Dam Project Act was passed, it was understood that the All-American Canal would be paid for by the lands benefited in California, and naturally, just as practically all the projects up to the advent of this administration, when the land owners paid for a project it was turned over under certain conditions to the land owners for operation. This contract has been violated by the Interior Department. Up to this time only a part of the canal—all of course completed long ago—has been turned over to the district.

The Interior Department claimed that the Mexican water treaty required the United States to break its All-American Canal contract. Secretary of State Marshall disagreed. He declared the treaty did not require the United States to break the contract. The treaty would be satisfied, said Mr. Marshall, if the district operated the canal under State Department regulations. These regulations reserved the right to let the Government take over operation of the canal without notice, if the district did not carry out State Department orders.

In November 1950, Secretary Acheson reversed the Marshall ruling. Secretary Acheson ruled that while the treaty would be satisfied if either the United States or the district operated the canal, he would let the Interior Department decide who would do it.

Mr. President, only the naive would decide that it was not a prearranged decision. Mr. Acheson knew very well that for 10 years the Interior Department not only had violated the All-American Canal project, but had been attempting to take over the district's statutory right to develop a power site on the canal. We have a department now which thinks it must develop all of the power. This right had been given the district in the Boulder Canyon Project Act, which Secretary Acheson had opposed.

It was not coincidence that the Interior Department's reply, as to who would operate the canal, was not made until the day after the 1950 election. Four days before, Secretary Acheson had reversed General Marshall's ruling, knowing full well that he was not leaving the question up to the Department of the Interior to decide who would operate

the canal, and Secretary Acheson probably knew it. In his reversal of General Marshall, Secretary Acheson was merely deciding in favor of the Department of the Interior. Yet the Department of the Interior held up its reply 4 days, until the day after the 1950 election.

It seems very strange that it took the Department of the Interior 4 days to oblige Secretary Acheson with its half of the prearranged decision.

So, Mr. President, goes the record of Secretary Acheson in Colorado River matters, giving away to Mexico waters so desperately needed by this country, and continuing to permit the United States Government, through the Interior Department, to violate a solemn legal contract which was signed in good faith by American farmers.

That record might need some explanation. We find, however, that Secretary Acheson's record goes back farther than that date.

I want to say at this point that the junior Senator from Nevada is taking no issue with the State of Arizona when it files a suit in the Supreme Court or elsewhere to protect what it believes to be its interests.

He will merely say that from 1927, in January, when he first got into the fight as a Colorado River commissioner from Nevada, he found that Arizona up to that time had never agreed to anything, and would not, to the personal knowledge of the Senator from Nevada, then State engineer and Colorado River commissioner, lay down a specified situation under which they would allow the development of the Colorado River. The junior Senator from Nevada at that time worked very closely with the Colorado River commissioner of Arizona as well as with those of the other States of the basin.

So we find Dean Acheson as the attorney at that time for the State of Arizona in trying to prevent construction of the Hoover Dam, in this controversy over rights to the waters of the Colorado River.

As Under Secretary of State he engineered the passage of the Mexican Water Treaty, whereby American interests were simply abandoned. "Abandoned" is not the word. They were simply submerged in the interests of a foreign nation. As Secretary of State he is continuing to direct, or at least permit, the violation of a contract signed by the Federal Government and the Imperial irrigation district for the All-American Canal.

Mr. President, it is time that the Congress understood enough of the legal rights of the States of the Colorado River basin to at least form the basis for a decision. If this Congress wishes to be the first Congress in all history to vote an appropriation for a single State to take water out of an interstate stream which may belong to one or more of the other States of the basin, in the absence of an interstate agreement or adjudication by a court of competent jurisdiction, it has a perfect right to do so. However, some day it will be just as ashamed of that vote as it should be today of engineering a steal of 750,000 acre-feet of water out of the Colorado River Basin, which has made every State in the lower basin short of water.

Perhaps there might have been some excuse at that time, on the ground that the Congress did not thoroughly understand the situation. But it understands it now. It understands the rights of the smallest State in the basin, which uses perhaps not to exceed 40 or 50 second-feet of water at this time for irrigation and for domestic and industrial purposes. It claims and must secure the full utilization of the 900,000 acre-feet of water.

Mr. President, the State of Nevada, through its Governor, through its State engineer last year, and through its State engineer this year, submitted evidence before the congressional committees for the 900,000 acre-feet of water. It was substantially the same evidence as the junior Senator from Nevada is presenting today, and presented last year to the Committee on Interior and Insular Affairs, and which he will present at every opportunity when this question confronts a committee or the Senate.

Mr. President, I leave this case with the Senate. I ask only that the Congress defer favorable action on a project which would require approximately one and a quarter million acre-feet of water out of the river above the State of Nevada, and to which claim has not been established.

The joint resolution introduced by the senior and junior Senators from Nevada and the Senators from California could be brought out in the Interior and Insular Affairs Committee. It could be brought out in 10 minutes. The chairman himself could bring it up. It could be reported without any difficulty.

If it had been brought out last year, we could now be well informed as to our rights. One of the objections to it was the time element. It was said that we could not wait. If it is brought out now, we shall be well informed by next year.

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

Mr. MALONE. I am happy to yield.

Mr. NIXON. Does the Senator from Nevada know what procedure the Committee on Interior and Insular Affairs has followed previously in considering projects in the upper basin, so far as concerns prescribing the requirement that a compact must be a condition precedent to the authorization of a project? What is the situation in that respect?

Mr. MALONE. The situation is simply this—and the junior Senator from Nevada has repeatedly called it to the attention of the chairman in connection with this project—that with respect to every project that has been considered, with the exception of this one, the direct question is asked by the chairman of the representative of the State which is interested, "Have the governors of all the States involved, and the State engineers of those States agreed to this project?" I think I can make this statement without qualification. In every case in which that question has not been answered in the affirmative, the project has been deferred. Whenever it has been stated unequivocally that the governors and State engineers of the interested States have agreed to it, the project has been considered.

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

Mr. MALONE. I yield.

Mr. NIXON. As I understand, the Senator's position is that, in order to be consistent, what we should do is to insist that since a compact on the distribution of the water cannot be reached between the States in the lower basin, a decision should be made by the courts before the project is authorized, rather than after the project is authorized, as would be the case if S. 75 were enacted.

Mr. MALONE. That is entirely true. In other words, failing in an interstate compact, the water rights should be adjudicated by a court of competent jurisdiction; and the Supreme Court seems to be the only logical tribunal before which such a case could be heard.

Mr. President, I have gone through all this procedure for 25 years, since 1927. For example, we could not construct Boulder Dam—now Hoover Dam—until we had succeeded in obtaining the seven-State Colorado River Basin compact, approved by six of the States.

That was the way the law was amended to read. Four upper basin States were successful in preventing construction of the project until such time as the six States, which had to include California, had approved the compact.

The junior Senator from Nevada, then State engineer of Nevada, agreed with the upper basin States that the project should not be constructed until their water was protected. The project should not be constructed merely because the water could be put to more effective use in the lower areas because of better climate for crops, and so forth, than in the upper basin States.

If we had been able to construct the Boulder Dam before there was a Colorado River compact signed by six of the States, the lower States, including California, could have put to beneficial use practically all the water in the Colorado River. At that time the lower basin States could have used the water which was not used in the upper basin. The upper basin States up to that time used only a relatively small percentage of the 7,500,000 acre-feet for consumptive use retained by them.

Mr. President, this is just another chapter in the development of the Colorado River. If other States were involved, and Nevada were not involved at all, I would still take the position, as established under the Boulder Dam Project Act, that before such a project could be constructed, the States involved should be protected.

For example, if Nevada could raise the money to construct pumping plants for its 189,000 acres, the only way in which it could be stopped would be by injunction.

Perhaps it could not be stopped at all. I do not know. It would be our money. It should be remembered that Congress

has never taken any money out of the public purse—whether it be $1,000,000,000, $2,000,000,000, or $2—to construct a project which would take water out of an interstate stream until such rights were protected.

Mr. NIXON. Mr. President, will the Senator yield further on that point?

Mr. MALONE. Yes.

Mr. NIXON. It seems to me that the Senator from Nevada has put his finger on a very important consideration, namely, that the Senate should bear in mind, as it determines its action on the measure tomorrow, that, unfortunately, we have involved, it seems to me, a number of questions which are related, in that they bear upon whether or not the measure should be approved or disapproved, but which otherwise should be considered independently of one another. We find today, as I assume we shall find tomorrow, that our primary discussion is related to the question of whether or not the issue is justiciable in the Supreme Court and what steps can be taken to settle the water rights as between the States involved. We are also discussing the question of whether or not water is available for the project. We are discussing those points, and we are placing considerable emphasis upon them.

At the same time, we have not had an opportunity to discuss adequately the very important issues which the Senator from Nevada has raised inferentially in his remarks, namely, as to whether or not the project is economically feasible, whether we should approve a project in which $2,000,000,000 in interest alone would not be reimbursed to the Nation's taxpayers, whether or not we should establish a precedent so far as the amount of repayment which would be required of those who buy irrigation from the project is concerned, and other issues which relate to the merits of the project itself.

In other words, Mr. President, it seems to me that in order to legislate adequately and effectively in this field, it is essential that the two issues be considered separately. We should first consider, as the Senator has suggested, the issue of justiciability and whether the water is available. Once that issue has been determined, the Senate should devote its entire attention to an issue which is just as important, namely, the issue of the over-all economic feasibility of the project. Otherwise, Mr. President, in our discussion of the project we will not be able to consider adequately the precedent which the Senate would be establishing in determining whether or not the project should be approved. I may say that I recognize there are some Senators who, after consideration of all the elements involved, may decide that the project has merit at the present time and that it is feasible. Of course, I respectfully hold to the other view. I do not intend to engage the Senator in any controversy or discussion as to what his view would be on such points.

The point I wish to make is that from the standpoint of legislating in an effective manner it is certainly important to follow exactly the procedure which the Senator from Nevada has suggested. We should first consider the issue of justiciability and whether the water is available. Once that decision has been made the Senate could give full consideration to determining whether or not this particular project, with the precedents it would set so far as future reclamation projects are concerned, should be approved on its merits.

I thank the Senator for yielding to me.

Mr. MALONE. Mr. President, I would say that the pending bill is a bill to construct a project similar to dozens of other projects which have been approved by the Senate, after approval of them by committee.

I also respectfully suggest that there is nothing in the bill which would prevent the construction of the project even if the Supreme Court should decide that the amount of water necessary, according to the Secretary of the Interior, is not available.

Even if that were found to be the case, the project could still be constructed. It would be out of the hands of the Senate. The only way its construction could be prevented would be by passing a bill providing that the project shall not be constructed and that the Committee on Appropriations shall not appropriate any money for it. It is an awkward bill. It would go out of our hands without a proper study having been made. Congress has never taken the part of one State as against other States on a question involving an interstate basin or appropriated public money to construct such projects.

As the Senator from California has suggested, the next question is whether or not the project should be constructed. I do not hold with some statements to the effect that it should add up exactly in dollars and cents. We have had some 40 years' experience in irrigation projects.

As a matter of fact, former Senator Newlands, from my State, introduced the bill, which was passed by the Senate and the House, under which there was created the present Bureau of Reclamation. Ever since the first of such projects was constructed in my State of Nevada, time has proven that some of the projects which at first did not look too promising, with the later cheapening of money have proven to be good for the country, even though at the time when they were approved they were not too well received and not too well set up with reference to the economics involved.

However, before we consider that point and the possible indirect benefits involved, which I agree would be great for the State of Arizona, we must stand on the policy of protecting other areas and other States. It would cause the abandonment of areas by large numbers of people in other States if they in turn did not receive their proper share of the waters of the Colorado River. My State of Nevada is included.

Mr. McFARLAND. Mr. President, on May 29, 1951, the distinguished senior Senator from California [Mr. KNOWLAND] made this statement:

> Mr. KNOWLAND. I may say at this time, Mr. President, lest anyone feel that the picture has changed since those letters were written, that only a week ago I had the privilege of seeing the President of the United States on another matter. The President made it very clear to me at that time that he was not participating in the controversy over the central Arizona project, and that he felt the matter should be settled, so far as the controversy was concerned, prior to the time the project was constructed. I merely mention that because it so happens that the able Senator from Arizona, in addition to having his duties as a representative of his State, which he ably represents, is also majority leader of the Senate of the United States. I do not think any impression should thereby be given to the Senate that this is an administration measure.

Mr. President, in reply to the statement made by the Senator from California and in fairness to the Senate, I should state that since I have become majority leader I have not mentioned this project to the President of the United States, and he has not mentioned it to me. Therefore, the distinguished senior Senator from California has said more than I have in discussing the project with the President since I have become majority leader.

Mr. President, the Senator from California was referring to certain letters by which he was trying to make the point that this project does not conform to the program of the President. He did not introduce all the letters into the RECORD, and he read only certain portions of some of them. In order that the RECORD may be complete, I ask unanimous consent to have printed at this point in the body of the RECORD a letter from the former Director of the Bureau of the Budget, Frank Pace, Jr., dated February 11, 1949, to the Senator from Wyoming [Mr. O'MAHONEY]; and I call particular attention to the last paragraph of this letter, which was sent to the Senator from Wyoming after the letter which has been referred to by the Senator from California. That paragraph reads as follows:

> The project report and materials relating to the positions of the several States affected are now before your committee for consideration. If the Congress, as a matter of national policy, makes a determination that there is a water supply available for the central Arizona project, the President will consider all factors involved in any legislation to authorize the project and will inform the Congress of his views respecting the specific provisions of this legislation.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
February 11, 1949.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: Members of the Congress have raised a question as to the interpretation to be placed upon the last clause of the last sentence of my letter of February 4, 1949, addressed to the Secretary of the Interior, advising him of the relationship to the program of the President of the central Arizona project. The clause referred to reads as follows: "* * * and that he [the President] again recommends that measures be taken to bring about prompt settlement of the water-rights controversy."

During the last Congress, in connection with consideration of Senate Joint Resolu-

tion 145 and House Joint Resolution 227, this Office advised the Attorney General that it would be in accord with the program of the President to resolve the water-rights controversy by waiving immunity of the United States to suit and by granting permission to the States to bring such actions as they might desire, if the Congress felt it to be necessary to take such action. This advice was transmitted to the Congress by the Attorney General. Similar advice was also transmitted by the Secretary of the Interior, together with specific suggestions as to a form of a resolution which the Congress might consider.

In order that there may be no misunderstanding of the President's position, I shall be grateful if you will advise the members of your committee that the President has not at any time indicated that suit in the Supreme Court is the only method of resolving the water-rights controversy which is acceptable to him. On the contrary, the letters addressed to the Congress last year, as indicated above, stated specifically that enactment of the resolution authorizing suit would be acceptable to the President "* * * if the Congress feels that it is necessary to take such action in order to compose differences among the States with reference to the waters of the Colorado River."

The project report and materials relating to the positions of the several States affected are now before your committee for consideration. If the Congress, as a matter of national policy, makes a determination that there is a water supply available for the central Arizona project, the President will consider all factors involved in any legislation to authorize the project and will inform the Congress of his views respecting the specific provisions of this legislation.

Sincerely yours,

FRANK PACE, JR.,
Director.

Mr. McFARLAND. Mr. President, this letter clearly shows that the President has not spoken against this project and has not stated that it is not in conformity with his program.

Since the distinguished senior Senator from California quoted from a letter from the Secretary of Agriculture, I also wish to have printed in the RECORD a letter from Charles F. Brannan, Secretary of Agriculture, to the Senator from Wyoming [Mr. O'MAHONEY], under date of May 4, 1949. I wish to read this letter into the RECORD, since it shows even more clearly the position of the Secretary of Agriculture with respect to this project than does the letter from which the distinguished senior Senator from California quoted:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 4, 1949.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Senate Committee on Interior and Insular Affairs, United States Senate.

DEAR SENATOR O'MAHONEY: I have been requested by Senators HAYDEN and MCFARLAND, of Arizona, to reexamine and, to the extent possible, clarify the contents of my letter of May 5, 1948, to Mr. Michael Straus, Commissioner of the Bureau of Reclamation, in which we reviewed the proposed report of the Secretary of the Interior, dated December 19, 1947, concerning the central Arizona project.

Perhaps this can best be accomplished by directing your attention to the fact that the Department of Agriculture has not taken the unequivocal position that the development of irrigation water to supply the bulk of the lands described in the Department of the Interior report concerning the central Arizona project should not be undertaken.

Senators HAYDEN and MCFARLAND have stated to me that my letter of May 5, 1948, has been construed by some as opposing the central Arizona project. I wish to make it clear that my letter was not written for this purpose. We did point out that we disagreed with the method used by the Bureau in estimation of benefits grossed rather than net (which is the same objection which we have made in our reports on other reclamation projects). My letter repeated my opposition to the methods generally used by the Bureau of Reclamation in its reports upon reclamation projects.

I want also to make it clear that I am not opposed to the development of reclamation in the West. On the contrary, I have frequently pointed out the necessity of reclamation development.

Assuming an increase in population at the projected rate with an increasing demand for food in this country, plus a healthy export trade, and also recognizing that there are some lands in this country which should be retired from active cultivation because of their misuse by our predecessors, it is increasingly clear that all of the soil resources and power resources of this country will have to be intelligently and properly developed in the interest of the national welfare.

Sincerely yours,

CHARLES F. BRANNAN,
Secretary.

Mr. President, there is still another letter which I ask unanimous consent to have printed in the body of the RECORD. It is from the Secretary of the Interior, Oscar L. Chapman, to the Senator from Wyoming [Mr. O'MAHONEY], under date of March 18, 1949. I do not wish to read the letter in full, but I call particular attention to the latter part of it which states that—

Both the executive and legislative branches of our Government might well consider to what extent they can contribute toward lending new impetus to negotiations among the States. In a letter addressed to you on February 11, Budget Director Pace has made clear that the President has not at any time indicated that suit in the Supreme Court is the only method of resolving the water-rights controversy which is acceptable to him.

This Department is convinced that the proposal that the lower-basin controversy be settled by litigation is but part of a larger picture. Of immediate importance is the question of whether the institution of such litigation would hinder or expedite the development of the resources of the Colorado River Basin. Although it is not certain that lower-basin litigation would inevitably have the effect of delaying progress in the authorization and construction of badly needed works in the upper basin, we are so convinced that it might well have that effect that I cannot say, to repeat a comment made by this Department on the Eightieth Congress resolutions, that there would be no objection to the enactment of legislation along the lines of these resolutions that are now before your committee unless we were fully assured that progress in the development of the basin and in the use of its waters would not be halted or seriously impeded by the litigation. More specific recommendations as to the means by which this assurance could best be evidenced are contained in the report of May 13, 1948, to which I have already referred.

Mr. President, I wish to call specific attention to the last two paragraphs, as follows:

This being the bone of contention—

Referring to a letter from which he had quoted, from the Governor of California, which of course appears in his letter—

between Arizona and California, it would seem that the States concerned should not be encouraged, and the United States should be very hesitant, to incur the heavy expense necessarily attendant upon litigation of this magnitude, at least unless it is reasonably clear that upon its outcome, and upon its outcome alone, depends the construction of the project which gives it meaning.

The Bureau of the Budget had advised that there is no objection to the presentation of this report to your committee. A copy of Director Pace's letter of March 17, transmitting this advice, is enclosed for your information.

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

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, March 18, 1949.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs, United States Senate.

MY DEAR SENATOR O'MAHONEY: An expression of the views of this Department on Senate Joint Resolution 4 has been requested. This resolution, which is similar to a number of joint resolutions which are now pending in the House of Representatives would, if enacted, grant the consent of the United States to its joinder "as a party in any suit or suits, commenced within 2 years from the effective date of this resolution in the Supreme Court of the United States by any State of the lower basin of the Colorado River * * * for the adjudication of claims of right asserted by such State, by any other State, or by the United States, with respect to the waters of the Colorado River System * * * available for use in that basin."

The resolutions now before your Committee are similar in purpose to, though different in language from, a number of resolutions which were introduced in the Eightieth Congress. A report of this Department upon those resolutions was presented to your committee in a letter dated May 13, 1948. In that letter it was pointed out that the United States is an indispensable party to any litigation that may be brought to decide the dispute which now exists among the States of the lower basin of the Colorado River and that that dispute appears to have the elements of a justiciable controversy. There is, therefore, no need for me to elaborate on these matters here. Our hope that the dispute will be settled—by amicable means if possible, by the Congress if an amicable settlement is impossible and if it be the judgment of the Congress that the dispute can be effectively disposed of by it, and by litigation only as a last resort—was also made clear in that report. The importance that the Supreme Court attaches to settlement of disputes of this character by negotiation rather than litigation is evident from its opinion in *Colorado* v. *Kansas* (320 U. S. 383, 392 (1943)):

"The reason for judicial caution in adjudicating the relative rights of States in such cases is that, while we have jurisdiction of such disputes, they involve the interests of quasi-sovereigns, present complicated and delicate questions, and, due to the possibility of future change of conditions, necessitate expert administration rather than judicial imposition of a hard and fast rule. Such controversies may appropriately be composed by negotiation and agreement, pursuant to the compact clause of the Federal Constitution. We say of this case, as the court has said of interstate differences of like nature, that such mutual accommodation and agreement should, if possible, be the medium of settlement, instead of invocation of our adjudicatory power."

Both the Executive and legislative branches of our Government might well consider to what extent they can contribute toward lending new impetus to negotiations among the States. In a letter addressed to you on February 11, Budget Director Pace has made it clear that "the President has not at any time indicated that suit in the Supreme Court is the only method of resolving the water-rights controversy which is acceptable to him."

This department is convinced that the proposal that the lower-basin controversy be settled by litigation is but part of a larger picture. Of immediate importance is the question whether the institution of such litigation would hinder or expedite the development of the resources of the Colorado River Basin. Although it is not certain that lower-basin litigation would inevitably have the effect of delaying progress in the authorization and construction of badly needed works in the upper basin, we are so convinced that it might well have that effect that I cannot say, to repeat a comment made by this Department on the Eightieth Congress resolutions, that there would be no objection to the enactment of legislation along the lines of these resolutions that are now before your committee unless we were fully assured that progress in the development of the basin and in the use of its waters would not be halted or seriously impeded by the litigation. More specific recommendations as to the means by which this assurance could best be evidenced are contained in the report of May 13, 1948, to which I have already referred. I may add that, in view of the fact that a compact apportioning the use of the waters of the upper basin has now been negotiated and ratified by all of the States of that basin, there is less reason now than it may have been thought there was last year for hesitating to give this assurance with respect to, at least, works in the upper-basin States.

The Congress will, no doubt, wish to consider the relation which exists between the proposed legislation upon which this report is written and the proposals for authorization of the central Arizona project, which are now pending before the Congress. The central Arizona project, nearly the last great new work that can be undertaken in the lower basin, is a very important element in the over-all picture of Colorado River development. This Department's views with respect to that project have been made available. In his comments on this Department's report of February 5, 1948, on the central Arizona project, the Governor of California, in a letter to this office, dated December 29, 1948, wrote:

"Until there is a final settlement of the water rights by some method, the aggregate of Arizona and California claims to Colorado River water will exceed the amount of water available to the lower-basin States under the Colorado River compact and relevant statutes and decisions. It is only because a determination of the respective rights of the lower-basin States to the waters of the Colorado River system has not been made, that California submits any criticism of your proposed report. Whenever it is finally determined what water belongs legally to Arizona, it should be permitted to use that water in any manner or by any method considered best by Arizona, so long as that use does not conflict with the right of California to the use of its water from the Colorado River system. However, as long as the present unsettled situation exists, it is my opinion that each State in the lower basin must of necessity interest itself in the others' projects which would overlap its claims."

This being the bone of contention between Arizona and California, it would seem that the States concerned should not be encouraged, and the United States should be very hesitant, to incur the heavy expense necessarily attendant upon litigation of this magnitude, at least unless it is reasonably clear that upon its outcome, and upon its outcome alone, depends the construction of the project which gives it meaning.

The Bureau of the Budget has advised that there is no objection to the presentation of this report to your committee. A copy of Director Pace's letter of March 17, transmitting this advice, is enclosed for your information.

Sincerely yours,

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

Mr. McFARLAND. I shall discuss this particular phase in greater detail tomorrow; but at this time I wish to call the attention of the Senate to the fact that such lawsuits are expensive, and I think the Secretary of the Interior was correct in saying that unless Congress intends to authorize this project, it would be putting the State of Arizona to unnecessary expense to require it to litigate for a meaningless purpose. As has been evidenced on the floor of the Senate this afternoon and all through this discussion, there are in California certain interests that will fight an authorization of this project any time it comes before the Senate. Mr. President, in fairness to my State, the people of Arizona are entitled to know what is the attitude of the Congress of the United States toward a project before that State should be forced into expensive litigation.

As I shall again point out in detail, Arizona has on three occasions tried to get this matter settled. Each time California has come forward to oppose a settlement in the courts of the United States. What difference is there between the record then and the record today? The principal difference, I contend, is that we have introduced this bill, and that we secured the passage of a similar bill in the Senate last year. But until a project is authorized there is no material difference in the facts. The Supreme Court of the United States said there was not a threat and until there is an authorization there is no basis upon which there may be a court test.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, returned to the Senate, in compliance with its request, the concurrent resolution (S. Con. Res. 12) favoring the suspension of deportation of certain aliens.

RECESS

Mr. McFARLAND. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 5, 1951, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 4 (legislative day of May 17), 1951:

COLLECTOR OF INTERNAL REVENUE

Donald Gunn, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of James P. Finnegan, resigned.

The following-named person to be a lieutenant (junior grade) in the United States Coast Guard:

Franklin J. Miller

The following-named persons to be chief boatswains in the United States Coast Guard:

Joseph E. Sherwood
Edward L. Masters

The following-named person to be a chief radio electrician in the United States Coast Guard:

Preddie G. Bookout

The following-named persons to be chief machinists in the United States Coast Guard:

William B. Lupton
Oskar Johansen

The following-named persons to be chief pay clerks in the United States Coast Guard:

Bernard S. Koffler
Frank A. Mattson

IN THE NAVY

The following-named line officers of the Navy for permanent appointment to the grade of ensign in the Staff Corps of the Navy as indicated:

SUPPLY CORPS

Andrew L. Frahler

CIVIL ENGINEER CORPS

James W. Murray
Richard K. Pulling

The following-named officer of the Navy for permanent appointment to the grade of lieutenant (junior grade) in the Supply Corps of the Navy in lieu of the line as previously nominated and confirmed:

Andrew L. Frahler

The following-named officers of the Navy for permanent appointment to the grade and corps indicated:

CAPTAIN, LINE

Kemp Tolley	William D. Hoover
Frederic S. Keeler	Roland M. Huebl
William J. Galbraith	Charles S. Alexander
Stanley C. Strong	William B. Bailey
Royce P. Davis	Ernest S. L. Goodwin
Harry N. Coffin	George K. G. Reilly
James T. Hardin	Balch B. Wilson, Jr.
David J. Welsh	William L. Eagleton
Donald T. Eller	Henry F. Agnew
Gustave N. Johansen	Francis J. Bon
George K. Carmichael	Preston S. Tambling
Rob R. McGregor	George N. Robillard
Robert H. Wilkinson	Douglas P. Stickley
Daniel Carlson	Peter J. Neimo
Nickolas J. F. Frank, Jr.	Hallock G. Davis
	Edward R. Sperry
Edward J. Burke	Sumner K. MacLean
John P. Rembert, Jr.	Solomon F. Oden
Adolph J. Miller	Crutchfield, Adair
Almon E. Loomis	Carl E. Cullen
Robert W. Denbo	Audley L. Warburton
Alexander H. Hood	Frederick J. Ilsemann
Donald F. Weiss	William J. O'Brien
Edward C. Stephan	Rex S. Caldwell
Charles R. Fenton	Warren W. Johnson
Whitmore S. Butts	John J. Greytak
Charles E. Brunton	Stanley G. Nichols
George L. Kohr	Charles E. Briner
James H. Flatley, Jr.	Harold W. Keopka
George A. Sharp	George H. Hamilton
William S. Stovall, Jr.	Olin P. Thomas, Jr.
Leroy C. Simpler	Samuel D. Simpson
Thurlow W. Davison	Charles M. Ryan
Augustus R. St. Angelo	Thompson F. Fowler
Carl E. Giese	John F. Delaney, Jr.
Frank A. Brandley	Paul B. Tuzo, Jr.
Richard G. Visser	John L. Wilfong
Philip R. Osborn	John K. Wells
Carl G. Christie	Ralph E. Westbrook
John H. McElroy	Marion C. Thompson
William J. Richter	Frederick S. Hall
Charles O. Glisson	Louis F. Teuscher
Alex M. Loker	

CAPTAIN, MEDICAL CORPS

David H. Davis
Lewis T. Dorgan
Richard S. Silvis
Oscar Schneider
Clifford P. Powell
Carl J. Hutchinson
John M. Whalen
William L. A. Wellbrock
Leonard L. Wilson
Marion T. Rosser
Harold J. Bowen
Charles G. Robertson
Lloyd B. Shone
Charles B. Stringfellow
William W. Kirk
James S. Brown, Jr.
Harry G. Beck
Harold E. List
O. Henry Alexander
James J. Hayes
Charles W. Reeder
George W. Dickinson
Warren E. Klein
Thomas Q. Harbour
Douglas T. Prehn
Eugene H. Moyle
Ferris W. Thompson
John J. Goller
Frank F. Wildebush
Robert F. Legge
Verden E. Hockett
Ashton Graybiel
Lewis M. Smith
John A. Lund
James E. Fulghum
Byron F. Brown
Paul G. Richards
Robert V. Schultz
Charles Gartenlaub
Leslie L. Veseen
Michael Wishengrad
Shelton P. Sanford
Joseph A. C. Gray
Ira C. Nichols
Vernal G. Backman
William M. Russell
Richard B. Phillips
Leonard E. Skilling
Roland H. Fogel
Walter J. Shudde
Spencer Johnson
Percy B. Gallegos
James N. Williams
Sam C. Bostic
Charles L. Denton
John K. Hawes
Richard H. Fletcher
Leslie K. MacClatchie
Peter E. Huth
Ralph R. Myers
George G. Burkley
Herman F. Burkwall

CAPTAIN, SUPPLY CORPS

Henry S. Cone
Charles S. Bailey
Edwin F. Barker
Carl W. Seitz

CAPTAIN, CHAPLAIN CORPS

Frederick W. Meehling

CAPTAIN, DENTAL CORPS

Paul M. Carbiener
Richard H. Barrett, Jr.
Tyler W. Spear
Francis C. Snyder
Macy G. Martin
Thaddeus V. Joseph
George H. Mills
Jesse B. Bancroft
Edwin A. Thomas

COMMANDER, LINE

Gordon P. Chase
Charles W. Harbert
Jack L. Shoenhair
Richard J. Davis
George N. Eisenhart
Philip F. Bankhardt
Robert M. Harper
Earle J. McConnell
Ira W. Brown, Jr.
Angus Jacks
Armand D. Whiteman
Charles Hunsicker, Jr.
William H. Munson
Duncan A. Campbell
William J. Bennett, Jr.
Will J. Davis, Jr.
John R. Mackroth
Donald H. Dickey
James C. Page
Edward J. Taylor
Raymond D. Shryock
Guin M. Fisher
Daniel J. Corcoran
Richard J. Hogan, Jr.
George D. M. Cunha
Joseph M. Hermanson
Robert C. Lefever
William W. Soverel
Franklyn K. Zinn
Frank R. Whitby, Jr.
Lewis M. Ford
Frank D. Heyer
James D. Wright
William F. Christie
Charles W. Kinsella
Francis T. Butters
Paul M. Owen
William G. Logan, Jr.
John N. West
Onia B. Stanley, Jr.
Richard H. Rice
Arthur L. Downing
Norris A. Johnson
James A. Eastwood
Gerald H. Duffy
Richard A. Beveridge
Thomas W. Collins, Jr.
Richard J. Teich
Frederic L. Faulkner
Charles E. Healy
Frederic D. Kellogg
Donald F. White
Charles E. Ingalls, Jr.
Leroy V. Swanson
George J. Noack
Wilbur J. Wehmeyer
Mervin J. Berg
Hugh B. Miller, Jr.
Gaylord B. Brown
Morris R. Doughty
Dale K. Peterson
Leslie A. Pew
Lewis F. Davis
Edward T. Kenny
Emory C. Smith
Edmund Burke, Jr.
John J. Boyle
Donald Griffin
Laurens A. Whitney
George E. Chalmers
Walter G. Winslow
Albert P. Scott
Mark T. Whittier
Walter F. Madden
Richard L. Duncan
Robert C. Jones
Kenneth W. Caffey
Robert G. Boyd
Robert J. Connell
John Ramee
Benjamin E. Adams, Jr.
Horace C. Laird, Jr.
William H. Hudgins
John M. Maloney
Frederic W. Kinsley
Marion J. Reed
Francis E. Clark
Charles L. Browning
Harold W. Campbell, Jr.
Richard Gray
Robert M. Bruning, Jr.
John A. McKeon
Robert B. Crowell
Elton L. Knapp
James S. Cooley
Herold J. Weiler, Jr.
Louis K. Bliss
William P. Riesenberg
Irving J. Superfine
Gene Collison
Frederick W. Brown, Jr.
Gerald G. Hinman
Frank H. Rile, Jr.
Edward A. Taylor
James M. Leroy
Charles A. Lamborn
Wade C. Wells
Charles F. Skuzinski
Robert K. Etnire
Charles A. Van Dusen, Jr.
DeVon M. Hizer
Glen B. Butler
John R. Maclachlan
Alan J. Holmes
Noel R. Bacon
Frederick Welden
Robert A. Hoolhorst
Charles H. Johnson, Jr.
Donald R. Levy
Raymond W. Glasgow
John P. Aymond
Edward T. Steigelman
Thomas F. Saunders, Jr.
George W. Bowdey
Lester E. Hubbell
Frank W. Bampton
Alfred R. Lyngby
Robert D. Ballantyne, Jr.
James H. Curran
John F. Pear
Francis E. Swiderski
Claude S. Farmer
Capers G. Barr, Jr.
Herbert F. Rommel, Jr.
Charles W. Harrison, Jr.
Louis H. Roddis, Jr.
Edward L. Beach, Jr.
James M. Dunford
Walter B. Miller
Donald Furlong
Marshall E. Turnbaugh
William T. Sawyer
John W. Dolan, Jr.
Ernest F. Schreiter
John M. Reigart
James C. Oldfield
Frank W. Vannoy
John V. Wilson
Harry D. Helfrich, Jr.
Norman S. Short
John R. Dinsmore
William C. Hushing
Vincent P. de Poix
Eli B. Roth
Frederic A. Hooper
George W. Scott, Jr.
James A. Dare
Neil E. Harkleroad
John N. Renfro
Corwin G. Mendenhall, Jr.
George B. Cattermole

COMMANDER, MEDICAL CORPS

Herbert Wilson, Jr.
Ernst R. Moeller
Alessandro Trombetta
Mervyn Shoor
Stephen H. Tolins
Charles E. Moran
Ralph M. Mugrage
Wayne S. Hansen
Edward K. Allis, Jr.
James A. Roberts, Jr.
Joseph E. D. Humphries
Henry S. Colony
William W. Henderson
William C. Livingood
Ralph L. Christy, Jr.
Bruce R. McCampbell
Frederick A. Ruoff
Charles H. Eaton
John T. Sill
Thomas F. Gowen
Robert Penington, Jr.
John F. Shaul
David H. Hersh
Neal Morris
William W. Manson
Virgil A. Beuerman
Alan G. Simpson, Jr.
Robert E. Stutsman
Byron L. Hawks
Glenn D. Hutchinson
John L. Conley
Sherman M. Peabody
Roger H. Fuller
Richard E. Kelley
Clyde S. Stroud, Jr.
John T. M. Giannini
Peter S. Kwiatkowski
William J. Hall
Max O. Sartori
Carl M. McCandless, Jr.
Robert R. Bonar
Felix P. Ballenger
Eugene P. Cronkite
Newell Nay
James R. Dillon, Jr.
Maurice A. Canon
Gustave A. Roy
William S. Cole
Douglas J. Giorgio
John D. Boland
Wayne W. Waters
David F. Hottenstein
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Vernet H. Heinz
George S. Watkins
William B. Turney
Reginald V. Berry
James H. Lockwood
Bruce M. Shepard
John D. Langston
Thomas L. Duffy
Robert E. Douglas
Lindsay R. Riddle
Moffitt K. Holler
Louis E. Tebow
Jacob J. Robbins
Philip B. Phillips
Harold R. Scanlin
Joseph C. Pinto
Robert A. Conard
J. Wilson Huston
William C. Roland
Robert W. Reid
W. Sayre Lummis
Earl G. Wolf
Watson B. Larkin
Warner D. Bundens, Jr.
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Wilson D. Tucker
Henry W. Miller
Edward M. Wurzel
Charles H. Gilliland
Bruce L. Canaga, Jr.
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Vance E. Senter
Byron D. Casteel
Robert F. Christoph
Richard A. Gaillard
Samuel H. Horton, Jr.
William M. Crafft
Blake S. Talbot
Philip L. Nova
John R. Seal
Louis P. Ballenberger
August R. Buerkle
Leonard P. Jahnke
Marvin L. Gerber
Eugene L. Freitas
Robert F. Schugmann
John A. Fusco
Sidney I. Brody
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Curtis Asher
Roland A. Christensen
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Stanley J. Okulicz
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Elmer R. King
Emmett J. Riordan

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Maynard G. Stokes
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Earl W. Wood
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William J. Bush
Harmon S. Tolbert
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Henry P. Adams

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John H. Shilling

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William M. Heaman
Arthur B. Chilton, Jr.

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August Bartelle
Howard W. Pierce
Max W. Kleinman
John T. Sorensen
Leo E. Brenning
Norman B. Shipley
Irvin R. Barker
Robert F. Burnett
Samuel Goldhaber
Cyrus D. Smith
Martin J. Gelb
Angelo B. Costa
Bill J. Harris
Robert H. Secrest
John E. Carson
Wilbert M. Dierker
Wendell J. Schwoerer
Richard F. Tuma

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Frederick P. Mooney
Jasper E. Morgan

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Helen C. Gavin
Mary L. Benner
Margarete A. Orr
Mary F. Bosco
Manila D. Barber
Winnie Gibson
Jessie E. Crump
Ouida A. McCoy
Rosalia Jorgenson
Ethel P. Himes
Clyde B. Pennington

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Lee G. Mills
Lewis E. Erdner
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Clifford B. Curtis, Jr.
James D. Nelson
Everett H. Pelley
Charles W. Hollinshead, Jr.
Cleon A. Brewer
George B. Bates, Jr.
Arnold H. Fiedbury
Edgar L. Allen
Quentin F. Baker
Bernard M. Kassell
Norman A. Smith
George L. Herider
Gordon S. Hawkins
Stanley A. Semanski
Millard G. Bowman
Joseph H. Laliberte
Talmadge A. Smithey
Eugene F. Horrall
Melvin F. Peterson
D'Arcy V. Shouldice
Donald C. Taylor
Floyd E. Hoskins
Orville W. Trohanov
Earl L. Dixon
Marlin C. Hydinger
Clyde E. Allmon
Wilfred G. Wallace
Maurice E. Witting
Chester E. Briggs, Jr.
Allen W. Lowry
Frederick E. Bitting
Emmit N. Weatherly
William P. Brown
Julius J. Yutkus
Clyde Lasswell
Walter H. Grant
Raymond E. Dillon
Seward B. Coningham
Ernest O. Erickson
Joseph B. Simpson
Glenn A. Kirby
Courtney H. Sampson
Eugene L. Conant
Lane E. Clendenin
Felix G. Young, Jr.
Orlon J. Obert
Darrell E. Way
William C. Stowers
Kenneth L. Berg
James R. Byrd, Jr.
William S. Fluitt
Elton S. Katzenstein
Andrew A. Kemper
Sylvester A. Thomas

Edgar S. Miller
Charles M. Stewart
Moreno J. Caparrelli
Weikko S. Lammi
Charles E. Fosha
Clifford W. Sullivan
Leif I. Larson
Thomas W. Shuford, Jr.
Roy B. Jarnagin
John Sawula
Pender L. Jennings, Jr.
Humphrey L. Turner
George K. Dress
Robert Y. Gaines
David A. Broad
Jaroslav Kohl
Horace G. Benoit
Titus Branchi
Charles L. Suggs
Eldon L. Edwards
Joseph Sahaj
Floyd M. Symons
George B. Howe
Joseph F. Hagan
Willard H. Moore
George N. Boyd
George W. Hoover
Milton J. Barrett
Harrell H. Scales
Harry R. Barnhorst
Amory Cutet
David J. Lesher
Walter F. Smith
John L. Callis
Thomas W. Rhodes
Justus N. Alley
John W. Ryles, Jr.
James B. Casler
Charles H. Pollow
Ernest R. Davis
Gerald F. Case
John C. Mitchell
Romolo Cousins
Naden F. J. Stimac
Fred M. Burdette
Nels J. Nelson
Robert A. Dusch
Emmett C. Suggs
Jesse E. Lee
Clifford W. Engler
Irvin H. Bordihn
Laurence F. Seaman
Orion A. Hammett
James H. Manning
Caydar E. Swenson
Howard W. Dye
Ira L. Lynn
Joseph W. Vercher
John S. Ervin
William G. McClellan
Henry H. Frye
Loren P. Fitzgerald
William C. Norcott
Kenneth M. Sullivan
Austin B. Smith
Robert G. Laurie
Ernest L. Morgon
Samuel B. Killingsworth
Ronald E. Gill
Fred H. Thorne
Lawrence S. Jackman
Harry Hlywa
James B. Verdin
Robert F. Regan
Eugene J. Rice
Edward M. Albrecht
Charles R. Fuller
Richard Watson
Richard D. Greer, Jr.
Joseph A. Pariseau
Claude A. Wharton, Jr.
William P. Blackwell
Robert M. Tuft

David L. Staley, Jr.
Sidney N. Baney
Joseph B. Mongogna
Howard J. Spencer
Louis M. Strayer
Nicolas J. Mayer
David A. Scott
Robert Marvel
Harold E. Richter
Ralph F. Goetter
William P. Toohey
James R. Preis
Harold Strawhorn
Chester A. Briggs
John W. Ryan, Jr.
Donald M. Detrick
William R. Riblett
Leslie R. Heselton, Jr.
Carl O. Holmquist
Richard S. White 3d
Lee R. Scherer, Jr.
Robert E. Stark
Gregg Mueller
James C. Aller
Joseph A. Lovington
Steven N. Anastasion
Clarence T. Froscher
Arthur D. Struble, Jr.
Donald W. Sencenbaugh
Robert W. Duborg
John T. Shepherd
Frank M. Nelson
Samuel W. W. Shor
Charles T. Cooper 3d
William M. Harnish
Robert W. Stecher
Aubyn L. Adkins
Leslie H. Sell
Halford Woodson
Elmo R. Zumwalt, Jr.
John H. Lobdell
Edgar R. Meyer
Phillip F. Erken Brack
Robert J. Zoeller
Homer H. Haisten, Jr.
Americo J. Vescovi
Leon H. Rathbun, Jr.
William A. Budding, Jr.
Arthur W. Newlon
Franklyn E. Dailey, Jr.
Paul L. Lacy, Jr.
Chester W. Gates, Jr.
Frank J. Reh
Joseph E. Volonte
John M. Sweeney
Hugh M. Durham
Thomas R. McClellan
Robert B. Greenwood
Patrick Leehey
Francis M. Tully
William M. Pardee
Orion A. Templeton
John L. Nichols
John J. S. Daniel
Clyde B. Anderson
John J. Emanski, Jr.
Harold F. Lang
Albert C. Koplewski
John W. Shultz, Jr.
Melvin W. Brown
Donald A. Miller
Charles F. Helme, Jr.
Thomas A. Boulton
John J. O'Brien
Bernard W. Moulton
James D. Oliver, Jr.
Joseph A. Sestak
Louis K. Tuttle, Jr.
Gerard F. Colleran
Howard S. Moore
Forrest R. Mitchell
Merrill H. Sappington
Arthur P. Sibold, Jr.
Guy C. Leavitt

LIEUTENANT COMMANDER, MEDICAL CORPS

Edward A. Jones

LIEUTENANT COMMANDER, SUPPLY CORPS

John W. Weigand
Robert A. Moss
William D. Sams
George H. Wood
Lester L. Stevens
Charles A. Gibbs
Vernon E. Sutton
Daniel L. Westfall
Howard J. Stewart
Russell W. Sharpe
Harvey R. Lampshire
Herman S. Holtslander
Melvin E. Sharp
Joseph H. Baker
Frank S. Bird
Daniel W. Greene
Owen S. Davies
Otto C. Rothlaender
Benjamin A. Rhoades, Jr.
John C. Hooper
Earl F. Armstrong
Howard N. Mogle
Peter J. Clemons
Eugene G. Herrick
Robert H. Woodcock
Gerald R. Blosser
Ramon A. Sherer
John J. Barton
Stanley Christensen
Ellsworth E. Richards
Merrill H. Nichols
Leo A. Fontaine
Henry C. Krueger
John H. Whitener
Simon D. Kamrar
Michael J. Knapp
Emmett M. Campbell
Leo C. Lemire
Emery L. Morton
John L. Warden
Damon J. Barnett
John A. Keefer
Milton A. Link
Joe T. Brittain
Royce L. Daniels
William C. Norcott
Carlos L. Tolleson
Guy H. Putman, Jr.
Charles W. Chappell
Walter W. Tolson
William T. Peach 3d

LIEUTENANT COMMANDER, CIVIL ENGINEER CORPS

Leif R. Larson
Clarence A. Grubb
Richard A. Laughlin
Wendell G. Davis

LIEUTENANT COMMANDER, MEDICAL SERVICE CORPS

Sidney G. Brenner
Howard A. Barrett
Melvin P. Huber
George W. Wiese
Carlton R. Larkins
John P. Soltysiak
Roy T. Brooks
Paul R. Cox
Stanley E. Hill
Joseph W. Collins
John K. Waite
William C. Pilkington
Lester E. Boston
Heyward E. Hall
Theron K. Eaton
Charles F. Mann
Robert G. Luckie
Warren F. Postel
Karl E. Schweinfurth
William X. Heelan
William S. Swofford
Frank F. McLemore
William C. Lewis
Edgar J. Maddox
Lawrence E. Hibdon
Jeremiah V. Crews
Roy D. Lewis
John Sant
Stephen J. Gandy
Adolph W. Meyers
Irving Frontis
Fred C. Roepke
Orin C. Western
Marques E. Keizur, Jr.
Matthew J. Millard
Lawrence L. Tyert
Oliver L. Young
Arthur H. Nelson
Francis E. Lusk
Charles V. Quigley
Edward F. Haase
Kenneth L. Price
Joseph M. Coltrell
Louie K. Witcofski
Vernon T. Moss
Joseph E. Francisco
James P. Smith
Percy G. Wilson
Harry W. Combs, Jr.
Clay E. Pittser
Floyd S. Haslam
Francis L. Westbrook
Clarence B. Stuart
Herman H. Burton
Herman B. Tidwell
Armand P. Chartier
Andrew A. Taylor
Leo J. Elsasser
Leslie E. Bond
Paul L. Austin
Hugh M. Taylor
William M. Dreitlein
Clarence W. Feyh
Joseph J. Jacobs
William B. Gilmore
Shelley L. Lewis
Henry H. Laramore

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 4, 1951

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. PRIEST.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

JUNE 4, 1951.

I hereby designate the Honorable J. PERCY PRIEST to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House of Representatives.

PRAYER

Rev. Richard D. Aspinall, of the Colorado-Utah Methodist Conference, offered the following prayer:

Our God unto Thee, the greatest leader a nation may possess, we, who have been granted the privilege of serving Thee and our people in the capacity of representatives, take this moment to bow our heads in reverence to Thy almighty grace.

It is with devout humility that our minds reach out to Thee to ask Thy guidance in these moments of fear and trial. We pray, that through Thy generous love, Thou will give to us the knowledge, and open before us, through our own desire, the pathway to eternal love and understanding for all mankind.

Help us, in our positions of leadership, to make decisions that will lead to peace for all peoples of this earth.

In this moment we pray for divine knowledge that Thy will may be accomplished, that the people of the earth may know of our unselfish desire for peace and good will.

In our Father's name we pray. Amen.

The Journal of the proceedings of Thursday, May 31, 1951, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Woodruff, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 253. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Japanese Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) entitled "An act to provide for the common defense and security of the United States and to permit the more effective utilization of manpower resources of the United States by authorizing universal military training and service, and for other purposes."

The message also announced that the Senate had ordered that the Secretary of the Senate be directed to request the House of Representatives to return to the Senate Senate Concurrent Resolution 12 favoring the suspension of deportation of certain aliens.

The message also announced that the Vice President has appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 51–22.

JOSEPH P. KAMP

Mr. ALBERT. Mr. Speaker, I rise to a question of the privilege of the House.

I have been subpenaed to appear before the District Court of the United States for the District of Columbia, to testify on June 6, 1951, at 9:30 a. m., in the case of the United States against Joseph P. Kamp, which is a congressional contempt proceeding. Under the precedents of the House, I am unable to comply with this subpena without the